

DECISION 2001-449 DC OF 4 JULY 2001

Voluntary Interruption of Pregnancy (Abortion) and Contraception Act

On 29 June 2001 the Constitutional Council received a referral from Mr Bernard ACCOYER, Ms Martine AURILLAC, Mr Pierre-Christophe BAGUET, Mr Jacques BARROT, Mr Jacques BAUMEL, Mr Jean-Louis BERNARD, Mr Claude BIRRAUX, Mr Bruno BOURG-BROC, Ms Christine BOUTIN, Mr Loïc BOUVARD, Mr Dominique CAILLAUD, Mr Richard CAZENAVE, Mr Jean-François CHOSSY, Mr Pascal CLÉMENT, Mr Arthur DEHAINE, Mr Francis DELATTRE, Ms Léonce DEPREZ, Mr Laurent DOMINATI, Mr Renaud DUTREIL, Mr Nicolas FORISSIER, Mr Jean-Pierre FOUCHER, Mr Yves FROMION, Mr Robert GALLEY, Mr Gilbert GANTIER, Mr Germain GENGENWIN, Mr Jacques GODFRAIN, Mr Hubert GRIMAUD, Mr François GUILLAUME, Mr Jean-Jacques GUILLET, Mr Pierre HÉRIAUD, Mr Patrick HERR, Mr Francis HILLMEYER, Mr Philippe HOUILLOIN, Mr Michel HUNAULT, Mr Michel INCHAUSPÉ, Ms Bernadette ISAAC-SIBILLE, Mr Jacques KOSSOWSKI, Mr Jacques LE NAY, Mr Jean-Antoine LÉONETTI, Mr Pierre LEQUILLER, Mr Roger LESTAS, Mr Maurice LIGOT, Mr Lionnel LUCA, Mr Alain MARLEIX, Mr Christian MARTIN, Mr Pierre MENJUCQ, Mr Pierre MICAUX, Mr Pierre MORANGE, Mr Jean-Marie MORISSET, Mr Alain MOYNEBRESSAND, Mr Bernard PERRUT, Mr Etienne PINTE, Mr Henri PLAGNOL, Mr Marc REYMANN, Mr Gilles de ROBIEN, Mr François ROCHEBLOINE, Mr Rudy SALLES, Mr François SAUVADET, Mr Bernard SCHREINER, Mr Philippe de VILLIERS, Deputies, pursuant to the second paragraph of Article 61 of the Constitution, for constitutional review of the Voluntary Interruption of Pregnancy (Abortion) and Contraception Act.

THE CONSTITUTIONAL COUNCIL,

Having regard to the Constitution, and in particular Articles 10 and 61 thereof;

Having regard to Ordinance 58-1067 of 7 November 1958 enacting the Institutional Act governing the Constitutional Council, as amended, and in particular Chapter II of Title II thereof;

Having regard to the observations of the Government, registered at the Secretariat-General on 2 July 2001;

Having heard the rapporteur;

On the following grounds:

1. The first paragraph of Article 10 of the Constitution provides: “The President of the Republic shall promulgate Acts of Parliament within fifteen days following the final adoption of an Act and its transmission to the Government”;
2. Under the second, third and fourth paragraphs of Article 61, that period can be suspended only if the Act is referred to the Constitutional Council prior to promulgation; the Constitutional Council must then take a decision within a month, or even within eight days if the Government so requests on grounds of urgency;
3. By setting such deadlines, the constituent authority wished to exclude any further suspension of the promulgation period, which would necessarily result from examination of a subsequent referral to the Constitutional Council; it follows that when the Council has given a decision under the second paragraph of Article 61 of the Constitution, it cannot entertain a fresh referral of the same instrument;

4. The Voluntary Interruption of Pregnancy (Abortion) and Contraception Act was definitively passed by Parliament on 30 May 2001; the Constitutional Council gave its decision on the Act – Decision 2001-446 DC – under the second paragraph of Article 61 of the Constitution on 27 June 2001;

5. Consequently, the referral by the signatory delegates, challenging the Voluntary Interruption of Pregnancy (Abortion) and Contraception Act, registered at the general secretariat of the Constitutional Council on 29 June 2001, cannot be entertained by the Constitutional Council;

Has decided as follows:

Article 1

The referral presented on 29 June 2001 by sixty Deputies against the Voluntary Interruption of Pregnancy (Abortion) and Contraception Act is rejected.

Article 2

This decision shall be published in the *Journal officiel de la République française*.

Deliberated by the Constitutional Council at its sitting of 4 July 2001, attended by Mr Yves GUÉNA, President, and Mr Michel AMELLER, Mr Jean-Claude COLLIARD, Mr Olivier DUTHEILLET de LAMOTHE, Mr Pierre JOXE, Mr Pierre MAZEAUD, Ms Monique PELLETIER, Ms Dominique SCHNAPPER and Ms Simone VEIL.