

**Constitutional council: *Freedom of association* decision (*Liberté d'association*)**

*Until 1971, the council was allied with Gaullist power. The Freedom of association decision marks a turning point. For the first time, it utilizes the preamble to the Constitution and the texts to which it refers.*

Having regard to the Constitution and its preamble;

Having regard to Ordinance of 7 November 1958 concerning the basic law on the Constitutional Council, including in particular Chapter II of Title II of the said Ordinance;

Having regard to the Law of 1 July 1901 on association agreements, as amended;

Having regard to the Law of 10 January 1936 on combat squads and private militias;

[...]

2. Considering that there are grounds to include the principle of freedom of association amongst the fundamental principles recognized under the laws of the Republic and solemnly reaffirmed in the preamble to the Constitution; that this principle constitutes the basis for the general provisions of the Law of 1 July 1901 on association agreements; that according to this principle, associations may be freely established and may be rendered public subject to the sole requirement of the lodging of prior notice; that accordingly, with the exception of measures which are likely to be taken in relation to particular categories of association, the validity of the establishment of associations may not be subject to prior action by the administrative authorities, or even by the judicial authorities,

[...]

HELD :

Article 1 :

The provisions of Article 3 of the law referred to the Constitutional Council for examination completing the provisions of Article 7 of the Law of 1 July 1901 and the provisions of Article 1 of the law referred to the Council which refers to the former are hereby ruled unconstitutional.

Constitutional council, *Freedom of association* decision (July 16, 1971)

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