



Colombia: Legislative Process and Veto Powers of the President

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COLOMBIA

LEGISLATIVE PROCESS AND VETO POWERS OF THE PRESIDENT

Under the National Constitution of Colombia,¹ no bill will become law without meeting the following requirements:

- being published officially by the Congress before being sent to the pertinent committee;
- being approved at the first reading in the appropriate permanent committee of each chamber. The bylaws of the Congress will determine the cases in which the first reading will be held in joint session of the permanent committees of both chambers;
- being approved in each chamber at the second reading; and
- securing the approval of the President.²

Once the legislative bill is approved by both chambers, it will be transmitted to the government for its approval. Should the latter have no objections, it will approve the bill's promulgation as law. If it objects to it, the bill will be returned to the chamber in which it originated.³

The government has a 6-day period to return with its objections any bill which does not include over 20 provisions; 10 days should the bill include 21 to 50 provisions; and up to 20 days should there be over 50 provisions.⁴

Once the deadlines expire and the government has not returned the bill with its objections, the President will have to approve it and promulgate it. If the chambers should begin a recess within the stated deadlines, the President will be obliged to publish the approved or objected-to bills within the above- mentioned deadlines.

The legislative bill to which the government objects totally or in part will be returned to the chambers for a second debate. The President will sign it without being able to object to the bill

¹ CONSTITUCION POLITICA DE LA REPUBLICA DE COLOMBIA, Barranquilla, Editorial Mejoras, 2000.

² *Id.* art. 157.

³ *Id.* art. 165.

⁴ *Id.* art. 166.

which, once reconsidered, is approved by half plus one of the members of both chambers.⁵

If the bill may raise objections on the grounds of unconstitutionality, and if the chambers insist, the bill will have to be sent to the Constitutional Court so that the latter, within the six subsequent days, may decide on its constitutionality. The decision of the Court is binding on the President and obliges him to approve the law. If the Court declares the bill unconstitutional, it will be filed away.⁶

If the Court decides that the bill is unconstitutional in part, it will so indicate to the chamber where the bill originated so that, once the ministry in charge is heard from, the chamber may redraft and integrate the affected provisions in the terms established by the Court. Once this is done, the chamber will transmit to the Court the bill for its definite ruling.⁷

If the President does not sign the bill within the required deadlines and according to the conditions established by the Constitution, the President of the Congress will approve and promulgate the bill in question.⁸

Regarding the computation of the deadlines in days, the Civil Code⁹ provides that when any piece of legislation or official act is computed in days, those are meant to be business days. Holidays and weekends do not count. Furthermore, a decision of the Constitutional Court¹⁰ established that the deadlines established under article 166 of the National Constitution for the President to object to any law will be counted as business days only.

Prepared by
Graciela I. Rodriguez-Ferrand
Senior Legal Specialist
Directorate of Legal Research
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⁵ *Id.* art. 167, paras.1 and 2.

⁶ *Id.* para. 3.

⁷ *Id.* para. 4.

⁸ *Id.* art. 168.

⁹ A. Alvarez Lozano, CODIGO CIVIL COLOMBIANO, Bogota, Eco Ediciones, 2000.

¹⁰ *Sentencia C 708/96* of the Corte Constitucional.