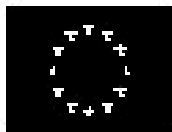


EUROPEAN PARLIAMENT



***Directorate-General for Research***

WORKING PAPER

**Comparison of organisational  
and administrative arrangements  
in EU national parliaments**

***Budgetary Affairs Series***

***BUDG 110 EN***

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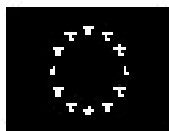
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## PREFACE

*This study examines organisational and budgetary arrangements in national parliaments of EU Member States. For purposes of comparison a review of such arrangements in the US Congress is appended in the annex. The document is available only in English.*

*The document was prepared at the request of Mr James PROVAN, MEP, Vice-President and Member of Parliament's Bureau with responsibility for internal reform. It seeks to provide members of parliament with information in regard to other parliaments that may be useful for assessing current proposals for reform of the European Parliament's procedures, organisation and budget. The study was carried out by the Division for Economic, Monetary and Budgetary Affairs of the Directorate General for Research (DG IV) and is being made available to members of parliament.*

*Information was obtained initially by "stagiaires" working in DG IV for individual Member States, using the Internet and other public information about national parliaments. Subsequently, the parliaments themselves were approached through the network of the European Centre for Parliamentary Research and Documentation (ECPRD), whose secretariat is based in DG IV of the EP. They were requested to provide comments on the papers prepared and additional information in some cases, especially in regard to staffing and budgetary matters. The paper for Belgium is limited to these aspects.*

*Because it is information in regard to budgetary and staffing aspects that is most easily compared, it is mainly these parts of the study which have been selected for comparison in the final tables. However, readers will also find in these tables information for each parliament in regard to numbers of deputies, governing bodies, committees (including use of "grand committees", main parties and parliamentary recesses. Budgetary information provided shows the broad categories of national parliamentary budgets, where available, total expenditure per deputy and per head of population, while total numbers of staff are also compared.*

\* \* \*

## **INTRODUCTION**

Parliaments have different traditions and different practices. This applies to procedures and also to their structures and organisational arrangements. This paper looks at some aspects of the ways in which parliaments have organised themselves, in particular their budgets and staffing, but also to some extent their procedures. There is, however, no comparison here of levels of salaries and allowances, whether for parliamentarians themselves or their staff. Nor is the question of public financing for political parties investigated here.

It should be noted that a comparison is sometimes very difficult, even of apparently simple matters such as the budgets of parliaments. Such budgets sometimes contain items specific to the national parliament concerned. Where possible figures have been converted from national currencies to the Euro, using either the fixed exchange rates or, in the case of Denmark, Sweden and the UK those prevailing in August 2000. Buildings are a particular source of difficulty because parliaments face requirements for new buildings and - therefore major expenses - at different stages of their development. In some countries, e.g. the Netherlands, the parliament's budget does not include rental or purchase of buildings because this is a matter for a special government department.

Procedures vary in accordance with national custom and tradition. All Parliaments use a committee structure but their methods of working vary widely and sometimes there are various types of committee with different powers and responsibilities even within the same parliament. Parties and the means by which they are represented in parliament in terms of organisation and staffing also display great differences between Member States. Most Member States have a long summer recess with little or no parliamentary activity but the dates and working schedules differ widely.

Because budgets and staffing arrangements seemed the areas most amenable to comparison and, possibly of greatest interest to those involved in reforming the European Parliament's own arrangements these aspects are handled in as much detail as possible. However, it needs to be emphasised that a comparative study such as this depends crucially on the information available. Thanks must be given to all those in national parliaments who have contributed information and ideas for this paper, but inevitably there are differences in approach which mean that information is more complete for some Member States than others in the various areas covered.

The remainder of this document consists of the monographs for each Member States (and for the US Congress). Conclusions are not easy to draw but in regard to certain issues of particular concern to the reform procedure within the EP, it may be noted that:

- no Member States has a system of adopting legislation off the floor of the plenary by "Grand Committee", although there are interesting parallels in Finland, Greece ("sections") and Germany (the Committee on European Affairs);
- the arrangements for employment of party or group staff vary widely but in all cases there is a strict division between professional, non-political staff and political advisers to parties; in the Netherlands, where party staff are openly financed by the Parliament's budget, such people play an important role in the parliamentary process, but this is exceptional;

- the distinction between "policy" and "administrative" staff is difficult to gauge in most parliaments; mobility between these categories - insofar as they exist - is often possible but not compulsory<sup>1</sup>.

Tables are annexed at the end of the document, which summarise the information available and seek to provide a simple means of comparison. Once again though, it must be emphasised that such tables must be used with care because the very different ways in which EU national parliaments (and the US Congress) are organised mean that direct comparison is rarely possible, even for apparently simple matters such as budgets and staffing.

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<sup>1</sup> In France and Germany parliamentary staff are expected to obtain experience of different sectors before they can obtain promotion to senior posts.

## COUNTRY MONOGRAPHS

### AUSTRIA

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The Austrian system of parliamentary democracy follows the British model of concentration of power in parliament rather than the American model of separation of legislative and executive powers. In the structure of federal states, the legislature customarily consists of two chambers of parliament, one of which represents the constituent parts or member states of the Federation.

According to the Federal Constitution, which had been adopted in 1920 and amended in 1929<sup>1</sup> the Nationalrat (Nationalrat), jointly with the Bundesrat (Federal Council), exercises the legislative power at federal level. Whereas in Germany the Länder exert rather extensive power, the Austrian federal government is highly centralised. The Nationalrat functions as the central decision-making organ of Austria's parliamentary democracy.

Given the comparatively weak powers of the Bundesrat, it would be appropriate for most cases to refer to the Nationalrat alone as to "the Parliament":

### 1. NUMBERS OF MEMBERS OF THE NATIONALRAT

The **people elect the 183 members of the Nationalrat** for a four-year term. The Federal Constitutional Act, the State Treaty and the First Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms stipulate the following principles governing elections. All Austrian citizens -irrespective of their sex, class, property, education, religious creed, etc.- having reached voting age are entitled to vote (persons who have completed their eighteenth year) and to be elected (persons who have completed their nineteenth year). Exclusion from general suffrage is possible only as the consequence of a court conviction. The principle of **equal suffrage** means "one person one vote" or, in other words, that every voter has the same amount of influence on the outcome of the election. The principle of **direct suffrage** guarantees that every person entitled to vote can exercise his right directly, not through members of an Electoral College or other intermediary bodies. Elections must be organised in such a way that the voter casts his vote in person. Voting by proxy is not permitted (**personal suffrage**). The principle of **free elections** guarantees the voter's freedom of decision, which must not be impaired by the exercise of force or compulsion. Punitive provisions in the Code of Penal Law support this guarantee. The principle of **secret ballot** provides that the vote must always be cast in such a way as to preserve secrecy vis-à-vis the general public and the electoral authority. Suitable facilities (voting booths) have to be provided for this purpose. Lastly, the principle of **proportional representation** -as opposed to majority suffrage- guarantees parliamentary representation in accordance with the votes received to all numerically important political groups. Detailed implementation provisions are contained in the Electoral Law governing elections to the Nationalrat.

There are no single-member districts and no principle of "winner takes all". But in May 1993 modifications were introduced that sought to achieve more contact between the voters and the deputies and more personality oriented candidate selection. This new system provides for a distribution of Nationalrat seats on regional, Land and federal levels and prevents excessive fragmentation by means of a 4% clause.

To this end Austria has been organised into one federal, nine Land and 43 regional electoral districts. Every voter may cast one vote for a particular party and two preferential votes for candidates belonging to the same party: one for a candidate on the regional level and one for a candidate on the Land level. A candidate may run on both, a regional and a Land list.

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<sup>1</sup> The organisational and functional structure of public policy making in Austria, i.e. the parliamentary system, still corresponds to the state of affairs of 1929, subject to the modifications required by Austria's membership in a supranational community.

The 183 seats are first distributed according to population in the 43 regional districts. Seats won by a party in the regional district according to the principle of proportional representation will foremost be filled with candidates who have achieved a high number (approximately 25 000) of preferential votes. Seats not filled and votes remaining go to the Land district where only parties (and candidates with preferential votes) winning a seat in a regional district (*Grundmandat*) or achieving at least 4% of the vote nation-wide may participate. The same formula applies to the third step on the federal level. However, it has to be pointed out that preferential voting is still underutilized. It has not yet caused any effect on the outcome of elections.

At the beginning of the legislative period, the **183 members** of the Nationalrat are sworn in. They are free in exercising their mandate ("**free mandate**") and their freedom of vote and speech is protected by a variety of provisions, including immunity provisions in the interest of the unimpaired functioning of the Nationalrat. Under the principle of the **separation of powers**, membership in the Nationalrat is incompatible with the exercise of certain public functions and, for considerations of the member's economic independence, with certain positions in public and private business.

## 2. STRUCTURES – Committee of Presidents - Committees

The Nationalrat elects from among its members its President as well as its Second and Third President. The President conducts the business of the Nationalrat and prepares, jointly with the Second and Third Presidents, the Nationalrat budget. As a panel, the three Presidents deputize for the Federal President in case of the latter's "qualified" incapacity (for more than 20 days or pending a decision on the deposition of the Federal President by referendum) and if the Federal Presidency falls vacant. In addition, the Nationalrat elects **five secretaries** (*Schriftführer*), who assist the President in the reading of texts and the determination of voting results, and at least **three whips**, who assist him in the conduct of business and maintaining order.

- ◆ **Standing Committees** are entrusted with the preliminary deliberation of legislative matters. In addition to the typical parliamentary committees such as the Committee on Immunity and the Committee on Incompatibility, at least one committee is customarily elected for each department of the Federal Government (such as the Finance Committee, the Judicial Committee, or the Social Affairs Committee).
- ◆ Special tasks are entrusted to the **Main Committee** (participation in executive functions) and the **Budget Committee** (preliminary deliberation on the Federal Finance Acts and concomitant budgetary control).

The following list gives a complete summary of all currently<sup>1</sup> existing Committees (in alphabetical order according to their designation in German):

Committee for Labour and Social Affairs, Foreign Policy Committee, Committee for Building and Construction, Budget Committee, Permanent Subcommittee of the Budget Committee, Family Committee, Finance Committee, Committee for Standing Orders, Health Committee, Equal Treatment Committee, Main Committee, Permanent Subcommittee of the Main Committee, Permanent Subcommittee in European Union Matters, Committee on Immunity, Industry Committee, Committee for Internal Affairs, Permanent Subcommittee of the Committee for Internal Affairs, Judicial Committee, Culture Committee, Defence Committee, Permanent Subcommittee of the Defence Committee, Committee for Agriculture and Forestry,

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<sup>1</sup> I.e. the XXI. Legislative Period

Human Rights Committee, Committee for Petitions and Citizens' action, Board of Audit Committee, Permanent Subcommittee of the Board of Audit Committee, Sports Committee, Environment Committee, Education Committee, Committee on Incompatibility, Constitution Committee, Traffic Committee, Economic Committee, Committee for Science and Research, Permanent Common Committee in accordance with §9 of the Finance Constitution Act 1948.

*The Federal Council (Bundesrat):*

The Bundesrat is the legislative body representing the provinces at the federal level. The legislative bodies of the provinces (the diets) elect its members for the duration of their legislative periods (indirect popular election). They need not be members of the diet by which they are delegated but must be eligible for it. The election has to be in accordance with the principles of proportional representation and must be based on the results of the latest election to the provincial diet. As an exception to this principle, at least one seat must fall to the party which has achieved the second highest number of popular votes in the election to the provincial diet.

In exercising their mandate the members of the Bundesrat are free from outside influences. Like the members of the Nationalrat, they hold what is called a "free mandate". They cannot be recalled by their provincial diet before the end of that diet's legislative period.

The diets elect a substitute member for each member delegated by them to the Bundesrat. This substitute becomes the member's *ex lege* successor upon the member's seat becoming vacant, by his resignation, death or for any other reason.

- ◆ The Federal President determines the number of members to which the individual provinces are entitled after each census, which is normally taken every ten years. The province with the largest number of citizens has twelve seats, each of the other provinces as many members as correspond to the ratio between the number of its citizens and that of the most populous province, the minimum of seats being three. The Bundesrat thus has **no permanently fixed number of members**.
- ◆ The Bundesrat is permanently in session, and its membership is partially renewed at different times on the basis of the returns of the elections to the provincial diets. Accordingly, the legislative activities of the Bundesrat are **not broken down into sessions** or legislative periods.
- ◆ Chairmanship in the Bundesrat changes every six months in the alphabetical order of the names of the federal provinces. In each case, the Council is chaired by the delegate placed first on the list of members representing the diet of the province entitled to chairmanship at any given time. The person chairing the deliberations has the title of President of the Bundesrat. Every six months, the Council elects from among its members **two Vice-Presidents**, at least **two secretaries** and **two whips**, who, together with the President himself, form the Presidium of the Bundesrat.
- ◆ Like the Nationalrat, the Bundesrat has **standing committees** entrusted with preliminary deliberations on the subject matters before the Council. Members of the Bundesrat that belong to the same political party may join forces to form a **parliamentary group**, the minimum number required for recognition being five members.
- ◆ Members not belonging to the same political party may form a parliamentary group only with the approval of the Bundesrat.

The President and Vice-Presidents of the Bundesrat as well as the chairmen of the parliamentary groups form the **Conference of Chairmen of the Bundesrat**, which assists the President in an advisory capacity. The President, e.g., convenes the sittings of the Bundesrat after consulting with the Conference of Chairmen. On demand of a qualified minority of the members of the Bundesrat or on demand of the Federal Government, however, the President is obliged to convene a sitting.

*The Federal Assembly (Bundesversammlung):*

The Nationalrat and Bundesrat meet in joint public session as the Federal Assembly (*Bundesversammlung*) at the venue of the Nationalrat to witness the swearing-in ceremony of the Federal President, who is elected by direct popular vote for a term of office of six years.

- ◆ Under the Federal Constitution the Bundesversammlung has the power to declare war, to decide on whether a referendum should be held on the basis of a motion submitted by the Nationalrat, to recall the Federal President prior to the end of his term of office, to decide on whether to lift the Federal President's immunity from public prosecution on the basis of a motion submitted by the Nationalrat, and to decide on an impeachment of the Federal President before the Constitutional Court for violation of the Federal Constitution.
- ◆ On account of its large membership, the Bundesversammlung cannot meet in either the Nationalrat or the Bundesrat chamber but rather in the chamber of the former House of Deputies in the Parliament Building.
- ◆ The Presidents of the Nationalrat and Bundesrat alternate as presiding officers of the Bundesversammlung. The rules of procedure are, *mutatis mutandis*, those of the Nationalrat.
- ◆ Decisions of the Bundesversammlung are signed by its Chairman and countersigned by the Federal Chancellor.

3. **OPERATING BUDGETS** – Total and Main headings

According to the Federal Estimate for the year 1999 issued by the Ministry of Finance the total operating budget of the Austrian Parliament amounts to **1 587 924 000 Austrian Schilling (ATS)** (€ 115 399 000).

The main headings are as follows:

	<i>ATS</i>	<i>€</i>
1) Fund for the victims of National Socialism	150 000 000	10 901 000
2) Active Salaries and retirement pensions for members:		
- of the Nationalrat	572 353 000	41 594 500
- of the Bundesrat	81 633 000	5 932 500
- of the EP:	34 587 000	2 513 500
- of the Parliamentary Administration	197 989 000	14 388 500
3) Contributions to the Parliamentary "Clubs"	176 140 000	12 800 500

The rest of the budget is considered for administrative expenses as well as expenditures on assets such as heating, lease, furniture, business travel etc.

#### 4. ORGANISATION AND REPRESENTATION OF MAIN PARTIES WITHIN PARLIAMENT

As a result of the last elections taking place October 3<sup>rd</sup>, 1999, four parties<sup>1</sup> are represented in parliament: Their respective strength is as follows:

- Social Democrats: 65 seats
- People's Party: 52 seats
- Freedom Party: 52 seats
- Green Party: 14 seats

To facilitate their parliamentary tasks members belonging to the same political party may join in a parliamentary group or "club", which has to have **at least five members** to be formally recognized. Members belonging to different political parties may found a "club" only with the approval of the Nationalrat.

The Presidents as well as the chairmen of the parliamentary groups (parliamentary party leaders) form the **Conference of Chairmen**, which has an advisory function with regard to parliamentary work in the Nationalrat (work programmes, agendas, meeting hours, etc.). While the tasks formally entrusted to the Conference of Chairmen by law are rather limited, it serves as an important mediating organ for the resolution of conflicts that may arise in the course of parliamentary deliberations.

#### 5. ASSISTANCE TO MEMBERS

Each Member of the Nationalrat is entitled to be reimbursed for costs that arise from contracts s/he has entered into in order to get support in parliamentary activities. This contract might be a contract of employment or a contract for work and services. Costs will not be reimbursed in cases where the parliamentary assistant is either:

- a) in a certain degree of family relationship with the Member
- b) employed in a political party
- c) employed elsewhere and reaching a total of weekly work time of more than 50 hours

No legal claims of any nature can be established between the parliamentary assistant and the federal administrative body. Through reimbursement the Republic of Austria does not become employer of the assistant. The contractual relationship is strictly between the assistant and the given Member.

The current number of personal assistants to members of the Nationalrat who fall under the provisions of the Parliamentary Assistants Act is about 200. The members of the Nationalrat are entitled to receive reimbursement of expenses for personal assistance up to a limit (currently ATS 30 925 or € 2 247 payable 14 times *per annum*). To claim reimbursement a member must present a copy of the relevant contract.

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<sup>1</sup> Art.1 of the Political Parties Act of 1975 has the rank of a constitutional provision. It defines the role of parties in the context of the political system by assigning them the following key function:" (1) The existence and plurality of political parties are essential components of the democratic system of the Republic of Austria. (2) The tasks of the political parties include their participation in the policy-making process." Political Parties may be freely formed in Austria; however the revival of National Socialism is prohibited. Today more than 480 political parties exist but only four of them are represented in parliament. Since 1960, a comprehensive system of party financing by the state has been developed. Initially, the state supported the parliamentary caucuses, then it funded the political education efforts of the parties as conducted in their respective academies. Since 1975 the party organisations themselves have received funds from the state. Since 1987, every party with five or more deputies in parliament receives an annual minimum amount of 3 million ATS (€ 218.018,50) plus (depending on its voting strength in the most recent elections) a share in a total sum of more than 100 million ATS (€ 7.267.283,42).

### 5.1. Parliamentary Administration

- ◆ With regard to the administration of Parliament, Article 30, paragraph 3 of the Federal Constitutional Act states:

*The parliamentary services and administration of the organs of federal legislation as well as similar services and administration concerning the members of the European Parliament delegated by the Republic of Austria shall be entrusted to the Parliamentary Administration, which shall be subordinated to the President of the Nationalrat. Concerning the Bundesrat, the internal organisation of the Parliamentary Administration shall be determined in consultation with the President of the Bundesrat, who shall also have the power to give instructions to the Administration in all matters bearing on the tasks entrusted to the Bundesrat under this Act.*

- ◆ Under Article 30, paragraph 4 of the Federal Constitutional Act the **President of the Nationalrat** may in particular appoint the staff of the Parliamentary Administration and decide on all other matters affecting that staff.
- ◆ The **Director of Parliament** heads the Parliamentary Administration, being the highest civil servant appointed by the President. In view of the fact that the Parliamentary Administration is not subject to the regulations of the Federal Ministries Act, it is **not divided into the Sektionen, Abteilungen, and possibly Gruppen or Referate** customary in other central agencies (ministries) of the Federal Government. However, the Parliamentary Administration at present comprises **seven services (Dienste)**, six of which form part of **two branches (Bereiche)**.

The Legislative Branch (L) comprises:

*Nationalratsdienst (L1)*

1. Organisational matters of the Nationalrat
2. Plenary meetings
3. Committees
4. Stenographic records

*Bundesratsdienst (L2)*

1. Organisational matters of the Bundesrat
2. Plenary meetings
3. Committees
4. Stenographic records

*Parliamentary Research Service (L3)*

1. Information and publications
2. Library
3. Documentation of literature
4. Parliamentary documentation, archives, and statistics

The Administrative Branch (A) consists of:

*Organisational Service (A1)*

1. Personnel (Parliamentary staff)
2. Organisational matters
3. Press release department
4. Budgetary matters
5. Electronic data processing

*Administrative Service (A2)*

1. Protocol and events
2. Safety and security
3. Management of buildings
4. Logistics

*International Service (A3)*

1. Bilateral relations
2. European matters
3. Multilateral relations
4. Organisation of visits

A seventh service, which is directly responsible to the Director of Parliament, is the *Legal and Legislative Service (RL)*

1. Matters of constitutional law
2. Legal and legislative matters
3. Standing orders and internal rules of the house
4. Legal matters of the Parliamentary Administration
5. Personnel matters (Members of Parliament and personal assistants to members of the Nationalrat)

Finally, there is a staff unit for "Personnel and organisational development".

The administrative staff of the Parliamentary Administration comprises approximately 350 tenured and untenured civil servants.

In Austria there is an initial distinction between public officials. It opposes statutory staff, who come under public law ("Beamtendienstrechtsgesetz 1979") to contractual staff who are as a general rule employed on private law contracts ("Vertragsbedienstetengesetz") that may or may not be fixed-term.

Grading is based upon education. There is no obligation to change jobs in the course of a career. Statutory civil servants are divided into five educational levels and there are seven grades within each level:

- Category A: *Höherer Dienst*: University degree
- Category B: *Gehobener Dienst*: Higher Education
- Category C: *Fachdienst*: Basic secondary education and four years of professional experience in Cat. D
- Category D: *Mittlerer Dienst*: Basic secondary education and special skills
- Category E: *Hilfsdienst*: Basic secondary education and specific skills

The situation as far as the employment of public officials is concerned is currently unclear. After recent reforms touching upon salaries and the pension system there are four different Acts applicable at the same time, namely the original and the amended versions of each of the above-mentioned "Beamtendienstrechtsgesetz", as well as the "Vertragsbedienstetengesetz".

Today, every new employee entering the public sector for the first time comes under the contractual staff scheme. After four years of service there is a possibility to take a competition which enables the candidate to advance as a member of the statutory staff.

The President of the Nationalrat is entitled to assign civil servants of the Parliamentary Administration to the parliamentary groups in order to fulfil typical parliamentary services. The number of assigned civil servants, grade A and grade D (for office work) depends on the respective size of the parliamentary group. Their assignment is limited to the end of the

legislative period. After that they return to the Parliamentary Administration. Furthermore, the parliamentary groups are free to recruit staff on their own. They enter into long or short-term contractual relationships with the employees; however the Parliamentary Administration will take over the costs in form of personnel subsidies (*Personalsubventionen*). Insofar as they are employees under private law contracts they are employed on temporary contracts. They are provided with office space within the framework of the premises allocated to their respective parliamentary groups.

As far as work in committees is concerned only grade A officials of the Parliamentary Administration are assigned to support the smooth flow of organisational matters. In each committee usually two civil servants that are experts in the field of standing orders assist the head of committee who does not necessarily have to be a specialist. They take care of the minutes, they draft the committee reports and keep contact with the Austrian State Printshop.

Some services of parliament have always been 'contracted out', in particular catering, but the administration of parliament has been seen as a core function to be kept under direct parliamentary control to secure its independence.

Of the 385 officials included in the establishment plan for 1999, 276 were classified as grade A1 to A6, while a further 110 were on contracts for both administrative and craft posts, graded A to E and P3-5. Of the permanent officials in grade A1, 39 were attached to parliamentary groups.

## 6. ORGANISATION AND REPRESENTATION OF MAIN PARTIES WITHIN PARLIAMENT

### 6.1. Work Cycle

The legislative period of the Nationalrat is organised in sessions. Every year the Federal President convenes an ordinary session of the Nationalrat that lasts from mid-September to mid-July of the following year. From July 15<sup>th</sup> until September 15<sup>th</sup> there are no sessions; often the same applies to February.

Each session lasts four weeks, of which one week is spent in plenum<sup>1</sup>, two weeks in committees and the fourth is reserved for *Wahlkreisarbeit*- work in the MP's respective constituency, where he or she has a separate office.

At the request of the Federal Government or of one third of the members of the Nationalrat the Federal President is obliged to convene an extraordinary session of the Nationalrat. Within a session it is the President of the Nationalrat who convenes the different sittings of the Nationalrat according to the workplan drawn up by him after consulting with the Conference of Chairmen. On demand of the Federal Government or a qualified minority of the members the President is obliged to convene a sitting within a session.

The legislative period of the Nationalrat is four years. The Federal Government has to call general elections in time to ensure that the newly elected Nationalrat may meet on the day following the end of the fourth year of a legislative period. Side by side with this "ordinary" dissolution of the Nationalrat by lapse of time there are two ways in which the Nationalrat may be dissolved prematurely: a decision to this effect may be taken by the Nationalrat itself or the Federal President may dissolve the Nationalrat upon a proposal of the Federal Government, but only once for the same reason.

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<sup>1</sup> Plenary sessions usually start at 9:00 am and last about 11 hours.



## 6.2. Adoption of legislation off the "floor of the house"

In Austria, the formal **involvement of interest groups** in political decision-making has a long and significant tradition. Even before Parliament is seized of a concrete matter, the **various chambers** (e.g. the regional and federal Economic Chambers, the Chambers of Labour) have a right to be heard on ministerial drafts for bills to be submitted to Parliament. It is only after this formal submission for comments procedure that the modified text is transmitted to the Council of Ministers for approval and subsequently submitted to the Nationalrat, where it is dealt with as a government bill. The so-called "**social partnership**" of the chief interest groups has been firmly institutionalised ever since the 1950s. While it greatly influenced the substance of legislation for many years, its influence has recently somewhat diminished. In the 1960s and 1970s these chambers and associations (e.g. Association of Austrian Industrialists, Austrian Labour Union Federation) functioned as a veritable side-government. Meanwhile the proportion of officers and staff members of interest groups in the total number of Members of Parliament has declined considerably. Nevertheless, representatives of interest groups continue to be frequently heard by parliamentary committees as expert witnesses. However, no piece of legislation binding on the general public like Federal Acts is ever adopted off the floor of the house.

In fact, the rare case of adopting provisional emergency legislation, a power vested in the Federal President, has fortunately never occurred so far. Art 18 (Rule of law) of the Federal Constitution stipulates that:

- (3) *If the immediate issue of measures, which require in accordance with the Constitution a resolution by the Nationalrat, becomes necessary to prevent obvious and irreparable damage to the community at a time when the Nationalrat is not assembled, cannot meet in time, or is impeded from action by circumstances beyond its control, the Federal President can at the recommendation of the Federal Government and on his and their responsibility take these measures by way of **provisional** law-amending ordinances. The Federal Government must present its recommendation with the consent of the Standing Sub-Committee to be appointed by the Main Committee of the Nationalrat (Article 55 (2)). Such an ordinance requires the countersignature of the Federal Government.*

The Standing Orders do however provide for summary procedure in two cases:

- § 28a. (1) In the case of a bill concerning a **State Treaty** the President may, after consultation with the members of the Conference of Chairman, propose to the Nationalrat [...] that it should **not be referred to a Committee** but placed on the agenda of one of the next sittings.
- (2) If there is an objection to the President's proposal the motion shall be referred to a committee for preliminary deliberation.
- § 28b. (1) The President shall refer reports of the Federal Government and its members to a **Committee for final deliberation**.
- (2) Subject to the availability of sufficient room, the general public, and above all media representatives, shall be given access to the debates of and voting on reports referred to a Committee for final deliberation. Sound, film and video recordings as well as the taking of photographs shall be permitted.
- (3) In the debate, no speaker may speak for more than ten minutes. A time frame for completing public deliberation shall be envisaged at the beginning of the sitting.

- (4) For good cause, the Committee may decide prior to the opening debate on a report under (1) above not to enter upon the final deliberation procedure. In this case, a debate and vote under the General Provisions concerning the Consideration of Business in Sittings of the Nationalrat shall follow preliminary deliberations by the Committee.

### 6.3. The Stages of Legislation - Decision-making in Committees

In the Federal Constitutional Act the Nationalrat and the Bundesrat are referred to as "legislative organs", which indicates that the main task of these two parliamentary bodies is to deliberate on and adopt federal laws.

At the same time these two bodies are responsible for other matters, in particular state treaties, agreements between the Federal Government and the provinces, reports by the Federal Government and its members, as well as statements of the members of the Federal Government. Reports by the Court of Auditors, the ombudsman and reports of investigating committees are dealt with only by the Nationalrat.

The first stage of legislation is the **submission of a bill** (legislative proposal) to the Nationalrat. Such proposals can only be submitted by persons or bodies expressly entitled to do so by the Federal Constitution.

The majority of bills are submitted **by the Federal Government**; the government as an entity can only do this, not by individual ministers. Prior to their submission to the Nationalrat, such bills must be adopted by the Council of Ministers.

Other bills submitted to the Nationalrat are **private members' bills or proposals by committees** of the Nationalrat. All members of the Nationalrat are entitled to submit **private members' bills**; these can, however, **only** be discussed **if** the requisite number of members seconds them. Moreover, every committee of the Nationalrat is entitled to make legislative proposals provided that there is a substantive connection between the proposal and a subject matter referred to the committee for preliminary deliberation.

Bills can also be submitted **by the Bundesrat** or by one third of the members of the Bundesrat. These legislative proposals are directly submitted to the President of the Nationalrat by the President of the Bundesrat. Finally, any legislative proposal made **by at least 100 000 voters** or by one sixth of the voters in each of three provinces ("popular initiative") must be submitted to the Nationalrat by the Federal Electoral Authority.

The deliberations of the Nationalrat begin with the **first reading**. At this stage, debate is limited to the general principles of the bill in question. Mostly, however, bills are **directly referred to the competent committee** without a first reading.

Normally, the committees are responsible for preliminary deliberation on the bills referred to them, depending on the subject matters within their terms of reference. In addition to the preliminary discussion of the Federal Finance Act (the Budget), the Budget Committee is in charge of the concomitant control of the execution of the budget, even when Parliament is not in session. In addition, there are a number of committees established solely to deal with specific tasks entrusted to them: The **Main Committee** and its **Permanent Sub-Committee** have a share in the government's executive power, the Permanent Sub-Committee sharing the right to issue emergency decrees with the Federal President.

The **Incompatibility Committee** watches over the compatibility of specified business activities of the Members of Parliament with their parliamentary functions as laid down by the Incompatibility Act, while the **Immunity Committee** deals with questions relating to members' immunity. The committees in fact do the bulk of parliamentary work:

Each committee reflects in its composition the distribution of seats on the floor of the House. The Nationalrat decides upon the number of members of each committee, while the seats on the committees are **allocated to the "clubs" in accordance with their relative strength in the plenary**. Committee work is entrusted to members who are particularly well versed in the subject matter in question, which in actual fact already pre-empts the decision on the floor of the Nationalrat. The detailed and meticulous discussion of legislative proposals takes place in the committees or in sub-committees, smaller and more flexible bodies mostly set up to deliberate on particularly complex matters.

Committees generally meet *in camera*, which means that the bulk of intensive parliamentary work for the most part goes unnoticed by the general public. Committee work is a dialectic process in the course of which the committee members and members of the government or their representatives discuss the individual provisions contained in a proposal. At the same time, motions to amend the text, i.e. to alter it, delete parts of it, or add to it, may be made. If the committee or sub-committee so decides, **witnesses and experts** may be called. When engaged in the preliminary deliberation of important bills and state treaties, the Committees may decide to hear experts and other witnesses in a public sitting. Members of the Bundesrat may be present at committee meetings of the Nationalrat.

Once the committee has completed its deliberations, i.e. once votes have been taken on the bill and all motions made in connection with it, one member is appointed rapporteur. It is the task of the rapporteur to summarise the results of the committee's deliberations and the motions adopted by it in a written report to be submitted to the Nationalrat. This report is signed by the committee chairman and countersigned by the rapporteur. The President of the Nationalrat then orders the **report to be printed and distributed to all members**. In addition, a minority opinion by at least three members entitled to vote or a divergent opinion of a single member entitled to vote may be submitted to the Nationalrat.

As a rule, the Nationalrat will not deliberate on a subject before **24 hours** have elapsed since the distribution of the committee report. A qualified majority may, however, vote to dispense with this rule in particularly urgent cases.

The **second reading** -the **deliberation on the floor of the House on the basis of the committee report**- consists of the **general debate** and the subsequent **special debate**; in reality, these two debates are normally held as one. The committee's rapporteur may open the plenary debate. Again, amendments to the bill may be introduced at this stage. The Nationalrat may also express its wishes regarding the implementation of the legislation in question by moving resolutions.

As a rule, voting is by standing up (to signify "aye") or remaining seated (to indicate "no"). Alternatively, the Rules of Procedure envisage the use of an **electronic voting system**. Members present in the chamber must not abstain. Prior to the vote any member may request that the President announce the number of ayes and noes once the vote has been taken.

Members may also request, or the President may order of his own accord, that separate votes be taken on individual parts of a question. This gives members the opportunity to vote according to their personal views on specific parts of a bill.

Under certain circumstances, other voting procedures - nominal vote and secret ballot - may be used. The secret vote requires the use of ballots, the nominal vote may be taken by means of ballots or orally. In the case of a nominal vote, the names of the members as well as their votes are recorded in the stenographic record of the sitting.

Members not present when a vote is taken cannot cast their votes at a later time. In case of a tie - an equal number of ayes and noes - the motion is lost. As a rule, the President in the chair does not vote. He may, however, participate in the process by speaking out for or against the question under consideration, and he always takes part in nominal and secret ballots as well as elections.

The **third reading** takes place when a bill has been approved on second reading. Its object is to remedy contradictions, spelling or printing errors as well as linguistic flaws. On third reading the vote is taken on the text in its entirety. Once the bill has been adopted on third reading, it is referred to as a "Gesetzesbeschluss" (enactment) of the Nationalrat.

As a rule, the **quorum** required for a decision in the Nationalrat is **one third** of its members, and an **absolute majority** of the votes cast is necessary **for adoption**. However, in a number of cases, other requirements have to be fulfilled. For instance, federal constitutional acts and constitutional provisions contained in simple federal laws require a **quorum of one half** of the members and a **two-thirds majority** of the votes cast. Every enactment of the Nationalrat is transmitted to the Bundesrat without delay.

Parliamentary procedure in the Bundesrat is similar to that in the Nationalrat. In addition to the **members of the Federal Government**, the **Provincial Governors** (*Landeshauptleute*: chief executives of the Länder) may **attend the meetings** and have the **right to be heard** on matters concerning the provinces. The enactment transmitted by the Nationalrat is first deliberated upon in a committee, whose rapporteur then submits the committee's report to the floor of the House. The Bundesrat has **eight weeks** to decide whether or not to raise a reasoned objection to the enactment.

If in response to a **Bundesrat veto** the Nationalrat reiterates its decision in the presence of at least half of its members ("overriding the veto"), the original Nationalrat enactment stands.

The Bundesrat cannot raise an objection to decisions of the Nationalrat concerning laws governing the Standing Orders or concerning the dissolution of the Nationalrat, Federal Finance Acts or preliminary budgetary provisions, dispositions concerning federal assets, laws governing the acceptance or conversion of a liability on the part of the Federal Government, laws by which the Federal Government incurs or converts financial debts, or the approval of the Federal Accounts.

Such decisions of the Nationalrat are merely communicated to the Bundesrat.

In contrast, the approval of the Bundesrat is required for constitutional acts or provisions designed to limit the legislative and executive powers of the provinces as well as for any amendment of the provisions of the Federal Constitutional Act that affect the Bundesrat itself.

Voting in the Bundesrat is normally by show of hands or, alternatively, by the members standing up or remaining seated. As in the Nationalrat, members of the Bundesrat present in the chamber must not abstain from voting. Each member is free to demand, prior to the vote, that the President announce the number of members that have voted for or against the proposal in question.

Under certain circumstances, nominal or secret votes may be taken in the Bundesrat. The secretary making a roll call and the members saying "aye" or "no" to the question voted upon takes the nominal vote. The names of the members who have participated in the ballot and their votes are entered in the stenographic record of the sitting. Secret votes are taken by means of ballots.

Members not present when the vote is taken cannot cast their votes at a later time. In case of a tie the motion (proposal) is lost. The President in the chair does not normally vote; he may, however, exercise his right to vote by oral declaration on condition that in so doing he will not give rise to a tie. He is, however, free to participate or not in a secret ballot or in an election.

In those cases where the Bundesrat has a right to veto, but the chamber decides not to raise an objection, or if it does not raise a reasoned objection within eight weeks from receipt of an enactment transmitted by the Nationalrat, the Constitution requires that the enactment be **authenticated by the Federal President, countersigned by the Federal Chancellor and published in the Federal Law Gazette.**

Unless otherwise explicitly provided for in the law itself, it enters into force after the day on which that edition of the Federal Law Gazette containing the promulgation is published and distributed.

#### **6.4. The Share of the Nationalrat and Bundesrat in the Federal Executive Power – Organisation of Delegations**

Both the Federal Constitutional Act and other constitutional law provisions require the legislative organs to participate in the exercise of the executive power in respect of certain specified fields.

Thus, the Federal Constitutional Act stipulates that certain general measures taken by the Federal Government or a federal minister, and in particular the issuing of regulations, may, by Federal Act, be made conditional on the approval of the Main Committee of the Nationalrat. Similarly, the Main Committee's approval must also be sought for sending units or individual persons on **missions abroad** in the context of peace-keeping activities on the part of an international organisation, the Organisation for Security and Cooperation in Europe or the Common Foreign and Security Policy of the European Union.

The Nationalrat may also make proposals for the appointment of three members and two substitute **members of the Constitutional Court**, while the Bundesrat makes proposals for the appointment of three further members and one substitute member of that Court.

The role of the Nationalrat and the Bundesrat in concluding state treaties is as follows: While the Constitution empowers the Federal President to conclude state treaties, all state treaties of political nature, or state treaties that amend legislative acts or the Constitution, require the approval of the Nationalrat. Upon proposal by the President of the Nationalrat, a committee may, unless an objection is made, consider such items of business in a summary procedure without preliminary deliberation. The Bundesrat has the same rights as it has with regard to enactments of the Nationalrat. State treaties of a political nature or modifying or adding to legislative acts are subject to approval of the Bundesrat if they relate to matters within the jurisdiction of the federal provinces.

When approving the conclusion of a state treaty, the Nationalrat may decide that it should be implemented by the adoption of the requisite legislative measures. It may also decide that the treaty, or specific, clearly designated parts thereof, should not be published in the Federal Law Gazette, but made known in some other appropriate manner.

Ever since Austria acceded to the **European Union**, the Nationalrat has not only had the right to be informed, but also the right to participate in decisions. This right is, in principle, to be exercised by the Main Committee. Similarly, the Bundesrat has such rights to be informed and to participate in decisions, the exercise of which it may entrust to its **EU Committee.**

Accordingly, the competent member of the Federal Government has without delay to inform the Nationalrat and Bundesrat on all projects of the European Union and invite them to take position on these projects.

Whenever the competent member of the Federal Government receives a position adopted by the Nationalrat on a EU project which has to be transformed by federal law or which envisages enactment of a directly applicable legal instrument concerning matters to be governed by federal law, such a position will bind the government member as far as negotiations and voting within the framework of the European Union is concerned. Departure from such positions is only permissible for compelling foreign policy or integration-policy reasons and after the Nationalrat has considered the matter a second time. If the legal instrument in preparation by the European Union made it necessary to amend the current constitutional law any such departure from the position adopted by the Nationalrat would only be permissible if the Nationalrat did not raise an objection.

The right of the Nationalrat to participate in decision-making concerning projects of the European Union is typically exercised by the Main Committee. However, the Main Committee usually sets up a Standing Sub-Committee to which it can entrust, and from which it can, in individual cases, withdraw matters relating to the European Union. The Main Committee and the Standing Sub-Committee operate under the same rules of procedure, with the one exception that only the Main Committee may decide that a project or report on EU matters should be considered by the Nationalrat, in which case the Committee has to report to the latter.

Deliberations on projects of the European Union are confidential if the provisions of the European Union concerning confidentiality of such projects so require; otherwise they are open to the public unless a member moves that the public should be excluded. The Austrian members of the European Parliament have the right to attend the deliberations in an advisory capacity.

Unless the intended departure of an Austrian representative to the Council from a position adopted by the Nationalrat requires reconsideration by the Nationalrat, matters entrusted to the Standing Sub-Committee may be referred to a committee to be chaired by the Chairperson of the Standing Sub-Committee (or his deputy) and consisting of one member to be appointed by each of the parliamentary groups. Consultation of the committee in the case of reconsideration of the project by the Nationalrat is only possible on the basis of a decision to that effect on the part of the Main Committee or its Standing Sub-Committee. The committee in question cannot, however, take any decisions; the opinions delivered by its members in the course of its deliberations will be transmitted to the Austrian Council member.

A position adopted by the Bundesrat on a project of the European Union binds the competent member of the Federal Government in all cases in which the project requires transformation into domestic law by a Federal Constitutional Act which would require the approval of the Bundesrat. The reason for this is that otherwise it would impair the jurisdiction of the provinces in the exercise of their legislative or executive powers. The competent member of the Federal Government may only depart from such positions for compelling foreign policy or integration-policy reasons.

As regards Austria's participation in appointing members to the Commission, the European Court of Justice, the Court of First Instance, the Court of Auditors and the Board of Directors of the European Investment Bank, which the Federal Constitution has entrusted to the Federal Government, the approval of the Main Committee of the Nationalrat has to be sought.

Whenever the Nationalrat, the Bundesrat as well as their given Committees are in session, **delegations** of no larger number than six persons are admitted to the Parliament. In this case a person has to give notice in advance to the Parliamentary Direction. On arrival the delegation

has to register with the Parliamentary Direction and the delegation members will receive a permission to enter the building if the person that announced their arrival is willing to meet them. The Parliamentary Direction may however issue a deviating rule in case it does not concern the historical Parliament building.

#### 6.5. Information Services – Distribution of documents

As has been pointed out, unlike a 19th-century parliament of dignitaries, a modern Parliament requires facilities, which help the popularly elected Members of Parliament to fulfil their duties and in particular offset at least partly the information advantage enjoyed by the executive over the legislative power.

Members of Parliament can rely for information in particular on the **Parliamentary Research Service**. The Parliamentary Library, with a reading room newly adapted in 1993-95, comprises more than 300,000 volumes, 500 periodicals and an increasing number of modern data carriers such as microfiches and CD-ROMs. The databases are primarily available to the members of the legislative bodies and the employees of the parliamentary groups as well as the Parliamentary Administration. However, the specialised stock of literature devoted to all aspects of the parliamentary system is at the same time a treasure trove for scholars and students. Therefore it is also open to all Austrians who wish to gain access to Nationalrat and Bundesrat documentation.

The *Parliamentary Archives* preserving the parliamentary records and files since 1861 serve not only the purpose of current parliamentary business (e.g. the search for cases of precedence in parliamentary procedure), but historical research as well.

The documentation services deal on the one hand with parliamentary documentation papers ("Parliamentary Documentation") and on the other hand with the documentation of literature which has been produced outside of Parliament but contains information relevant to the members in the exercise of their duties ("Documentation of Literature").

In line with international trends, the service and administrative facilities of Parliament are being extended in order to give members of legislative bodies access to better information and thus to improve the quality of parliamentary work.

At the end of every legislative period of the Nationalrat, the "Parliamentary Documentation" publishes a **printed index of the Stenographic Records** of the Nationalrat and the Bundesrat. Contacting this index the user may find all relevant references to matters of interest to him in the stenographic records and all attachments thereto, including the promulgation of the subject matter in the Federal Law Gazette of the Republic of Austria. The service also answers queries pertaining to such data from the current legislative period, for which the index has not yet been compiled.

The "Documentation of Literature" and the Library publish at regular intervals selected lists of the most significant acquisitions. These efforts aim at providing Members of Parliament with as much "active information" as possible, in line with international trends, although it must be admitted that the Austrian Parliament so far cannot compete with the services and facilities offered by parliaments in other pluralist democracies.

For the sake of greater transparency of parliamentary activities, the parliamentary materials, biographic data of Members of Parliament contained in the "Parliamentary Documentation", the lists of new acquisitions of the Library and other information such as the news items published by the press release department of the Parliamentary Administration are not only available *via*

an Intranet system, serving members of the Nationalrat and Bundesrat, the employees of the parliamentary groups and the Parliamentary Administration but, since 1996, have also gone online (<http://www.parlament.gv.at> or <http://www.parlinkom.gv.at>).

Printing facilities inside the Parliament Building can be found, however they are merely copy machines that help to duplicate sheets that need to be distributed among Members. An internal postal service (called *Expedit*) delivers material several times per day all around the house.

#### 6.6. Parliamentary Control – Relations with the Executive – Question time and other channels

The Nationalrat and Bundesrat have the power to review the activities of the Federal Government, to interrogate members of the government about all subjects pertaining to the exercise of the executive power, and to call for all relevant information.

The Federal Constitution provides for **two forms** of the right of **interpellation**. The **first** is the classic form of interpellation, i.e. the right to address **written questions** to the Federal Government or one of its members. The requisite number of Members of Parliament must second such questions. Questions have to be replied to orally or in writing within **two months**; as a rule they are answered in writing. Should it prove impossible to provide the desired information, reasons must be given.

Furthermore, in the Nationalrat a short debate, in the Bundesrat a discussion of the reply to a written question may be held under certain circumstances.

In principle, every sitting of the Nationalrat and the Bundesrat starts with **Question Time**, when the members of the Nationalrat and Bundesrat may exercise their **second right of interpellation** by addressing brief oral questions to the members of the Federal Government. These **oral questions** must be made known, and the individual to be queried properly notified, in the Nationalrat at least **48 hours**, in the Bundesrat on the fourth day before the sitting in which the question is scheduled to be called up for a reply. The questions so introduced are listed by the President in their proper order and called up for a reply during Question Time. Answers should be short and to the point. Following the reply to his question, the member putting the question has the right to ask one supplementary question. Subsequently, other members of the Nationalrat - or Bundesrat, as the case may be - may ask supplementary questions; as a rule, this right is accorded to one member of each of the parliamentary groups other than the group of the member who has put the original question. All the supplementary questions asked must be germane to the issue addressed by the principal question.

In both the Nationalrat and the Bundesrat it may under certain circumstances be decided that a written question addressed to a member of the Federal Government be given immediate treatment.

In the Nationalrat the motion or request for urgent consideration of a written question has to be introduced before the agenda is embarked upon; **urgent consideration** of the question will then take place after the agenda has been exhausted but not later than 3 p.m. and not earlier than three hours after entry upon the agenda. If, in the Bundesrat, urgent consideration of a question is called for before entry upon the agenda, the President may decide to have the question considered at the end of the sitting but not later than 4 p.m.

The member of the Federal Government queried (or a state secretary attached to him to deputise for him in Parliament) is obliged to make an oral reply or take position on the subject matter after the reasons for the question have been given. Afterwards the subject matter is put to a debate.



Under the heading of a Debate on Matters of Topical Interest a discussion of subjects of general topical interest concerning the exercise of the executive power of the Federal Government may be held in the Nationalrat. In the course of the discussion no motions may be introduced nor any decisions taken.

The deliberations in plenary during a week of sittings commence with a Debate on Matters of Topical Interest if a specified number of members so require at least 48 hours previously and at the same time indicate the subject to be discussed.

The Nationalrat and Bundesrat may also formulate their wishes regarding the exercise of the executive powers in the form of **resolutions**.

Motions for resolution submitted by members of the Nationalrat or the Bundesrat may be an independent item of business or may be filed in the course of a debate about another item of business as far as they are germane to the issue at hand. Moreover, in the Nationalrat it may be decided or moved that an independent motion for resolution brought in at the same time be given immediate treatment; the procedure is the same as for the urgent consideration of a written question.

As implied by the term "wishes", these resolutions of the Nationalrat and the Bundesrat, respectively, are merely an expression of the chamber's political will and there is no legal obligation for the executive branch to heed them.

Nevertheless, should the government not give proper consideration to the wishes of the legislature, the Nationalrat may exercise its right to **withdraw its confidence** from the Federal Government as a whole or from individual members of the government (**vote of no-confidence - political responsibility of ministers**), in which case the Federal President has to dismiss the Federal Government or the member of government concerned.

In addition, the Nationalrat has the power to bring charges against members of the Federal Government and persons or agencies endowed with similar responsibilities. Such charges are dealt with by the **Federal Constitutional Court (legal responsibility of ministers)**.

The right to set up **investigating committees** (right of inquiry) is also restricted to the Nationalrat. Such committees may serve to examine certain occurrences within the realm of the executive power at federal level. The courts and all other authorities are required to comply with requests on the part of these committees for investigations and the procurement of evidence, and all public agencies have to produce documentation available to them when requested to do so by a committee. The investigating committees confine themselves to fact-finding and an evaluation of these facts from a political perspective. If an investigating committee so decides the President of the Nationalrat may, if sufficient room is available, admit representatives of the media to the hearing of witnesses and experts.

This right of inquiry should not be confused with **parliamentary fact-finding meetings** in the Nationalrat and Bundesrat, which serve to provide the members with information but at which no decisions are made. These inquiries take the form of requests for written statements, the hearing of experts and other witnesses in respect of matters subject to federal legislative jurisdiction. In the course of such meetings, participating Members of Parliament may also take the floor. Unless the Main Committee decides otherwise such hearings in the Nationalrat are open to representatives of the media.

For the preparation of decisions on matters of great portent and complexity the Main Committee of the Nationalrat may establish **ad-hoc fact-finding commissions**. These commissions present the results of their work in a report to the Nationalrat, which reflects all opinions.

The number of *ad-hoc* fact-finding commissions that may operate simultaneously at any one time must not exceed three. An *ad-hoc* fact-finding commission may decide to admit the general public to parts of its sittings.

The Standing Orders of the Nationalrat as amended in 1988 provide for the establishment of a **Committee for Petitions by Individuals and Groups**. This committee deals with all matters presented to the Nationalrat in writing that relate to subjects within the federal legislative or executive powers and have been filed in the form of a petition by a member of the Nationalrat or supported as a group petition by at least 500 Austrian citizens having completed their 19th year of life.

The President of the Nationalrat will refer these matters to the Committee for Petitions by Individuals and Groups. However, the Committee may ask the President to refer the matter to another committee for preliminary deliberation. Petitions addressed to the Bundesrat, on the other hand, will only be considered as items of business if a member of the Bundesrat has introduced them; they will then be referred to the committee having substantive jurisdiction over the matter under consideration.

As an organ of the Nationalrat, the **Court of Auditors** is the competent body to exercise financial control over all economic activities of the Federal Government. It is also entrusted with the task of auditing foundations, funds and institutions administered by agencies of the Federal Government or by virtue of appointments made by them, and enterprises in which the Federal Government alone or in conjunction with corporations subject to the jurisdiction of the Court of Auditors holds at least 50% of the share or equity capital or which the Federal Government operates alone or in conjunction with such corporations. The Court of Auditors is also empowered to examine the financial management of public corporations operating on funds provided by the Federal Government, of the social insurance institutions, of the *Österreichischer Rundfunk* (Austrian Broadcasting and Television Company) as well as other corporations specifically designated by law.

The Court of Auditors has to submit annual reports on its activities to the Nationalrat and may at any time report to it any observations it has made, along with proposals for action. In addition, the Court of Auditors engages in special investigations concerning financial management issues when called upon to do so by a decision of the Nationalrat or when a qualified minority demands this.

The examinations carried out by the Court of Auditors extend to numerical correctness, compliance with existing regulations, economy, efficiency and effectiveness of expenditures.

Furthermore, the Court of Auditors prepares the Federal Accounts and submits them to the Nationalrat. Within a parliamentary session, a member of the Nationalrat may submit questions to the President of the Court of Auditors in budgetary affairs, as well as personnel and organisational matters of the Court of Auditors itself. The Nationalrat elects the President of the Court of Auditors for a twelve year term.

**Court of Auditors' Reports** are referred to the Court of Auditors Committee of the Nationalrat for preliminary deliberation; the Committee may decide to hear witnesses in public sittings. The **Court of Auditors Committee** has a **Standing Sub-Committee** which may, if the Nationalrat so decides or if a requisite number of members of the Nationalrat so request, investigate into procedures or occurrences concerning the federal financial accounts subject to control by the Court of Auditors. The Standing Sub-Committee will report the result of such investigation to the Court of Auditors Committee, which may submit the report to the Nationalrat for deliberation.

For the purpose of reviewing measures for the protection of the institutions provided for by the Federal Constitution and their capacity to act, and for reviewing measures of the information services designed to ensure military defence, the competent committees of the Nationalrat have

each elected one standing sub-committee. Any member of one of these standing sub-committees may in the course of a sub-committee-sitting request the competent Federal Minister to provide relevant information; if the sub-committee so decides, it may also require to be given access to relevant documentation. Proceedings in these standing sub-committees are confidential and violations of the confidentiality requirement are subject to penal provisions.

A variety of federal laws require the Federal Government or the member or members having jurisdiction over the current matter to report to the Nationalrat about a particular aspect of activities of the federal executive branch at regular intervals. In the case of matters of particular significance reports should be submitted once a year.

Other reports are submitted to the Nationalrat or Bundesrat in response to a wish to that effect expressed in the form of a resolution. While the Bundesrat will deliberate on such reports by the Federal Government or its members in plenary, after due consideration in the competent committee, the Nationalrat normally leaves such matters to the competent committee for final adoption. During the debate and voting on such reports in the competent Nationalrat committee the general public is admitted to the extent that sufficient space is available. Before opening debate on the report, the committee may, however, decide for important reasons not to take a final decision, in which case the committee will ultimately consider the matter on the floor of the Nationalrat after preliminary deliberation.

The plenary of the Nationalrat also deliberates on the **annual reports of the Ombudsman's Office**. The Ombudsman's Office, whose three members are elected by the Nationalrat for a six-year term of office, is entrusted with the task of examining complaints about alleged grievances or suspected irregularities in the federal administration and renders assistance in handling petitions and group petitions addressed to the Nationalrat

#### 6.7. Allocation of Speaking Time / Possibility of Individual Members to speak in plenary (without prior approval of political parties)

The paragraphs and subparagraphs below refer to the Rules of the Procedure of the Nationalrat:

- § 57 (1) In the **debates** of the Nationalrat each Member shall in principle **not speak for more than 20 minutes**, all other provisions concerning speaking times notwithstanding. In individual cases the Nationalrat may, if the President so proposes, allow a **longer** speaking time. After consultation with the members of the Chairmen's Conference, the President may propose that the Nationalrat allow longer speaking times for debates of special importance.
- (2) The speaking time of each Member in a debate or, if the debate is held in parts, in each part thereof may be limited to less than 20 minutes but **not less than 10 minutes** if
1. the Nationalrat so decides before the debate is opened at the latest, or
  2. the President so orders - even in the course of a debate - after consultation with the Conference of Chairmen.

In addition, the Nationalrat may decide, or the President may order, that the speaking time be reduced to five minutes per speaker from the third speaker for each Parliamentary Group onwards.

- (3) After consultation with the Conference of Chairmen, the President may, before embarking on the agenda or, at the latest, before opening the debate
1. order that the total speaking time of Members of the same Parliamentary Group in the debate or, if the debate is held in parts, in each part thereof shall not exceed a certain amount of time, or

2. put to the vote of the Nationalrat a proposal concerning arrangements for and the duration of the debate on one or more items of business or the entire agenda.
- (4) The total speaking time for Members of the same Parliamentary Group in accordance with (3.1) above may, after consulting the Conference of Chairman, also be agreed on before the beginning of the debate at the latest. In this case the speaking time allotted to the speakers for the same Parliamentary Group shall not be less than 30 minutes. This provision shall not apply for joint debates of several items of business under § 49 (4).
- (5) After consulting the Conference of Chairman and before the agenda is embarked upon a vote can be held on the total speaking time given to the Members of the same Parliamentary Group in debates covering several or all of the items on the agenda of a sitting. A two-third majority may in this case decide that speaking time allotted to the speakers of the same Parliamentary Group shall be not less than 60 minutes and the total speaking time no more than ten hours.
- (6) If a ruling has been made in accordance with (3.1) above or a decision taken in accordance with (3.2), (4) or (5) above, speaking time shall no longer be limited under (2.1) above.
- (7) For **Members who do not belong to any Parliamentary Group** (so called "Wild Members", = *Wilde Abgeordnete*), speaking time may be limited to no less than **10 minutes** per debate by a ruling or decision under (3), (4) or (5) above.
- (8) If a member of the Federal Government or a State Secretary speaks longer than 20 minutes in a debate subject to limitation of speaking time according to (3), (4) or (5) above, each Parliamentary Group that intends to express its dissenting opinion may exceed its speaking time by the same time span as the member of Government or State Secretary has exceeded it.
- (9) The limitation of speaking time shall not be subject to debate.

**§ 57a (1) Brief debates on**

- a) a written answer to a question addressed to the Federal Government or one of its members (§ 92),
  - b) a motion to set a deadline (§ 43) or on
  - c) a motion to set up an investigating committee (§ 33) shall be opened by the mover or a Member who has signed the motion in question, said speaker being allowed a speaking time of ten minutes. Following this speaker, each Parliamentary Group may name one speaker, who shall be allowed five minutes. If several Members ask for the floor simultaneously, the order in which they are given the floor shall reflect the numerical strength of their Parliamentary Group.
- (2) The speaking time allotted to **Members of the Federal Government or State Secretaries** who may take the floor under § 19 (1) shall be **no more than ten minutes.** (§ 19. (1) In the debates of the Nationalrat, its Committees and the latter's' Sub-Committees - except for the deliberations of the Standing Sub-Committee of the Main Committee and of the Investigating Committees - the members of the Federal Government and the State Secretaries may take the floor repeatedly on matters under discussion. However, they must not interrupt speakers holding the floor. State Secretaries shall have this right in the absence of the Government Members to whom they are attached or, in their presence, with the approval of the latter.)
  - (3) The provisions concerning factual corrections (§ 58) shall not apply.

- (4) Debates under (1a and b) above shall take place after the agenda has been exhausted but not later than 3 p.m. If a debate on an urgent question or urgent motion has been called for to take place on the same day, the debates under (1a and b) shall take place after the debates on such urgent question or motion. Debates under (1c) shall take place after the agenda has been exhausted.
- § 57b** (1) On each day devoted to sittings, **only one urgent question** or urgent motion shall be called up. If an urgent question or urgent motion has been tabled for a specific sitting, a debate shall only be possible in respect of items under § 57a (1a or b).
- (2) If an urgent discussion has been requested in respect of several questions, the urgent question of that Parliamentary Group shall be called up whose last urgent question antedates all others.
- (3) The provisions of (2) above shall apply *mutatis mutandis* when there is a collision between several requests for urgent discussion on a motion or a collision between urgent motions and urgent questions. The provisions of (2) above shall also apply *mutatis mutandis* in deciding the question which debate under § 57a (1a or b) shall be called up after an urgent question or urgent motion.
- (4) At a sitting in accordance with § 46 (6) and the first case mentioned in § 46 (7), the provisions of (2) and (3) above shall not be applicable. The urgent motion or urgent question to be called up shall be the motion or question tabled by that Parliamentary Group whose Members, or whose majority of Members have demanded that the sitting in question be convened.
- (5) If no request for an urgent discussion of a question or motion has been made for a particular sitting, the debates shall be called up under § 57a (1a or b). Regarding the order in which they are to be disposed of, § 60 (3) shall apply *mutatis mutandis*, but debates under § 57a (1a) shall be called up before the debates under § 57a (1b).
- § 58** (1) If in the course of a debate a Member indicates that he or she intends to make a **factual correction** the President shall, as a rule, give him/her the floor immediately. However this shall be carried out without interrupting a speaker, or at the latest immediately after the end of the debate on the disputed subject matter.
- (2) A factual correction shall start with a repetition of the statement that needs to be corrected, followed by a presentation of the correct facts with which that statement is at variance.
- (3) Only a Member referred to in person in the course of the presentation of the rectified facts under (2) above; may make a rejoinder in response to a factual correction, when taking the floor, that Member shall confine himself/herself to a presentation of the facts.
- (4) If a Member violates the provisions of (2) or (3) above, the President shall rule him/her out of order.
- (5) A factual correction and a rejoinder thereto shall not exceed duration of two minutes. In exceptional cases the President may allow the speaker more time if s/he so requests.
- § 59** (1) The requirement of submission in writing shall not hold for procedural motions, nor do such motions require a seconder; unless the Nationalrat decides under (3) below to hold a debate, the President shall put such motions to the vote immediately.

- (2) If a Member takes the floor on a procedural motion without him/herself tabling a motion, the President shall have the right to give him/her the floor only at the end of the meeting.
  - (3) Upon proposal by the President or upon a motion tabled by a Member the Nationalrat may decide to hold a debate. For such a debate the President may limit the speaking time of Members, the minimum time allowed being five minutes.
- § 60
- (1) Members who wish to take the floor on an item of business to be deliberated on during a sitting shall announce their intention to an official of the Parliamentary Administration designated for this purpose and shall **indicate whether they intend to speak "for" or "against"**. A Member who has been assigned to carry out this function by his or her Parliamentary Group (the so-called *Klubordner*) can also<sup>1</sup> make this announcement. Requests for the floor may be made at any time after beginning of the sitting.
  - (2) The Members that have claimed the floor shall be recognised in the order in which they have announced their intention, the first intervention being that of a speaker "against", following which speakers "for" and "against" shall speak in alternate succession.
  - (3) If two or more speakers "for" or speakers "against" announce their intention to speak at the same time, the President shall determine the order in which they are given the floor in such a way as to give a fair hearing to the different points of view. At the same time consideration has to be given to the relative strengths of the individual Parliamentary Groups and respecting the principle of alternation between speakers belonging to different Parliamentary Groups.
  - (4) In departure from the provisions of (1) to (3) above, no distinction shall be made between speakers "for" and "against" during the first reading of a bill, in a debate on the subject of an urgent question, and during a Debate on Matters of Topical Interest.
  - (5) Every speaker shall be free to withdraw his/her request for the floor or to cede his/her right to speak to another Member, unless that Member has already twice spoken on the item of business.
  - (6) Members who are not present at the time when they are called upon shall lose their right to speak.
  - (7) The rapporteur elected by a Committee to report to the Nationalrat (§ 42 (1)) cannot take the floor as a speaker "for" or "against" on the subject covered by his/her report. This provision shall not apply if the rapporteur has refrained from presenting his/her oral report.
  - (8) After consultation with the Conference of Chairman, the provisions of (1) to (3) above regarding the order in which Members shall be given the floor may be suspended up to the end of the legislative period at the latest.
- § 61 If one of the Presidents enters his/her name on the **list of speakers**, s/he shall as a rule reassume the chair only after the item in hand has been disposed of.

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<sup>1</sup> Despite the expression "also" it must be stated that it has become customary to always consult the *Klubordner* in case a Member wants to take the floor. Even though there is no explicit rule denying the possibility to individual members to speak in plenary without prior notice and/or approval of political parties, it is a gentleman's agreement to inform the political club in advance. There is also a technical reason for this as the allocation of speaking time makes it necessary to clarify who is going to speak when and about what issue.

- § 62 (1) The rapporteurs, secretaries and speakers who have asked for the floor shall speak from the rostrums provided for them. Members shall speak from their seats, using the microphones provided for this purpose, only on procedural questions or in special cases in which the President permits them to do so.
- (2) Members of the Federal Government, the President of the Court of Auditors and the members of the Ombudsman's Office shall, if they ask for the floor under § 19 and § 20, respectively, speak from the Government bench.
- § 63 (1) **No Member shall speak more than twice in any one debate.**
- (2) Requests for the floor on the part of members of the Federal Government, the President of the Court of Auditors and the members of the Ombudsman's Office shall be governed by the provisions of § 19 and § 20, respectively.
- (3) If there are no further requests for the floor, **the President shall close the debate** and give the floor to the rapporteur for his/her final statement, if s/he so requests. A rapporteur under § 44(4) or § 45 shall only have the right to a final statement for the purpose of correcting typographical or linguistic errors.

## 7. REFERENCES

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## **BELGIUM**

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### **1. STRUCTURES OF THE CHAMBER OF REPRESENTATIVES**

Belgium has a bicameral legislature composed of the *Chambre des Représentants* and the *Sénat*. The Senate has a special composition with some of its 71 senators being directly elected and others indirectly elected by Belgium's three language communities or else co-opted. In this paper the emphasis is placed on the Chamber of Representatives, which offers a better basis for comparison with the European Parliament.

The Chamber is composed of 150 elected representatives, 91 of whom are currently Flemish-speaking and 59 French-speaking. They are divided into political groups, which must have a minimum of 5 members. The members of a group elect a spokesman; they receive grants from the budget of the Chamber which amounted to FB 1.7 million (or € 42 700) in 1999 per member and per year.

Parliamentary bodies include a Bureau (composed of the president, 5 vice-presidents, 4 secretaries and the presidents of those political groups with at least 12 members) and a college of Quaestors. The Bureau is responsible for the management of the Chamber; the president and vice-presidents conduct debates, the secretaries oversee the minutes and resolutions and also make communications to the Chamber. A Conference of Chairmen (including representatives of all political groups) meets to decide on the order of business. The Quaestors (6) look after buildings, supplies and expenditure; they are responsible for preparing the Chamber's own annual budget. The rules of procedure also provide for a greffier, whose functions correspond to secretary general.

Standing Committees are composed of 17 members and are established at the beginning of each parliamentary period by the President and elect their own bureaux. The Vice-Presidents and Secretaries normally also preside over a committee. Temporary committees may also be established to examine specific bills or proposals. Committee meetings are normally held in public; they may call members of the government to appear. Rapporteurs are appointed from amongst committee members for individual subjects on a proportional basis between majority and opposition parties.

A special "Concertation Committee" is appointed to handle conflicts of competence with the Senate. An accounts committee examines the Chamber's own expenditure. Other special committees may be appointed to conduct inquiries or examine matters other than bills or the control of government departments.



## 2. BUDGET

The budget of the Chamber for 1999 and 2000 comprised the following main categories of expenditure (BF million). Only figures for 2000 are converted into Euros.

	<i>BF million</i>		<i>€ million</i>
	<i>1999</i>	<i>2000</i>	<i>2000</i>
<i>Current expenditure</i>			
Personnel	1004	1041	25.8
(of which: salaries)	874	902	22.4
Printing (external)	61	45	1.1
Buildings	16	16	0.4
Equipment and maintenance	41	49	1.2
Other current expenditure	33	33	0.8
(of which: cleaning)	4	4	0.1
IT	38	4	0.1
Political groups	840	851	21.1
(of which: graduates	257	247	6.1
administrative staff)	191	206	5.1
<i>Capital expenditure</i>			
Printshop	2	1	-
Buildings	203	229	5.7
IT	58	65	1.6
<b><i>Total</i></b>			
Current	3089	3177	78.8
Capital	275	315	7.8

## 3. PERSONNEL

There were 519 staff employed by the Chamber in 2000. The breakdown by function was as follows:

Legislative services	87
Translation	36
Quaestors	270
Library	48
Public and international relations	12
Accounts	10
Temporary staff	56

The breakdown by category was as follows:

1 (university graduates)	138
2 (assistants and documentalists)	76
2 (secretaries and some technicians)	64
3 (typists, clerical staff and some technicians)	80
4 (ushers and maintenance personnel)	161

Some of the staff of the Chamber are not included here because seconded to the political groups. In 1980 the Parliament's Bureau decided that barriers between services should be abandoned to promote efficiency and ensure that promotion was no more rapid in some areas than others. This does not apparently mean that mobility is compulsory.

4. **REFERENCES**

[www.lachambre.be](http://www.lachambre.be)

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## DENMARK

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### 1. NUMBER OF MEMBERS OF THE FOLKETING

The Folketing has 179 Members. Currently, one of the Members is non-affiliated, and another from the Faeroe Islands (*see table 2 below*).

### 2. STRUCTURES -bureau, committee of presidents, quaestors, committees

#### 2.1. Presidency of the Folketing

The Folketing constitutes itself by electing a Presidency composed of a President, or Speaker, and up to four Deputy Speakers, or vice-presidents. In addition 4 Tellers are elected. No Member can decline to accept election without the consent of the Folketing. Elections are undertaken at the opening of every session i.e. at the beginning of every sessional year and when the Folketing meets for the first time after a general election. Moreover, a new Presidency shall be elected if the Speaker resigns or if 60 Members request it in writing and at no less than three days' notice. Elections of Members to sit on the Presidency and of Tellers are undertaken under the direction of the senior Member when the Folketing meets for the first time in a session. After general elections they do, however, take place under the direction of the temporary Speaker and in other cases under that of the acting Speaker.

The Presidency of the Folketing is elected in the following way: The Speaker is selected without a debate in accordance with the rules in Section 36(2) (*see [www.ft.dk](http://www.ft.dk) Standing Orders of the Folketing*). Excepting the party to which the Speaker might belong, the four largest parties represented in the Folketing by turns, according to the size of the party, elect a first, second, third and fourth Deputy Speaker respectively. If two or more of the parties are of the same size, lots are drawn between them.

The President exerts his powers in conjunction with the vice-presidents, and sees that the work of the Folketing is organised and carried out properly. The President further has responsibility for the administration of the Folketing, and determines overall guidelines for the administration together with the vice-presidents. The Presidency finally represents the Folketing externally.

#### 2.2. *Tingssekretærer* (Folketing secretaries)

In the event of absence of the President or one of the four vice-presidents the *tingssekretær* takes over in all matters, meaning that they lead the meetings in the Chamber. According to the rules of procedure, the *tingssekretær* will assist with elections. This rule had greater importance before the electronic election system was taken into use, where it was the duty of the *tingssekretær* to count votes and inform the President of the results of the vote. Today, the *tingssekretær* is only asked to assist in counting votes if the electronic voting system has broken down. Finally, the *tingssekretær*, with the President, countersigns the approved laws that are sent to the Prime Minister and the Queen for confirmation.

### 3. OPERATING BUDGETS -totals and main headings

(*See table 1 next page*)

**Table 1: FOLKETING BUDGET 1999 in DKK million and € million**

(July 2000 exchange rate)

	DKK million	€ million
Folketing remuneration and pensions	105,6	14.2
Domestic travelling expenses	11,6	1.5
Parliamentary group subsidy	94,1	12.6
Committee work	30,1	4.0
Interparliamentary assemblies	14,0	1.9
Salary and pensions for administration	126,6	17.0
Other expenses (IT, building maintenance etc.)	66,9	9.0
<b>Total expenses</b>	<b>448,9</b>	<b>60.2</b>

Source: *Salary and Economics Office of the Folketing*, April 1999

State support to the individual parties is in the form of an annual amount for each vote received at the last parliament elections. The expenditure is defrayed by the Interior Ministry and was in 1998 DKK 20,50 per vote, in 1999 DKK 21 per vote (€ 2.80).

Support to Folketing groups is given according to rules governing subsidy to parties in the Folketing, and to rules of payment of secretaries to Members. The expenditure is defrayed through the Folketing budget. Subsidies are paid monthly in advance and consist on the one hand of a basic amount for each group, on the other of a mandate-amount for each mandate. For each Member who is also president or Minister only a third of the mandate- amount is versed.

As of April 1<sup>st</sup>, 1999 the monthly subsidies are as follows:

Basic amount:	DKK	216.073	(€ 28 980)
Mandate-amount:	DKK	33.830	(€ 4 537)
1/3 Mandate-amount:	DKK	11.276	(€ 1 512)

Source: *Folketingets Løn- og Økonomikontor*, April 1999

#### 4. ORGANISATION AND REPRESENTATION WITHIN PARLIAMENT OF MAIN PARTIES

The principle behind the Danish electoral system is the method of proportional representation; that is, the parties are represented in the Folketing proportionally to the number of votes obtained by the party on a nation-wide basis, and not only proportionally to the number of votes obtained by the candidates in their constituencies.

The country has been divided into 14 county constituencies and 3 large constituencies which elect the candidates for 135 seats. The 40 supplementary seats are distributed on the basis of the number of votes obtained by the parties nationally, and they contribute to ensuring that the votes of the party are divided as fairly as possible.

(See table 2 next page)

**Table 2: COMPOSITION OF THE FOLKETING**

	Number of Members
Social Democrats (S)	64 <sup>**)</sup>
Liberals (V)	43 <sup>**)</sup>
Conservatives (KF)	16 <sup>*)</sup>
Socialist People's Party (SF)	13
Danish People's Party (DF)	13
Centre Democrats (CD)	8
Social Liberals (RV)	7
Unity List (EL)	5
Freedom 2000 (FRI)	4
Christian People's Party (KRF)	4
Faroe Islands	1
Non-affiliated	1
<b>Total Members</b>	<b>179</b>
*) One of which is elected in the Faroe Islands	
**) One of which is elected in Greenland	

## 5. SECRETARIAT AND ASSISTANCE TO MEMBERS

### 5.1. Committees

The Folketing has 24 standing (i.e. permanent) committees. With one exception, there are 17 Members and a number of substitutes on each committee. The working sphere of each committee largely corresponds to that of a Ministry. The parliamentary groups are represented according to their size. The committees examine Bills and proposals for parliamentary resolution. The committees may call in a Minister for consultation, put questions to a Minister and receive deputations.

#### 5.1.1. Setting up of Committees

The Folketing appoints members to the committees after the opening of the sessional year or after holding general elections. The individual parties are represented according to the number of seats obtained by each party in the Chamber.

#### 5.1.2. Reading of Bills and proposals for Parliamentary Resolutions

After the first reading of a Bill in the Chamber, the Bill is referred to a committee. The 24 standing committees read approximately 300 Bills and 100 proposals for parliamentary resolution a year. The committee examines the proposal and the committee members are subsequently free to put questions, normally to a Minister dealing with the area of competence of the committee. Questions are put in writing.

Committees may also ask a Minister to appear in the committees in order to answer questions; "consultation". Likewise, committees can institute hearings. On such occasions, experts and others can allow committee Members share their knowledge about a subject, which is of interest to the committee and give their point of view. Hearings are usually public. Other committee meetings are closed but the press is usually briefed subsequently.

### 5.1.3. Reports and accounts

When the committee has finished dealing with a Bill, it submits a report which can comprise the following items:

- Recommendations of the parties
- Eventual amendments to the Bill
- Eventual statements by the parties explaining their attitude to the Bill and to the amendments
- A description of the committee's work on the Bill
- A survey of enquiries concerning the proposal

Material of special interest, e.g. questions to and from the Ministers, may be printed in the form of annexes to the report.

If the committee does not finish dealing with a Bill before the end of the sessional year, it can submit a report on the Bill, which becomes void if the Folketing has not finished dealing with it before the end of the sessional year.

### 5.1.4. Supplementary reports

When the committee has submitted a report, the Bill is subjected to its second reading in the Chamber. After the second reading, the amendments are put to the vote. The Bill then either passes on directly to the third reading or it may once more be referred to a committee at the request of a Member. The committee can then submit a supplementary report on the Bill or a so-called oral recommendation in the Chamber.

### 5.1.5. Other tasks of the committees

In addition to reading Bills and proposals for parliamentary resolution, the committees can also consider other questions within the area of what is normally referred to as the "ordinary part" of the committee work. The committee often puts questions to the Minister in order to follow development within the area in question. The committee also keeps an eye on the Minister implementing the laws in a way, which is in accordance with the attitude of the majority of the Members in the Folketing. The committee can also submit a report on a particular political interest.

### 5.1.6. Enquiries

Citizens and organisations make enquiries to the committees. They have the possibility of either writing to the committees or of stating their points of view personally. Committee Members can also put questions to those appearing in the committees but the latter cannot put questions to committee Members.

## 5.2. Information

According to the rules on access to the written material of the Folketing committees, the general public has the right to access the following material:

- a) committee questions put to Ministers and their answers;
- b) notes from Ministers that have not been requested in writing by committees;
- c) grant applications from Ministers to the Finance Committee; and its answer thereto;
- d) enquiries to committees from organisations or societies, as well as Minister's comments thereto;
- e) committee reports and proposed amendments.

Public access to documents also includes information about individual documents filed in the Folketing database, except for internal information registered by committee secretaries. Furthermore, access is only granted the day after a document has been distributed to the committee in question, while access to Finance Committee acts can be postponed until the annexes have been read by the committee.

#### 5.2.1. Folketingets *Lovbutik*

Folketingets *Lovbutik* (literally: Legislation Shop of the Folketing) informs citizens, organisations, education institutes, press etc. about the current work of the Folketing. It distributes and sells Folketing publications, debates, bills and resolutions, committee reports etc. The *Lovbutik* also gives guidance on legislative expressions, and on how to find specific documents.

### 5.3. Administration of the Folketing

In addition to the President's office, that of the Secretariat General of the Folketing, and of the Secretariat of the Folketing, six departments exist:

- Department of Administration: deals with organisation and personnel, salary and pensions, building planning and control, office furniture and decoration, maintenance and cleaning, renovations and repairs, technical assistance.
- Department of Communications and Information Technology: IT development and operation, communication and PR, internal and external information, FT Web, User guide and support, layout and design.
- Department of Members: Expedition office, Travel office, post office, education and training, *Lovbutik*, telephone central, Folketing attendants (security, service, logistics and documents unit), restaurant, café, newsagent, cafeteria and stylist.
- Department of Committees: committee service and attendance.
- International Department: EU and international committee work, interparliamentary delegations, EU information, official arrangements of the Folketing.
- Secretariat of the Nordic Committee: Danish delegation of the Nordic Committee, Nordic information.

Approximately 36% of staff employed by the Folketing are on permanent contracts and the remainder are on temporary contracts. In 1999 the total of 363 staff members was broken down by department as follows:

General management department	10.5
Administration department	105.0
Communications and IT department	30.5
Library	17.0
MPs' services	97.0
Nordic council	6.5
International department	30.0
Legal and parliamentary department	33.0
Committees department	34.0



By category, they were:

Managers, principals	22
Other graduates	57
Clerical	104
IT staff	15
Parliamentary officers	97
Cleaners	45
Furniture attendants	20
Others	3

Graduate staff are not obliged to change function, but can achieve higher salaries by changing functions twice in about 8 years.

Staff working for political party groups in Parliament are appointed and paid by these groups. The party groups are however wholly subsidised by the parliamentary budget. All their staff are on temporary contracts. Parliament does provide such staff with office space and IT facilities.

Assistants of individual members are included in the staff working for party groups.

Parliament's restaurant and canteen are and always have been run by private firms. A large share of internal maintenance and IT work is also carried out by external firms. There has been no recent privatisation of other functions of Parliament.

In consultation with the Deputy Speaker, the Speaker is in charge of the internal organisation and Administration of the Folketing as well as of its running and accounting. The presidium of the Folketing can lay down rules on access to the written material of the Folketing, the Administration of the Folketing and the committees of the Folketing as well as on access to the EDP filing systems of the Folketing.

The Presidium of the Folketing can lay down rules on the Archives, on handing over documents to the Archives from the Folketing, the Administration, the institutions belonging under the Folketing, the standing committees of the Folketing and other committees set up in accordance with the Standing Orders committee.

#### 5.4. Political groups/parties

Political parties are not mentioned in the Constitutional Act of the Kingdom of Denmark, the framework of the its political system. Parties do, nevertheless, play an important role in Danish political life.

##### 5.4.1. Composition of the parties

Danish parties are referred to as mass parties, since they are made up of individual persons, not occupational organisations, trade unions etc. All members join a local branch or caucus, and all the local branches together make out the national organisation of the party. If the party is represented in the Folketing, these members make out an independent group. All parties further have a party leader, and most have elected a vice-president. Furthermore, a number of spokespersons are elected to speak on specific topics on behalf of the party.

In order to stand for Parliament, parties shall either have been elected to Parliament beforehand or have collected a number of signatures corresponding to 1/175 of the votes cast at the latest election. In 1998, the number of votes required was 19.015.

The majority of candidates standing for Parliament at a general election stand as representatives of a political party. Out of the 1.127 candidates who stood in 1998, only 12 stood outside the parties. It is the Party Members who decide who will stand for Parliament, for county councils

and municipal councils. The rules of the electoral system pertaining to nomination date back to the time when a major part of the population was in an organised party. But these rules have been maintained irrespective of the fact that the number of members has decreased considerably in recent decades. Today it is only about 9 percent of the voters who decide for whom one may vote at elections.

**Table 3: NUMBER OF MEMBERS OF THE POLITICAL PARTIES 1960-95**

Source: Lars Bille: *Partier i forandring*, Odense University Press 1997; and further information provided by Lars Bille

PARTY	1960	1974	1994	1995	Turnout of votes, general election in 1994	Organization percentage in 1994
Social Democrats ( <i>Socialdemokratiet</i> )	259 459	122 722	65 733	62 452	1 150 048	5,7
Liberals ( <i>Venstre</i> )	192 629	112 543	83 039	83 077	775 176	10,7
Conservatives ( <i>Det Konservative Folkeparti</i> )	108 751	91 382	31 000	30 750	499 845	6,2
Socialist people's Party ( <i>Socialistisk Folkeparti</i> )	3 224	6 266	6 890	6 654	242 398	2,8
Social Liberals ( <i>Det Radikale Venstre</i> )	35 000	22 000	5 934	5 519	152 701	3,9
Progress Party ( <i>Fremskridtspartiet</i> )	-	15 000	6 000	4 800	214 057	2,8
Unity list- Red-Green Alliance ( <i>Enhedslisten</i> )	-	-	1 100	1 200	104 701	1,1
Centre Democrats ( <i>Centrum-Demokraterne</i> )	-	1 153	1 455	1 154	94 496	1,5
Danish People's Party ( <i>Dansk Folkeparti</i> ) *)	-	-	-	-	-	-
*) No figures available for the Danish People's Party as it was only formed in October 1995						

**NUMBER OF VOTES AT THE GENERAL ELECTION OF 11 MARCH 1998**

Social Democrats	1 223 620
Liberals	817 894
Conservatives	303 965
Socialist People's Party	257 406
Social Liberals	131 254
Progress Party	82 437
Unity List	91 933
Centre Democrats	146 802
Danish People's party	252 429

## 6. PROCEDURES

### 6.1. Work cycles

The year in Parliament officially starts on the first Tuesday of October each year and officially finishes on the same Tuesday the following year. However, work in the Chamber is usually finished by June 5<sup>th</sup>, Constitution Day.

### 6.2. Adoption of legislation off the "floor of the house"

Bills are drafted in statutory form and have a title that briefly defines the contents of the Bill. Bills aiming at amending or repealing an Act of an earlier date are entitled: Bill on amendment to, on repeal of, the earlier Act in question, as the case may be, possibly defined more specifically by a subtitle. Bills, which are not in accordance with the above rules, will be rejected by the Speaker. When a Bill is to be submitted to the Folketing, the Minister in question or the Member's submitting the bill inform(s) the Speaker about it and the latter notifies the Folketing. The Bill is subsequently submitted in writing unless the proposer has asked for an oral presentation. In the latter case; the Bill may be submitted during the same meeting or a subsequent meeting. The Government may, in non-session periods, introduce the Finance Bill in writing without convening the Folketing for a sitting. If so, the Speaker may refer the Bill to the Finance Committee.

No Bill shall be finally passed until it has been read three times in the Folketing. The first reading of a Bill takes place not earlier than five days after the Bill has been distributed. The mover of a Bill is entitled to request that it be submitted to the first reading within five sitting days counting from the day on which a demand to this effect was made to the Speaker in writing. However, the first reading must take place not earlier than the fourteenth sitting day after the Bill has been distributed in the Folketing. If a Bill is introduced after April 1<sup>st</sup>, a vote shall -at the request of seventeen Members- be taken as to whether a first reading may take place. Prior to such a voting, the Speaker can subject the question to a separate debate to which the rules on short remarks apply. At the first reading, the Bill is debated in principle without going into too much detail. Amendments cannot be moved.

#### 6.2.1. Independent Proposals

Independent proposals other than a Bill take the form of resolutions and have to be notified at a sitting. In cases in which the reading of such proposals is not defined by the Standing Orders the following rules apply: Unless they take the form of recommendations from committees, proposals for parliamentary resolution are moved in the same way as Bills and are subjected to two readings according to the same rules which apply to first and third readings of Bills. Proposals for parliamentary resolution which take the form of recommendations from committees are subjected to two readings according to the rules which apply to second and third readings of Bills. However, the provisions in Section 12 concerning the referral to committees do not apply. With proposals for parliamentary resolution, two fifths of the Members of the Folketing are not entitled to request that the last reading be stayed.

Recommendations made by committees concerning petitions are read once and the time limits are the same as for second readings of Bills. The same applies to recommendations which take the form of a report from the Scrutineers Committee. The Ombudsman of the Folketing is appointed during a meeting, without a debate. This meeting shall take place not earlier than two days after the recommendation on the appointment made by the Legal Affairs Committee has been distributed.

### **6.3. Relations with the executive - question time and other channels**

Enquiries and statements belong formally in the Chamber. Questions are answered either orally in the Chamber or in writing during the negotiations of the Folketing. Bills and decisions belong in the Chamber but are, with certain exceptions, also taken up in the committees, which check on control the government's administration of the legislation.

Members can put questions to the Ministers regarding a public matter and ask for a written or oral reply. Replies to oral questions are given briefly, in the Chamber, during the weekly Question Time on Wednesdays. As from the opening of the sessional year 1997-1998, a weekly Question Hour was introduced. This hour is inserted immediately before Question Time. Question Hour differs from Question Time as the Minister does not have the possibility of preparing answers beforehand but has to reply to the question on the spot.

If a Member wishes to obtain information about a public matter, he/she may do so by putting a question to the Minister concerned in accordance with the rules of the Standing Orders of the Folketing. The question is tabled in writing. It must be brief and concise, and a brief written justification may be annexed. The question is forwarded to the Speaker, via the Legal Department and which a copy of the question together with an eventual written justification is sent to the Minister. The questioner may demand a written or oral reply. If a question or the justification for putting it forward is not drawn up in accordance with Subsections 1 and 2 of Chapter XVII of the Standing Order, or if the Speaker finds that the very question or the form or contents of the justification is of a character that makes it unsuitable for putting forward, the Speaker may decline to forward it to the Speaker.

If the Minister, in a previous notification in writing or during Question Time, declares that he/she is not in a position to answer this question, the matter is considered closed. If the questioner has asked for an oral reply, the question is entered on the list of questions for the next Question Time, provided that it has been received by the Legal Department not later than at noon three weekdays in advance.

The question may, whether a written justification is annexed or not, be justified orally during Question time. In that case, the time allotted to speaking is one minute. The time allotted to the Minister to answer the question is two minutes, both the first time and any following times, and the same time is allotted to other Ministers who may wish to speak. When a reply has been given, the questioner may be given the floor twice. Furthermore, the questioner may give other Members (fellow questioners) the floor once for one minute in order to put supplementary questions to the Minister in connection with the Minister's answer. Apart from the time limits mentioned, the questioner (or fellow questioners) may, if the Speaker thinks fit, be given the floor in order to make further comments (or questions) for one minute. No resolution can be passed.

If the answer is given in writing, which should then be done within six weekdays, the Speaker forwards it to the questioner and sees to the printing of the question and the answer in the Folketing Hansard. Questions, which are to be answered in writing should be drawn up in a way so as to keep the reply within reasonable limits.

Questions to which a reply is requested in writing within the same sessional year are received by the Legal Department not later than September 15th, or should this prove a holiday, the previous weekday. When writs for an election have been issued or after a Cabinet has tendered its resignation, questions cannot be handed in.

With regard to Question Time and Question Hour, not later than 12.00 a.m. two days prior to Question Hour, the Prime Minister states which of the Ministers will be present at Question Hour and the Speaker of the Folketing informs the Members to this effect. Members who wish to ask questions inform the Legal Department thereof no later than three hours before the

opening of Question Hour. The Speaker decides which of the Members may put questions and in what order.

A Member can put only one main question during Question Hour and is limited to one minute. The Minister's reply must not exceed two minutes. After the Minister has replied, the questioner or "interpellator" may take the floor one time for the duration of one minute. Other Members may take the floor one time for the duration of one minute to speak about the matter in question. The Minister may, if so desired, speak for up to one minute after each of the Members desiring to speak have spoken. A Minister may also declare that he/she does not wish to answer the question. Major questions, including eventual supplementary questions and replies shall not exceed fifteen minutes. It is the Speaker who decides when Question Hour comes to a close.

If a Member wishes to submit a public matter to a debate and to ask one or several Minister's opinion on it, he/she shall table an interpellation; drawn up in writing in a concise form, and forward it to the Speaker, who notifies the Members of the interpellation during the same or the following meeting.

At a subsequent meeting, the Folketing decides whether the interpellation shall be put forward or not. If consent is given -and this is decided without a debate- the Speaker will communicate the wording of the interpellation to the Minister or Ministers concerned. It is introduced and debated during a subsequent sitting, however, not later than 10 sitting days after the Folketing has decided to proceed with it. If the Minister to whom the interpellation is addressed finds it contrary to the interests of the country to hold a public debate on the matter in question, within the time limits mentioned, the Minister informs the interpellator to this effect. Thus, the interpellation is postponed.

#### 6.4. Allocation of speaking time

The Standing orders of the Folketing comprise rules as to how long one may speak during the reading of the various types of cases. The spokesmen are given the floor in an order decided by the size of the parliamentary groups. The Members may be given the floor to make short remarks to the extent, which the Speaker thinks fit.

If the proposers' spokesman is at the same time spokesman for his/her party, the time allotted to speaking is solely the time to which the proposers' spokesman is entitled.

If two or more Bills are to be read during the first or the second reading, the time allotted to speaking is twice that allotted to the reading of one single Bill. The time allotted to speaking when a private proposer submits one single Bill to be read together with other Bills is, however, 15 minutes the first time and 8 minutes the second time, if the proposer in question is also spokesman for his/her party. Private proposers are only given twice the usual time allotted to speaking provided that they submit two Bills to be read jointly.

When the reading of a Bill is resumed, after its having been suspended due to its examination by one of the committees, cf. the second clause of Subsection 1 of Section 9, speeches made before the reading has been resumed are not included in the time limits.

## 7. REFERENCES

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## FINLAND

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## 1. MEMBERS OF THE EDUSKUNTA

Two hundred MPs are elected directly by universal suffrage. Elections are conducted on one day: the third Sunday in March. Voters can also cast ballots in advance and this option has steadily increased in popularity.

Every citizen who is at least 18 years of age and is registered to vote by the election date is entitled to vote in general elections and with certain exceptions can also stand for Parliament.

## 2. COMMITTEES

The Finnish Parliament has 14 permanent special committees. As a rule each committee deals with matters that are the responsibility of a corresponding ministry. In addition to the special committees, there is also the Grand Committee, which performs two types of tasks. Sometimes a bill is referred to the Grand Committee by a plenary session, but its main function nowadays is to deal with EU matters. The Finnish Parliament can also appoint *ad hoc* committees to deal with specific matters.

Each committee has 17 members and 9 alternate members, with the exception of the Finance Committee (21+19) and the Grand Committee (25+13). The average MP belongs to two committees. The Speaker, the Deputy Speakers and Government ministers do not sit on committees.

### 2.1. List of Committees:

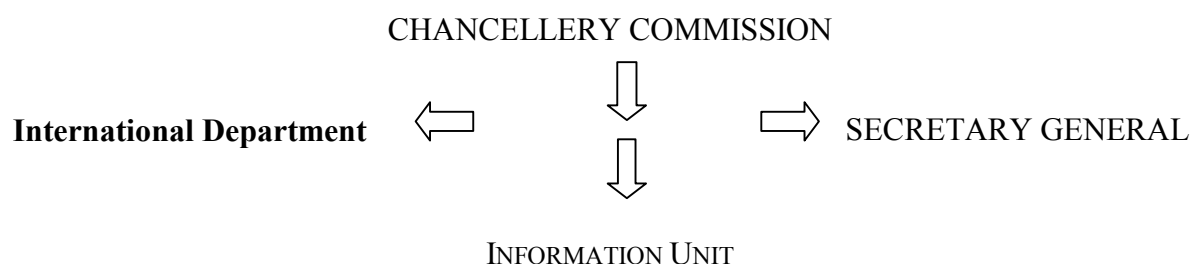
- The Grand Committee
- The Committee for Constitutional Law
- The Legal Affairs Committee
- The Foreign Affairs Committee
- The Finance Committee
- The Administration Committee
- The Transport and Communications Committee
- The Committee for Agriculture and Forestry
- The Defence Committee
- The Committee for Education and Culture
- The Social Affairs and Health Committee
- The Economic Affairs Committee
- The Committee for Labour and Equality
- The Environment Committee
- The Committee for the Future

## 3. STRUCTURE OF THE PARLIAMENTARY OFFICE

The Parliamentary Office is subordinate to the Chancellery Commission. The Chancellery Commission includes the Speaker, the Deputy Speakers and four MPs elected at the beginning of the electoral period. The Chancellery Commission directs Parliament's administration and financial management. It appoints the Parliamentary Office's staff with the exception of the Secretary General.

The Parliamentary Office is divided into the Central Office, the Committee Secretariat and the Administrative Department. The Parliamentary Office is headed by the Secretary General of Parliament.

Separate units, which operate in connection with Parliament, include the Office of the Parliamentary Ombudsman, the Library of Parliament and the Office of the Parliamentary State Auditors.



<i>Committee Secretariat</i>	<i>Central Office</i>	<i>Administrative Department</i>
DEPUTY SECRETARY GENERAL	DIRECTOR OF LEGISLATION	ADMINISTRATIVE DIRECTOR
<ul style="list-style-type: none"> <li>• Secretariats of the Grand Committee and 14 special committees</li> <li>• EU Secretariat</li> </ul>	<ul style="list-style-type: none"> <li>• Secretariat</li> <li>• Registry Office</li> <li>• Documents Office</li> <li>• Information and Research Service</li> <li>• Swedish Office</li> </ul>	<ul style="list-style-type: none"> <li>• Administrative Office</li> <li>• Accounts Office</li> <li>• Real Estate Office</li> <li>• Information Management Office</li> <li>• MP's personal assistance</li> </ul>

#### 4. BUDGET

The total budget of the Parliament of Finland for 1999 was FIM 344 million (year 2000: 355 million). In Euros, these amounts are equivalent to € 57.8 million (year 2000: € 59.7 million).

	FIM million		€ million	
	1999	2000	1999	2000
<i>The main headings for 1999 (2000):</i>				
<i>Members of the Parliament</i>	107	88	18.0	14.8
Parliamentary Office	178	208	29.9	35.0
Parliamentary State Auditors	8		1.3	
Office of the Parliamentary Ombudsman	15		2.5	
Library of the Parliament	18		3.0	
Parliamentary group offices	18		3.0	

The allocation for the Parliamentary Office included (in 1999): FIM 78.2 million (€ 13.1 million) for staff salaries, FIM 11 million (€ 1.8 million) for buildings and FIM 81.9 million (€ 13.8 million) for other administrative costs (including travel expenses, printing, information technology, occupational health, training, furniture, maintenance, cleaning and stationery).

#### 5. PARLIAMENTARY POLITICAL GROUPS

The parliamentary groups take stands on legislative proposals and timely issues and can present demands for reforms and other measures to the Government and submit bills in the name of individual Members.

Each parliamentary group has its own office in Parliament House, and funds are appropriated in the state budget for this purpose. The parliamentary groups select their own staff.



### 5.1. List of Parliamentary groups:

- Finnish Social Democratic Party (*SDP*) 51MP
- Finnish Centre Party (*Kesk*) 47MP
- National Coalition Party (*Kok*) 46MP
- Left Alliance (*Vas*) 20MP
- Swedish People's Party (*RKP*) 12MP (incl. one Member representing The Åland Islands)
- The Greens (*Vihr*) 11MP
- Finnish Christian Union (*SKL*) 10MP
- Alkio Centre Group (*Alk*) 1MP
- True Finns (*Ps*) 1MP
- Reform Group (*Rem*) 1MP

## 6. PERSONNEL

*Permanent and temporary posts are filled in the different units of the Parliamentary Office as followed (MPs' personal assistants are not included):*

- Committee Staff (1999) 48
- Central Office 70
- Research 8
- Library 55
- Information 9
- Administration 171
- Political Groups Offices 50 (appr.)

Of total staff (319) of the parliamentary office in 1999, those on permanent contracts amounted to 292 and those on temporary contracts to 27. There is no breakdown available by administrative, executive or secretarial categories.

Administrators and other graduate staff are not obliged to change function in the course of their careers in the interest of mobility but Parliament is in favour of this.

Parliament pays an annual sum to each political group corresponding to its number of MPs. Groups employ their own staff, some with temporary and some permanent contracts. Parliament provides such staff with office space.

Each Member has a right to one personal assistant; these are employed by Parliament on a temporary basis and are on the Parliamentary Office payroll. They are employed on temporary contracts – maximum for one year. Their contracts can be renewed.

Some services of Parliament have been contracted out, for example, catering and, in part, printing.

## **7. PROCEDURE**

### **7.1. Work cycle**

In Finland the electoral period is four years. It continues until Parliament decides to conclude its work. The President of the Republic can dissolve Parliament by calling for a general election, however, only upon a reasoned proposal of the Prime Minister and after conferring with the parliamentary groups while Parliament is in session.

Parliament appoints permanent committees for the entire electoral period. In practice committee members are selected unanimously, with committee compositions reflecting the relative strengths of the parliamentary groups.

The annual session of Parliament generally begins in February and consists of two terms. The spring term lasts until the end of June, while the autumn term lasts from the beginning of September to Christmas. The session can continue in January of the following year if handling of the budget has not been concluded. Parliament is in session 140 days a year on average.

On the first day of each annual session Parliament elects a Speaker and two Deputy Speakers from among its Members. This election is chaired by the senior MP in terms of age. The Members who are elected to serve as Speaker and First and Second Deputy Speaker take a solemn oath before Parliament.

The Speaker has traditionally been elected from a different party than the Prime Minister, and in the unofficial order of precedence the Speaker follows the President of the Republic and former presidents. The Speaker may not take the floor in debates or vote. The Speaker and the two Deputy Speakers take turns chairing plenary sessions.

According to Parliament's established working rhythm, from Tuesdays to Fridays committee meetings are held in the morning and plenary sessions in the afternoon, with sessions sometimes continuing until late in the evening. The parliamentary groups usually meet on Thursdays. Mondays are reserved for work in election districts.

### **7.2. Adoption of legislation**

Bills can be submitted to Parliament by the Government or by Members. In practice the large majority of business is introduced in the form of Government bills, which number 250 annually. Members submit around 150 legislative initiatives annually.

The handling of Government bills or Members' initiatives begins with a preliminary debate in plenary session. The purpose of this debate is to provide a basis for committee work. At this stage no decisions are made regarding the content of the bill.

After the preliminary debate the plenary session decides which committee a bill should be referred to for preparation. If the matter falls within the scope of more than one committee, the plenary session can ask other committees to report to the committee placed in charge of the matter.

The committee issues its report on the bill, stating its position. The committee can propose that the bill be approved as it is or with amendments. It can also propose that the bill be rejected. Committee members who disagree with the majority view can have dissenting opinions appended to the report. The bill then returns to the plenary session, where it goes through three readings.

The first reading begins with a general debate. In the case of major legislative projects the committee chairperson generally takes the floor at the start of the debate to present the committee's report. The contents of the bill are then decided section by section, with votes being conducted as necessary. Amendments are generally proposed by opposition MPs. This second reading can begin no earlier than the third day after the end of the first reading.

The third reading also begins with a general debate and then the bill is either approved or rejected. It can no longer be amended.

The Grand Committee handles bills if Parliament so decides in the first reading or if the bill as proposed by the special committee has been amended by Parliament during the first reading. Only a few bills are referred to the Grand Committee each year.

Most bills are handled in 2-4 months, but major legislative projects take considerably more time. Government bills and Members' initiatives which have not been approved by the end of the electoral period automatically lapse.

A simple majority of votes is required to approve or reject ordinary laws. A bill regarding the Constitution must first be approved by a simple majority of votes on its second reading. The bill is then left in abeyance until after the next general election. The newly elected Parliament continues discussion of the bill and must approve the bill by a two-thirds majority of votes in order for it to become law.

A bill regarding the Constitution need not wait until after the next general elections if it is declared urgent. This requires a five-sixths majority of votes. If a bill has been declared urgent, the same Parliament can approve it by a two-thirds majority of votes.

After Parliament has approved a law, it must be sent to the President of the Republic for ratification. When the President and the appropriate minister have signed the law it can be published in the statute book.

The President can also refuse to ratify a law. In this case it is returned for consideration of Parliament. If Parliament again approves the law without amendments, the law can come into force without being ratified by the President. If it is not approved, the matter is regarded as having lapsed.

### **7.3. Decision-making in committees**

A quorum for debate and vote is constituted when at least two-thirds of a committee's members are present.

Preliminary handling begins with hearings at which experts present their views. These include officials as well as representatives of government agencies, organisations and other interest groups which the matter concerns. In major legislative projects dozens of experts may be heard, while in other cases only one expert may be called.

After hearings have been concluded the committee conducts a general debate and then decides on the details of the matter. In the case of legislation this includes going over a bill section by section. The committee secretary drafts a report. If the committee is unanimous during the preliminary handling of the matter, the next stage can be dispensed.

If it is not the case the final handling of the matter begins. Firstly another general debate is conducted and then final decisions are made on details. In its report the committee presents its views on the matter and recommends what decision Parliament should take on the matter. If a committee has been divided and the opinions in its report have been put to a vote, the minority can have their views appended to the report.

It generally takes a month or two for a committee to handle a matter.

### **7.4. Organisation of delegations**

The Parliamentary Office's International Department takes care of relations with multilateral inter-parliamentary international parliamentary bodies, monitors their work and assists delegations appointed by the Parliament as well as 55 'friendship' and other informal groups dealing with international matters. The Department is responsible for bilateral contacts and exchanges of visits with other parliaments. It is in charge of the arrangements when inter-

parliamentary bodies have sessions, conferences and seminars in Finland, organises translation services and, in collaboration with the Press Office of Parliament, provides the media with information. The International Department provides all protocol functions of the Finnish Parliament, notably with regard to visiting dignitaries and delegations.

7.4.1. List of delegations appointed by the Parliament:

- The Finnish Delegation to the Parliamentary Assembly of the Council of Europe – 5 members and 5 deputy members
- The Finnish Delegation to the Nordic Council – 18 members and 18 deputy members
- The Finnish Group to the Inter-Parliamentary Union - all MPs are considered to be members of the Finnish Inter-Parliamentary Group. Executive Board of The Finnish Group to the Inter-Parliamentary Union consists of 7 members and 7 deputy members
- The Finnish Delegation to OSCE Parliamentary Assembly –6 members and 6 deputy members
- The Finnish Delegation to the Arctic Council
- The Finnish Delegation to the NATO Parliamentary Assembly (associate member)
- The Finnish Delegation to the Assembly of the Western European Union (observer status)

7.5. **Relations with the executive**

The form of parliamentary government in force in Finland requires that the Government enjoy the confidence of Parliament.

The Government must respond within fifteen days to any 'interpellation' signed by at least twenty Members of Parliament. At the end of the parliamentary debate on the Government's response, a vote is taken on a motion of no confidence. Lack of parliamentary confidence may also be expressed formally in other ways.

MPs can present oral and written questions to the Government. Oral questions are discussed at question time on Thursdays. Ministerial answers to written questions are distributed to the Members of Parliament in printed form. They are neither debated nor put to the vote.

The Government may explain its actions to Parliament by issuing a statement, which also gives Parliament an opportunity to debate a motion of no confidence in the Government. If, on the other hand, the Government merely issues a report, then the matter may be debated, but no vote of confidence may be taken.

7.6. **Allocation of speaking time**

MPs have unlimited speaking rights in Finland, provided they stick to the point. Since the late 1980s the goal has been to keep speeches in line with recommendations approved by the Speaker and the parliamentary groups so as to stimulate debate and improve the handling of business. MPs can speak from their own seats for a maximum of two minutes. Longer speeches must be given from a rostrum. The Speaker can grant MPs up to two minutes to answer remarks from their own seats, on a discretionary basis. An individual MP does not need approval of a political party to speak in the plenary session.

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*Interview with Mr Antti Rautava, Head of Information Service Office of the Parliament of Finland.*

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The French Parliament consists of two Houses: the National Assembly and the Senate.

## 1. THE NATIONAL ASSEMBLY

Members are elected for five years, on the basis of one Member per constituency, by majority uninominal voting in two rounds. The National Assembly has 577 Members.

### 1.1. Structure

#### 1.1.1. The Bureau

The Bureau consists of 22 members: the President of the National Assembly, the six Vice-Presidents, the three Quaestors and the twelve Secretaries. Every endeavour is made to ensure that the Bureau reflects the political make-up of the Assembly.

In order to prepare certain decisions that it must make, it is now customary to form committees within the Bureau. There are currently six such committees:

- Committee for the Application of the Members' Status;
- Committee for Communication;
- Committee for International Activities;
- Committee for Parliamentary Offices Affairs;
- Committee for the Admissibility of Bills;
- Committee for Study Groups.

Each of these committees is chaired by one of the Vice-Presidents, with three of them also including an *ex officio* Quaestor (Committees for Communication, International Activities and Parliamentary Offices Affairs). The chairman of each committee reports the conclusions of the committee he chairs to the Bureau.

#### 1.1.2. The Conference of Group Chairmen

The Conference of Group Chairmen is the body responsible for drawing up the organisation of business of the National Assembly in public sitting. It is convened once a week when the Parliament is in session, usually on Tuesdays, at the request of the President of the National Assembly.

Besides the President, the Conference of Group Chairmen consists of the six Vice-Presidents of the Assembly, the six chairmen of the standing committees –and if necessary, the chairmen of the special committees- the General Rapporteur of the Finance Committee, Group chairmen and the chairman of the National Assembly Delegation for the European Union. The Government is represented, usually by the Minister for Relations with Parliament, who informs the Conference of the Government's plans for the current week and following two weeks. These meetings, however, provide the opportunity to exchange opinions, which may, in addition to prior consultations, which it has undertaken, lead the Government to change its initial plans. They also enable the organisation of the general debates on texts or debates entered on the agenda to be decided, that is, to establish and allocate speaking time to speakers.

#### 1.1.3. The Quaestors

Under the authority of the Bureau, of which they are members, the Quaestors exercise wide financial, accounting and administrative powers in the context of the autonomy of the National Assembly.

The three Quaestors are elected by their colleagues at the beginning of each parliamentary term, and then every year at the sitting commencing the ordinary session, except in the year preceding the renewal of the Assembly. Indeed, there is a high degree of stability in the office of Quaestor.

The Quaestors' decisions are made as a college in the Quaestors' meetings, which take place each week during the session. However, it is not a college in the strict sense because of the appointment of the Quaestor Supervisor who oversees the implementation of the measures taken. Each of the three Quaestors takes turns carrying out this duty for a month.

#### 1.1.4. The Committees

There are several kinds of committee, the most important being the Standing Committees. The Constitution lays down their number at six. They are:

- Cultural, Family and Social Affairs Committee, whose sphere of competence includes education, culture, youth and sport, information, employment, vocational training and social security,
- Foreign Affairs Committee,
- National Defence and Armed Forces Committee,
- Finance, General Economy and Planning Committee; includes financial control of public bodies and macro-economic matters: currency, credit, taxation etc,
- Constitutional Acts, Legislation and General Administration Committee, whose sphere of competence, besides Constitutional legislation, civil legislation, criminal legislation, administrative legislation and judicial organisation etc, extends to local authorities and to relations between the State and territorial units,
- Production and Trade Committee, which addresses economic matters on a sectorial basis: industry, agriculture, energy, trade, town planning, housing, telecommunications, transport and the environment, in particular.

The Cultural, Family and Social Affairs Committee and the Production and Trade Committee have a maximum of 145 members, and the remaining four committees have a maximum of 73 members. These numbers are calculated so that all Members may belong to one of the standing committees, with the Rules of Procedure of the Assembly laying down that it is only possible to serve on one of them.

At the beginning of each parliamentary term, and each year thereafter at the start of the ordinary session, the Assembly appoints, in accordance with the political distribution of the Parliamentary Groups and at the proposal of the chairmen of these Groups, the members of the standing committees.

Each committee appoints a bureau to oversee it consisting of a chairman, who is in charge, three or four vice-chairmen and three or four secretaries, according to its size.

The Committee for Finance also appoints a General Rapporteur. The committees are responsible for their own agendas. However, when the Assembly is sitting, they may only meet to discuss matters committed to them by the Assembly for immediate consideration, or to discuss the texts included on the Assembly's agenda.

Apart from the standing committees, the Constitution provides for Special Committees, which are set up at the request of the Government or the Assembly, to examine a particular text. They retain jurisdiction until the Government or Member's bill they were appointed to consider has been finally disposed of.

The special committees consist of 57 members appointed on the basis of the political distribution of the Groups. No special committee may number more than 28 members belonging, at the time it is appointed, to any one standing committee. The bureau of a special committee consists of a chairman, two vice-chairmen and two secretaries; the chair of a special committee may not be held concurrently with that of a standing committee.



## 1.2. The Budget

The appropriations needed for the functioning of the National Assembly in 2000 have been set at FRF 288 711 500 (€ 44 million) – an increase of 1.33% in respect of 1999. The following table shows the expenditure forecast and revenue received. It should be noted that expenditure relating to allowances, salaries and social costs represents around 85% of the Assembly's expenditure.

*In thousands of francs and euros*

<b>BUDGET OF THE NATIONAL ASSEMBLY</b>				
	Appropriations 1999	Appropriations 2000		Change 2000/1999
	FRF	FRF	€	(%)
<b>Operating sector</b>				
<i>I. Expenditure</i>	2 715 350.	2 778 336.5	423 553	+ 2.32
60 Purchase of goods and supplies	42 481	42 481	6 476	0
61&62 External services	238 750	243 450	37 114	+1.97
63 Taxes and dues	17 586.5	18 534.5	2 825	+5.39
64 Staff costs of which:	868 073	914 521	139 471	+5.35
salary costs	651 708	697 671	106 359	+7.05
social and miscellaneous costs	216 365	216 850	33 058	+0.22
65 Parliamentary costs of which:	1 529 200	1 537 140	234 334	+0.52
parliamentary allowances	298 238	302 087	46 053	+1.29
social costs	380 316	377 820	57 598	-0.66
Parliamentary secretariat	757 510	762 758	116 281	+0.69
67&69 Other costs	93 156	94 475	14 403	+1.41
Extraordinary and unexpected costs	19 240	22 210	3 386	+15.44
<i>II. Miscellaneous items</i>	15 557	22 360	3 409	+43.73
<b>Net operating costs (I-II)</b>	<b>2 699 793.5</b>	<b>2 755 976.5</b>	<b>420 144</b>	<b>+2.08</b>
<b>Investment sector</b>	<b>150 128</b>	<b>131 735</b>	<b>20 083</b>	<b>-12.25</b>
<b>Overall total of both sectors</b>	<b>2 849 921.5</b>	<b>2 887 711.5</b>	<b>440 227</b>	<b>+1.33</b>

*Source:* Draft Finance Act 2000, Report on the 2000 Budgets of the Parliamentary Assemblies, Paris, 1999.

The National Assembly finances in full out of its own budget, expenditure connected with its buildings (purchase or rent and maintenance), its supplies and information technology.

## 1.3. Parliamentary Groups

### 1.3.1. Rules of Establishment

The Rules of Procedure of the Assembly lay down that "Members may form themselves into Groups according to their political affinities".

In order to form a Group, two conditions must be fulfilled:

- the minimum number of members required to form a Group is 20, as laid down in 1988 for the National Assembly;
- the chairman chosen by the Group must submit a political statement signed by all the members of the Group to the Presidency.

A Member may only belong to one Group. It is possible to belong to a Group, not as a member, but as an associate of the Group, with the agreement of the Group's bureau. The associates do not count towards the minimum number required to form a Group, but they do count towards its number for all other aspects of parliamentary life.

However, it is not compulsory to join or become an associate of a Group: in this case, Members are entered on the list of Members who do not belong to a Group and are commonly called Non-attached Members. There may be subsequent changes in the initial composition of a Group: with the signature of both the President and the Member concerned if he is an associate or member of the Group, and the signature of either one in the event of expulsion or resignation from the Group. The Rules of Procedure also lay down that Groups representing specific interests, either local or occupational, which bind its members, may not be formed.

### 1.3.2. Rules of Organisation

Groups have the freedom to decide on their internal organisation and their rules. Internal duties are carried out by an administrative secretariat recruited by the Group, and whose conditions relating to rights of access to and accommodation in the Assembly precincts are laid down by the Bureau. In the life of the Assembly, the size of Parliamentary Groups is indicated by the way they are arranged in the Chamber, to the "left" or to the "right" of the presidential chair. At the start of the parliamentary term, the President convenes their representatives in order to make a "political division" of the Chamber, that is, to define the section, which will be apportioned to each Group for its members. It is the responsibility of the Group itself to then allocate each of its members the seat, which he shall be required to take within this section.

## 1.4. Staff status

### 1.4.1. Permanent staff

Civil servants in the National Assembly are State civil servants covered by a fixed independent statute implemented by the Bureau of the National Assembly, the President and the Quaestors. The civil servants of other administrations may not be seconded to the departments of the National Assembly. The only means of entry is by successfully completing an open competition. The 1279 civil servants perform non-manual, administrative or practical duties, which help the 577 Members fulfil their mandate. This body of staff is divided into broad categories:

- almost half are assigned to reception, supervision and corridor security duties, as well as routine maintenance. The officials, from whom the Chamber ushers are chosen, make up the majority of this category of workers. The officials are also responsible for conducting visits to the Palais Bourbon. This category also includes drivers of the fleet of vehicles and guards responsible for entry to the four buildings which today constitute the Palais Bourbon and for various general security-related duties;
- more than 20% of the total staff work for the Secretariat: 181 departmental secretaries and 45 administrative secretaries, the latter carrying out day-to-day administrative, documentation and filing duties. The 106 deputy administrators are responsible for implementing the Rules of Procedure and for administration. With regard to planning duties, these are allocated to the 168 administrators, advisors, heads of department, deputy managers and managers. These civil servants directly assist the Members in their legislative role and their role as supervisors of the Government. They perform both research and drafting duties as well as implementing
- procedures and administrative duties. Finally, 17 secretaries of the Official Reports and 38 editors of the Official Reports prepare the reports of the proceedings of public sittings and certain committee meetings;

the National Assembly staff also consists of doctors and medical assistants, architects, computer engineers and numerous technical services, including restaurant staff, maintenance workers, upholsterers, cabinet makers, electricians, etc.

In practice, all these civil servants spend their entire career working solely for the National Assembly. Apart from the technical services, internal mobility is the rule. This mobility is actually a requirement for the career advancement of administrators and deputy administrators.

#### 1.4.2. Parliamentary assistants

##### *1.4.2.1. Group secretariats*

Pursuant to Rule 20 of the Rules of Procedure of the National Assembly, Groups formed in accordance with these Rules may be serviced by an administrative secretariat to be recruited and remunerated as determined by the Group itself.

In order to manage its staff, each Group receives, in terms of finance, a contribution from the Assembly towards the costs of the group secretariat and a contribution from its members, in the form of a transfer from an allowance or other levies. In terms of administration, since 1980, Groups have had the technical support of the Financial Affairs Department, which calculates the employees' wages and the relevant social costs and taxes, at the direction of their employer. Approximately one hundred private sector employees are employed in this way by the various Groups, as are four seconded civil servants.

##### *1.4.2.2. Personal assistants*

"**Assistants**" is the term used to describe people who work for a Member under a private contract, overseen by the National Assembly, and paid from an allowance, allocated by the Assembly to each of its Members carrying on their activities in their constituency or in Paris. Whether they are employees, civil servants or members of the liberal professions, these people work for the Member on a contract basis:

"**Waged assistants**" are employed on the basis of an employment contract agreed with the Member and regulated by the provisions of the Employment Code. It may be an open-ended contract or a fixed term contract. In accordance with the decisions of the Bureau of the National Assembly, assistants may not stand in for a Member with regard to activities connected with performance of his mandate or his personal status.

"**Civil servant assistants seconded to the Members**" are taken on under a special employment contract, which has certain distinctive features related to the statutory rules applicable to State, territorial or medical civil servants.

"**Members of one of the liberal professions subject to a legislative or regulatory statute or whose status are protected**", such as lawyers, accountants and architects, may enter into research contracts with a Member, which are not employment contracts as such.

The basic salary for assistants is laid down by the employment contract and for full-time work, must fall between the minimum wage and the monthly allowance accorded to each Member. Waged assistants are covered by the general social security system for various risks (illness, maternity leave, disability, occupational accidents, pensions and family allowances). Furthermore, they belong to an additional pension scheme and are covered by the UNEDIC unemployment insurance scheme.

Currently (September 2000), there are 1241 Members' personal assistants; the Members receive a limited allowance in order to recruit the assistants. This allowance and the employment contracts signed by the Members with the people concerned, as well as the payments arising from them are managed by the Assembly departments.

The total number of contracts for assistants managed by the Assembly on behalf of the Members was 2130 at the end of 1999, of which 1937 were open-ended employment contracts (91%), 117

were contracts for seconded civil servants (5.5 %), 75 were fixed term contracts (3.5 %) and 1 research contract. 45% of contracts are for part-time employment, and 47% of these are less than half time.

#### 1.4.3. Outsourcing

The administration of the Assembly endeavours to carry out the majority of duties assigned to it internally: therefore, reception, security, management of the Chamber and the galleries and arrangements for facilities for conferences are assigned to the General Internal Department.

Nevertheless, in highly technical areas, the National Assembly has recourse to private providers within the framework of the rules on public procurement (printing documents, maintenance, communication and preparatory work and research on these activities). The parliamentary television channel was set up following Parliament's establishment of an entirely state-funded limited liability company.

However, it should be pointed out that the service activities, which once were assigned to the officials of the Assembly are today mainly contracted out to the private sector. Moreover, the committees, delegations and the Parliamentary Office for Evaluation of Scientific and Technological Options now have funding enabling them to commission external bodies to undertake complicated research.

### 1.5. Proceedings

#### 1.5.1. The system of sessions and public sittings

The Constitution distinguishes between several categories of meetings of the Houses:

##### 1.5.1.1. Ordinary session

The rules concerning the ordinary session were substantially amended in 1995: one session lasting nine months, from the first working day of October to the last working day of June, has replaced the Spring session (April to June) and the Autumn session (October to December), which each lasted approximately three months.

However, in order to avoid the change to a single session leading to 'legislative inflation', condemned by the Members themselves and also institutions such as the Council of State, the Constitutional amendments of 1995 introduced an upper limit of the number of sitting days that each House could hold during a session: this limit was set at 120 days per session. Additional sitting days may be held at the decision of the Prime Minister, after consulting the President of the House concerned, or the majority of the Members of each House.

##### 1.5.1.2. Extraordinary sessions

As laid down by Articles 29 and 30 of the Constitution, extraordinary sessions are opened and closed by decree of the President of the Republic. They may be convened at the request of the Prime Minister or by the majority of the Members of the National Assembly on a specific agenda. The length of an extraordinary session held at the request of the Members of the Assembly is limited, since the decree closing it takes effect as soon as Parliament has dealt with the agenda for which it was convened or at the latest, 12 days after it was opened.

The closing of either an ordinary or extraordinary session and the limit of the number of sitting days must not stop the Parliament, and primarily the National Assembly, exercising its most important prerogatives. This is why Article 51 of the Constitution lays down that this closing be postponed or that additional sittings are held by right in order to allow the National Assembly to raise an issue of the Government's responsibility. Similarly, in accordance with Article 26 of the Constitution, the National Assembly and the Senate must be able to continue their business beyond the 120-day limit in order to decide on the suspension of the detention, custodial or semi-custodial measures or prosecution of one of their Members.

### 1.5.2. Committee business

The committees are convened at the behest of the President of the National Assembly when the Government so requests, or by their chairman in the course of a session. A rapporteur is then appointed and must prepare his arguments within a certain timeframe so that the National Assembly is able to begin debating the Government and Members' bills in accordance with the Constitution.

Debates in committee are open to those who have tabled the proposal or amendment, as well as the Government in all cases. Voting by ballot is held by right at the request of not less than one tenth of the members of a committee, or of one of its members in the case of personal appointments. Committee members may only delegate their right to vote in the ballots to another member of the same committee, and only if their absence is justified because of some insuperable impediment. Delegations must be notified to the chairman of the committee. The chairmen have no casting vote. In the event of an equal division of votes, the provision put to the vote fails.

### 1.5.3. Parliamentary delegations

Apart from the National Assembly Delegation for the European Union, the Parliamentary Office for Evaluation of Scientific and Technological Options, the Parliamentary Office for Evaluation of Legislation and the Parliamentary Office for Evaluation of Public Policy, there are four parliamentary delegations, which operate in specific fields in order to provide information to the Assembly:

The Parliamentary Delegation for Demographic Issues established by Act No 79-1204 of 31 December 1979 on abortion. This is a joint delegation for both the National Assembly and the Senate, and informs the Houses of the results of the policy followed to promote birth, implementation of legislation regulating births, contraception and abortion. It has 25 members – 15 Members of the National Assembly and 10 Senators – appointed in a way that reflects the political distribution of the political Groups.

The Parliamentary Delegation for Planning set up by the Planning Reform Act No 82-653 of 29 July 1982. It consists of 15 members, and is responsible for informing the Assembly about the drafting and implementation of plans. A delegation of this same name also exists in the Senate.

The Delegation for Town and Country Planning and Sustainable Development, set up by Article 10 of Act No 99-533 of 25 June 1999 on town and country planning and sustainable development. Consisting of 15 Members, it evaluates town and country planning and sustainable development policies and informs the Houses on the drafting and implementation of collective services schemes as laid down in Article 10 of Act No 95-115 of 4 February 1995, as well as the implementation of planning contracts. A delegation of this same name also exists in the Senate.

The Delegation for Women's Rights and Equal Opportunities established by Act No 99-585 of 12 July 1999. It consists of 36 members and is responsible for informing the Houses on the consequences of Government policy on women's rights and equal opportunities. A delegation of this same name also exists in the Senate.

### 1.5.4. Distribution of documents

Official Reports of the committee meetings are drawn up. The Official Reports are confidential. Members of the Assembly may consult the Official Reports of the committees as well as documents submitted to them, without removing them. The Official Reports and documents are placed in the Assembly's archives at the end of the parliamentary term.

#### 1.5.5. Relations with the Executive – questions and other means

Questions are the oldest procedure, since oral questions have been put since 1875 and written questions since 1909.

Written questions: are put to the Ministers in order to have specific points about legislation or an aspect of Government policy clarified. The Government has two months in which to reply. Written questions – numbering 13 000 to 15 000 a year - are published each week, along with the Ministers' answers, in the Official Journal, National Assembly Questions edition.

Oral questions: these are put during Tuesday morning sittings – except during the period when budgetary debates are held. Each question is answered by the Minister addressed, and may be followed by a second question by the questioner and a reply by the Minister. Oral questions mainly concern local interests.

Questions to the Government: their spontaneous nature and the live broadcast on French television (France 3) of the two weekly sittings dedicated to these questions on Tuesdays and Wednesdays in the early afternoon (from 3 p.m. to 4 p.m.) guarantee them a large audience. Each Group has an overall amount of time, which includes the length of a question and the reply, proportional to the number of its members. There is a rotation between the Groups so that they take turns speaking in a different order during the sittings.

Questions from each Group are put in the order laid down by each Group, until its overall time runs out.

Furthermore, it should be noted that the Ministers have access to the Committees; they must be heard at the Ministers' request. Similarly, the chairman of each committee may ask that a member of the Government be heard.

After each meeting, a report giving an account of its proceedings, votes taken and speeches made is published. As provided by the bureau of a committee, the reports of the several meetings at which an instrument was considered may be gathered together in an annex to the committee's report.

#### 1.5.6. Allocation of speaking time

The organisation of the general debate on texts submitted to the Assembly may be decided by the Conference of Group Chairmen.

Following a declaration of the Government (the choice of method of the declarations is made by the Government), speaking time is divided by the President of the Assembly between the Groups in proportion to the number of their members. Unless the Conference of Group Chairmen decides otherwise, each Group has 30 minutes in which the Member it designates may speak; any time remaining may be divided by the Group between two further speakers, each of them allowed five minutes at least. The first non-attached Member to have put his name down to speak in the debate is allowed 10 minutes' speaking time.

In other cases (Article 49 of the Rules of Procedure of the National Assembly), the Conference determines the total duration of the general debate as part of the sittings set down on the agenda. Speaking time is allocated by the President of the Assembly to the Groups, guaranteeing each Group an identical minimum time related to the duration of the debate. Non-attached Members also have a total speaking time in proportion to their number. The speaking time available is divided by the President between the Groups in proportion to the number of their members.

The Group Chairmen enter the names of Members seeking leave to speak on a list, which they present to the President of the Assembly, indicating the order in which they wish those listed to be called and the duration of their speeches, which may not be less than five minutes.

No Member of the Assembly may speak unless he has sought and been given leave by the President, even if another Member who has the floor has exceptionally given way to him. In the latter case the interruption shall not last longer than five minutes. Members wishing to speak put their names down with the President, who shall determine the order in which they are called. A Member wishing to speak on a matter of personal concern shall be given leave to do so only at the end of the sitting.

## **2. THE SENATE**

Senators are indirectly elected for 9 years. One third of the Senate is renewed every three years. The Senate has 321 members.

### **2.1. Structures**

#### **2.1.1. The President of the Senate**

His constitutional function as a replacement for the President of the Republic gives him second position in the State. According to strict protocol, he comes immediately after the President of the Republic and the Prime Minister. If the Presidency of the Republic falls vacant for any reason, or if the incumbent is incapacitated, the President of the Senate exercises all the duties of the President of the Republic temporarily until a new election is held. He may not, however, call a referendum, dissolve the National Assembly or initiate a revision of the Constitution.

#### **2.1.2. The Bureau**

The President chairs the Bureau, whose 22 members take all major decisions concerning the functioning of the Senate. Each member of the Bureau has a specific task:

The six Vice-Presidents deputise for the President by chairing public sittings; the three Quaestors are responsible for the management and administration of the Senate; the twelve Secretaries check the propriety of votes taken in public sitting. The members of the Bureau are elected for three years after each renewal of the Senate. In order to be elected, the President must obtain an absolute majority of the votes cast in the first or second ballot; in the third ballot, a relative majority is sufficient. In the event of a tied vote, the oldest person becomes President. The Vice-Presidents and the Quaestors are also elected by secret ballot at the rostrum. Each Senator votes with two separate ballot papers, one listing the names of candidates for the position of Vice-President, the other listing the names of candidates for the position of Quaestor. If an absolute majority of votes cast is not obtained in the first or second ballot by one or several candidates, a relative majority in the third ballot is sufficient. On the other hand, the Secretaries are appointed from a list drawn up by the Group chairmen after the Vice-Presidents and Quaestors are elected, in accordance with the political distribution of the Groups, and taking into account the results following the election of the President, Vice-Presidents and Quaestors. This list is then submitted to the President who posts it on the notice board. If there are no objections, the President declares the appointment of the Secretaries.

#### **2.1.3. The Conference of Group Chairmen**

The President and Vice-Presidents of the Senate attend the Conference of Group Chairmen in a personal capacity and therefore none may stand in for them. On the other hand, a member of the bureau of a Group or committee may deputise for the respective Group chairmen or committee chairmen in the event of impediment. The National Assembly has established a "weighted" voting system in the Conference of Group Chairmen: each Group chairman is allocated a number of votes equal to the number of members of the Group, less the other members of the Conference belonging to the same Group. The Senate, which, in general, prefers to have more flexibility in its debates, has never introduced similar provisions into its Rules of Procedure; each member of the Conference has one vote. But in fact, it is very rare to have to resort to a

ballot. In the majority of cases, the debate leads, if not to a consensus, then at least to a prevailing opinion, which the President takes into account. The Conference of Group Chairmen is convened by the President of the Senate. The Rules of Procedure lay down that in principle, it should meet each week. In practice, these weekly meetings during the session are in fact the rule – Tuesday morning being the usual time set aside by the Senate for this meeting.

#### 2.1.4. The Quaestors

Elected for three years at each partial renewal of the House, the three Quaestors of the Senate are responsible, under the authority of the Bureau, for the management of the departments "from an administrative point of view". With regard to their status, the Rules of Procedure of the Senate, adopted in 1959, did not permit Quaestors to belong to a standing committee. This prohibition was new for the Senate and had no equivalent in the National Assembly. It was lifted in 1989 following the amendment of Article 8 of the Rules of Procedure.

The three Quaestors act as a college within the Quaestors' Office, which meets each week in order to consider all the matters falling within their sphere of competence.

#### 2.1.5. The Committees

##### *2.1.5.1. Standing committees*

The six standing committees are the basic bodies in the legislative process. They are required to be familiar with all matters within their terms of reference. They may sit throughout the year. Their deliberations are not interrupted by the closure of ordinary or extraordinary sessions or, in the case of Senate committees, by the dissolution of the National Assembly.

Article 7 of the Rules of Procedure of the Senate list the six standing committees and states the number of members for each one:

Cultural Affairs Committee: .....	52 members
Economic Affairs and Planning Committee: .....	78 members
Foreign Affairs, Defence and Armed Forces Committee: .....	52 members
Social Affairs Committee: .....	52 members
Finance, Budget Control and National Accounts: .....	43 members
Constitutional Acts, Legislation, Universal Suffrage, Rules of Procedure and General Administration Committee: .....	44 members

With regard to this list, it should be pointed out that:

- in the Senate, the division of competences between the committees do not correspond exactly with that in the National Assembly where foreign affairs matters and defence issues are assigned to two separate committees and where, on the other hand, social affairs and cultural affairs are dealt with in the same committee;
- the number of members varies very slightly from one committee to another and is not proportional to the number of legislative texts, which they are each required to consider.

##### *2.1.5.2. Special committees*

The procedure establishing Special committees was amended in 1991 in order to ensure greater respect for the principle of proportional representation. The number of their members is now fixed at 37. For the appointment of members of a standing committee, a list of candidates is drawn up by the Group chairmen and the representative of the non-aligned Senators, taking into account the proportionality rule. In order to maintain the competences of the standing committees and so guarantee more effective work in the special committee, this list always gives rise to prior consultation with the chairmen of the standing committees. It is then set up according to the same methods as for the standing committees: posting on the notice board and approval of the list of candidates, unless there are objections, in which case, which the Senate will be asked to make a decision.



## 2.2. The Budget

Traditionally, in order to guarantee the proper functioning of its departments, the payment of Senators' allowances and staff remuneration, the Senate has, in the form of a grant, a special budget separate from the State budget, even though it is included in the draft Finance Act and is adopted at the same time as the latter. The appropriations are entered under Heading II "public authorities" of the budget on joint expenditure, with one chapter for the Senate, and another for the National Assembly.

Funding for the Senate for 2000 has been laid down at FRF 1 616 100 000 (€ 246 372 000). The expenditure forecast is now fully included in an "ordinary budget"; given that the "extraordinary budget" devoted to one-off investment expenditure has been removed, this expenditure is now accounted for under the "buildings expenditure" entry.

The following table shows the new expenditure forecast in accordance with the new terminology laid down for 2000:

*In thousands of francs and euros*

<b>BUDGET OF THE SENATE</b>				
	<b>Appropriations 1999</b>	<b>Appropriations 2000</b>		<b>Change 2000/1999</b>
	<b>FRF</b>	<b>FRF</b>	<b>€</b>	<b>(%)</b>
Parliamentary expenditure	673 300	690 416	105 253	+2.54
Staff expenditure	417 284	443 477	67 607	+6.28
Pensions and social costs	179 536	176 528	26 911	-1.68
Equipment expenditure	72 659	73 026	11 133	+0.51
Communication and audio-visual media expenditure	38 219	38 247	5 831	+0.07
Buildings expenditure	83 370	82 124	12 520	-1.49
Jardin du Luxembourg	50 357	52 785	8 047	+4.82
VIII. Miscellaneous expenditure	46 892	59 497	9 070	+26.88
<b>Overall total</b>	<b>1 561 617</b>	<b>1 616 100</b>	<b>246 372</b>	<b>+3.49</b>

*Source:* Draft Finance Act 2000, Report on the 2000 Budgets of the Parliamentary Assemblies, Paris, 1999.

The salaries, allowances and social costs, including pension contributions, represent almost 82% of the forecast operational expenditure of the Senate to be financed by the general appropriations from the State. "Parliamentary expenditure" represents almost 43% of the total expenditure forecast. Staff expenditure makes up more than 27% of the total expenditure forecast.

## 2.3. Parliamentary Groups

Senators are divided into Groups according to their political affiliations. Each Group must have a minimum of 15 members. The Groups designate candidates for the bureau and the committees, take positions on texts submitted to the Senate and decide what stance their members will adopt in committee or public sitting.

Their chairmen have specific powers with regard to the organisation of debates; in the Conference of Group Chairmen, they decide on the agenda and are entitled to request public votes, suspension of sittings, etc... Senators not wishing to join any Group form what is known as the administrative meeting of non-aligned Senators.

A Senator may be a member of a Group, allied to that Group, or simply administratively attached to it. Each Group has an administrative secretariat, which is responsible for its internal operation; its recruitment, status and remuneration are determined solely by the Group.

#### **2.4. Staff status**

The Senate employs around a thousand state civil servants, which are subject to a specific statute. These civil servants, whose position is under the two General-Secretaries recruited from the Senate administrators in the hierarchy, are recruited by means of a competition and in principle, they spend their entire career in the Upper House. They are grouped into several "services", which are subdivided into grades, as in the other public services.

Apart from Official Reports departments (full versions and summaries), technical departments (buildings and gardens, medical service) and computer engineers, who have their own career hierarchy, the staff of the general departments are as follows:

- administrators: approximately 110 people who carry out supervisory duties and are required to perform managerial tasks;
- deputy administrators: around 80 people, mainly responsible for documentation and administrative duties;
- administrative secretaries and departmental secretaries: approximately 180 people responsible for typing and filing;
- other officials: either 400 non-specialists, responsible for reception, maintenance and the postal service or people specialised in certain duties (ushers, mechanics, launderers, switchboard operators, drivers, copying room staff etc); security guards of the Palace (60) and the Garden (30) screen visitors and carry out security duties.

#### **2.5. Proceedings**

##### **2.5.1. The system of sessions and public sittings**

The Constitutional Act of 4 August 1995 reinstated a single parliamentary session. Article 28 of the Constitution now lays down that the Parliament must meet as of right in one ordinary session starting on the first working day of October and ending on the last working day of June. The number of days for which each House may sit during the ordinary session may not exceed 120. The Prime Minister, after consulting the President of the House concerned, or the majority of the Members of each House may decide to meet for additional sitting days. This latter provision has not yet been put into practice as the Senate only held 108 public sitting days during the first ordinary session held under the new Constitutional regime (1995-1996), and the National Assembly held 117. During the 1997-1998 session, the Senate sat for 103 days and the National Assembly sat for 118.

##### **2.5.2. Functioning of the committees**

The President submits all the Government and Members' bills, which fall within their competence to the standing committees. When a committee receives the text of a bill, the first task is to appoint a rapporteur, that is, the spokesman of the committee on that Government or Member's bill.

After the initial exploratory research, he presents his conclusions and proposals to the committee. After a general explanation, which aims to put the bill into its technical and political context, he considers the articles, unless he proposes to the committee to deem the text under consideration inadmissible or subject to a precedent.

With regard to each article, he may propose amendments when he presents his commentaries. The committee is required to give an opinion on the rapporteur's proposals, amended or supplemented if necessary by the other committee members. The report debated in public sitting

is the fruit of this dialogue, and thus the rapporteur does not present his personal opinion in public sitting but the committee's position. Apart from rare exceptions, the committee report is drafted, printed and distributed.

### 2.5.3. Organisation of the delegations

While some delegations operate with full autonomy within both Houses, others are joint bodies composed of both Members of the National Assembly and Senators; this is why, for example, there are two separate delegations for the European Union (one in the National Assembly and one in the Senate) whereas the Parliamentary Office for Evaluation of Scientific and Technological Options is a joint delegation with 16 members (8 Members of the National Assembly and 8 Senators).

There are currently six parliamentary delegations in the Senate:

- Delegation for the European Union (separate delegation in each House);
- Parliamentary Delegation for Demographic Issues (joint delegation);
- Parliamentary Delegation for Planning (separate delegation in each House);
- Parliamentary Office for Evaluation of Scientific and Technological Options (joint delegation);
- Parliamentary Office for Evaluation of Public Policy (separate delegation in each House);
- Parliamentary Office for Evaluation of Legislation (separate delegation in each House).

The internal operation of the delegations is comparable to that of the committees.

### 2.5.4. Relations with the Executive

In order to be effective, supervision of the Government requires the Senators to be able to initiate a questioning process and thereby have the power to question the Government at any time on a very broad range of issues.

The right of Members of Parliament to question the Government is laid down in Article 48 of the Constitution, which, since the Constitutional reform of 4 August 1995, requires in particular, that "at one sitting a week at least precedence shall be given to questions from Members of Parliament and to answers by the Government". In order to question Ministers, the Senators may use three methods: written questions, oral questions without debate and oral questions with debate. Furthermore, in 1982 a new procedure was laid down by agreement between the Senate and the Government whereby Senators may ask the Government questions on current issues once a month. Since the reform of 4 August 1995, this procedure has been expressly included in the Rules of Procedure of the Senate and the sitting for questions on current issues has become a bi-monthly occurrence.

### 2.5.5. Speaking rights

The methods of organisation of debates in the Senate are similar to the rules in the National Assembly. As with Members of the National Assembly, Senators who wish to speak have the power, either to request the floor during a debate or to put their name on the Sittings Department list prior to a debate. This procedure is usually followed for general debates, with the speakers ensuring their turn in the debate: they speak according to the chronological order in which they put their names on the list – unless the debate has been organised in a specific way. The Rules of Procedure lay down that a speech by a Senator during a public sitting, even when made on behalf of a committee, must not exceed 45 minutes.

## 2.5.6. The conciliation procedure between the two Houses

### 2.5.6.1. *The shuttle*

When each House has finished considering a text, it adopts a text, which may be exactly the same as that adopted by the other House or may differ to a greater or lesser degree. In the first case, parliamentary consideration is complete and the final text is forwarded to the General Secretariat of the Government in order to be promulgated by the President of the Republic. In the second case, it is necessary to reconcile the positions of the two Houses with a view to adopting an identical text. In principle, each text is considered successively by one House and then the other until they reach an agreement. Thus, a text, which has been adopted at first reading by the Senate, and then by the National Assembly following amendment, must return to the Senate for a fresh examination.

At this stage, the debate only deals with the individual articles, which have prevented the two Houses adopting an identical text. Thus, in the course of the text being sent backwards and forwards and successive examinations, the number of articles still at issue decreases. The "shuttle" is essential for all texts for which the Constitution lays down a requirement that they are adopted in identical terms by both the National Assembly and the Senate: this mainly regards constitutional acts (Article 89 of the Constitution), as well as institutional acts relating to the Senate (Article 46, subparagraph 4) in the broadest possible interpretation.

Apart from where use of the shuttle is essential, an agreement may be reached fairly quickly on technical texts. However, basic political differences may also lead each House to maintain its position and uphold its own text. This is why the Constitution has given the Government the power to intervene in order to speed up the legislative process, by convening a joint committee.

### 2.5.6.2. *Joint committees*

If, as a result of a disagreement between the two Houses, it has proved impossible to adopt a Government or Member's bill after two readings by each House, the Prime Minister has the power to convene a joint committee to propose a text on the provisions still under discussion (Article 45(2) of the Constitution). Composed of equal numbers of Members from each House, it attempts to draw up a text likely to meet with the approval of both Houses. If the Government wishes the text to be adopted more quickly, it may declare the matter urgent. This power is available to it, until the general debate is closed at first reading, by means of a communication to the President of the first House to have considered the text. This declaration of urgency gives the Government the possibility of convening a joint committee after just one reading by each House. It is not binding upon the Government, which retains the option to allow the shuttle to continue.

Joint committees alternate their meetings between the National Assembly and the Senate. They decide the composition of their bureau themselves. Custom has it that its President is the chairman of the competent committee of the House where the joint committee is sitting and that its Vice-President is the chairman of the committee of the other House. Furthermore, two rapporteurs are appointed: a Senator who presents a report on the text adopted by the joint committee to the Senate and a Member of the National Assembly who does the same in the National Assembly. Once again, it is customary to choose one of the rapporteurs from the committees of the National Assembly and the Senate, which have already examined the text of the Government bill or Member's bill.

Once its bureau has been set up, the joint committee examines the two texts, which have been adopted, one by the Senate and the other by the National Assembly. For each article, which is submitted, that is, those, which have prevented the two Houses adopting an identical text, it tries to reach an agreement. It may be that the committee only has to examine one article if the disagreement between the two Houses only relates to one provision. Standing members and

alternate members also take part in the discussion, but only standing members may vote; the alternate members are only required to vote in order to maintain the balance between the two Houses. The text adopted by the joint committee may be that which had been adopted by the Senate that, which had been adopted by the National Assembly or a conciliation text, which is different from the two previous texts.

If an agreement is reached on the articles still under discussion, a vote on an entire common text may be taken. If the joint committee does not manage to draft a common text, it declares that it is impossible to reach an agreement. The failure of joint committees is sometimes only due to one single article, even for very lengthy texts, over which neither House is prepared to compromise: the Constitution has not laid down any possibility for a partial agreement, which appears regrettable as this "all or nothing" mentality prevents reconciliation of the Houses, at a later stage, on the provisions, which could have led to an effective conciliation. The conclusions of the deliberations of the joint committee (agreement on the text or declaration of failure) are formally communicated to the Prime Minister by its chairman. These conclusions are distributed in the form of identical reports in both Houses. From this time, the joint committee ceases to exist and does not intervene in the rest of the legislative process. This then depends on the conclusions of the joint committee and it is necessary to proceed according to whether the committee managed to draft a text or whether it had to declare that agreement was impossible.

#### *2.5.6.3. Consequences of the adoption of a joint committee text*

The Government may submit the text drafted by the joint committee to the Houses. In accordance with the Constitution, this is not compulsory, as it is an opportunity available to the Government and not an obligation incumbent upon it.

The Government may submit the text of the joint committee either to the National Assembly or to the Senate. At this stage, the joint committee text is not referred back to committee, but is considered directly in public sitting. In accordance with the Constitution, no amendments are admissible apart from those, which meet with the Government's approval. The Constitutional Council has interpreted this provision in its broadest meaning and decided that the Government itself may table amendments to the text drafted by the joint committee. These amendments are then examined by the committee the text was initially referred to. In public sitting, the House considering the text first decides on the amendments. It then decides by a single vote on the entire text. The joint committee text is then considered by the other House.

Given that both Houses must adopt an identical text during this reading, when the Senate considers the text after the National Assembly, it must hold just one vote on the whole joint committee text to which the amendments approved by the Government have been made; these must already have been adopted by the National Assembly. The committee, which first considered the substance of the Government or Member's bill is then responsible for giving its opinion on the amendments. However, the Senate can obviously only accept or reject the entire amended text. If this were not the case, the text, which it adopted may differ from that adopted in the National Assembly.

If the Senate accepts this text, the shuttle comes to an end since both Houses have adopted an identical text. If the Senate rejects it, the shuttle continues in the same way as if the joint committee had not succeeded in drafting a text.

#### *2.5.6.4. The National Assembly's final decision*

The failure of the joint committee may occur in two ways: either the meeting ends following consistent failure to agree, or the committee drafts a text, which is then rejected by one of the Houses. The shuttle then begins again between the Houses. The National Assembly debates the

last text adopted prior to the creation of the joint committee. The text adopted by the National Assembly is then submitted to the Senate. If, following this new reading, there are still differences of opinion between the two Houses; the Government may ask the National Assembly to make a final decision. In this case, the National Assembly may reconsider either the text drafted by the joint committee (if it drafted one) or the last text passed by itself, amended if necessary by one or more amendments adopted by the Senate. The text then becomes the final text.

3.           **REFERENCES**

Senate website:	<a href="http://www.senat.fr/">http://www.senat.fr/</a>
National Assembly website:	<a href="http://www.assemblee-nat.fr/0index.html">http://www.assemblee-nat.fr/0index.html</a>
Senate Telephone No:	(0033) 1 42 34 20 00 (short code: 9060)
National Assembly Telephone No:	(0033) 1 40 63 60 00 (short code: 9061)

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## GERMANY

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## 1. NUMBERS OF MEMBERS OF THE BUNDESTAG

The German Bundestag is composed of at least 656 members, of whom 328 are elected in the constituencies and a further 328 *via* lists of candidates drawn up by the political parties in each federal state (Bundesland)<sup>1</sup>. The number of Members elected *via* the parties' Land lists may, by contrast, be slightly higher in some cases as a result of so-called overhang mandates (*Ueberhangmandate*). Overhang mandates arise when, in a given Land, a party gains more direct constituency seats than it is entitled to on the basis of the number of second votes cast for it in that Land. Except for the overhang mandates, the number of seats each party gains in the Bundestag depends entirely on the number of second votes it obtains. In the current 14th electoral term (1998-2002) the Bundestag has 669 Members, i.e. there are 13 overhang mandates - all for the SPD. The Bundestag intends to reduce the number of its Members.

## 2. STRUCTURES – bureau, committee of presidents, quaestors, committees

The organs of the Bundestag are the President and Vice-Presidents, Secretaries, Council of Elders, Committees, the Parliamentary Commissioner for the Armed Forces and other committees and similar bodies.

### 2.1. President and Vice-Presidents

The President and the Vice-Presidents are elected by the plenary of the Bundestag for one electoral term. They cannot be removed from office by a decision of the Bundestag. This arrangement is intended to strengthen their independence in carrying out their official duties, especially in chairing the plenary sittings of the Bundestag. Should circumstances arise which cast doubt on a President's or Vice-president's suitability to remain in office, their resignation is the only way to enable the appointment of a successor.

The President represents the Bundestag in the public domain. All correspondence concerning the Bundestag as a whole must be addressed to the President. The President also represents the Bundestag in any legal disputes before the Federal Constitutional Court. But his most important public function is to conduct the sittings of the plenary. As a matter of principle, the President in the Chair is impartial in his conduct of sittings. He also resolves any procedural questions, which may arise.

During the plenary sittings, the President and the Vice-Presidents generally alternate in the Chair every two hours. When in the Chair, the Vice-Presidents have the same powers in conducting sittings and maintaining order as those vested in the President. If the President is unable to discharge his duties, one of the Vice-Presidents from the second largest parliamentary group takes his place.

The President and the Vice-Presidents form the Presidium, which meets regularly in each week of sittings to discuss the management of the internal affairs of the Bundestag. The Presidium is involved in personnel matters relating to senior civil servants in the Bundestag Administration and in concluding important contracts. It also looks closely at matters concerning public relations.

### 2.2. Secretaries

The Bundestag elects from among its ranks a number of Secretaries to assist the President and the Vice-Presidents<sup>2</sup>. It is free to choose how many Secretaries it appoints; in the 14th electoral term (1998-2002), the parliamentary groups agreed on 42.

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<sup>1</sup> Section 1 of the Federal Electoral Act.

<sup>2</sup> Article 40 of the Basic Law.



The President and two Secretaries, one from the governing majority and one from the opposition, form the Chair. The Secretaries assist the President in conducting the sittings by keeping note of Members who wish to speak, recording the formal proceedings and attending to other matters as requested by the President. They play an important role in establishing the outcome of votes in the plenary.

### **2.3. Council of Elders**

The Council of Elders is a joint deliberative body whose task under the Rules of Procedure is to manage the internal affairs of the Bundestag. It is composed of the President, the Vice-Presidents and 23 further Members of the Bundestag appointed by the parliamentary groups in proportion to their size. They include all the parliamentary secretaries (whips) of each parliamentary group. The Council of Elders meets regularly during each week of sittings and is chaired by the President of the Bundestag. Its meetings are also attended by a representative of the Federal Government, generally one of the ministers of state at the Federal Chancellery.

The Council of Elders performs two different types of function. Firstly, it assists the President in the conduct of business and ensures that agreement is reached among the parliamentary groups, for instance on the Bundestag's programme of work in plenary session. Secondly, as a collegiate body it decides on the internal affairs of the Bundestag, so long as these do not fall within the exclusive competence of the President or the Presidium. At the beginning of an electoral term, one of the first tasks of the Council of Elders is to reach agreement on the distribution of committee chairs and deputy chairs, among the parliamentary groups. The Council of Elders establishes the Bundestag's programme of work for the coming year at an early stage. Another important task of the Council of Elders is to set the plenary's agenda for the coming week. It decides on the items of business to be dealt with (bills, motions, major interpellations, government policy statements, etc.). It also decides whether a debate is to be held on any of the points on the agenda, on the length of such a debate, and on its structure. Except in the case of debates on major issues, where it is left to the parliamentary groups themselves to apportion speaking time, the Council of Elders agrees on the number of speakers and the amount of speaking time they will have.

However, all the agreements reached in the Council of Elders are really no more than proposals, which the plenary can accept or reject. For instance, any Member of the Bundestag may move an amendment to the agenda of a sitting before the first item is called so long as the motion was submitted to the President by 18.00 hours on the previous day at the latest. The Bundestag must then take a decision on the motion. Members may also raise a point of order and request changes to the planned duration and structure of a debate. They virtually never do so, however. It is also rare for the Bundestag to conduct a vote on an amendment to the agenda. Once the agenda has been approved, which occurs automatically when the first item is called, a further item of business may be placed on the agenda only with the consent of all the parliamentary groups.

The President also discusses many other questions with the Council of Elders. These include committee schedules, the referral to committee of bills and other items of business, relating to EU legislation for instance, the rights of Members, and the exercise of parliamentary rights by the Bundestag. On all such matters, the President endeavours to achieve cross-party agreement in the Council of Elders, as this also ensures approval by the House.

On a range of matters, the Council of Elders may take decisions by majority vote. These include, in particular, preparing the estimates for the Bundestag budget. Under the Rules of Procedures, the Budget Committee, when making its recommendations to the Bundestag for the last reading of the draft federal budget, may deviate from these estimates only in consultation with the Council of Elders, i.e. only once it has given the Council of Elders an opportunity to comment. The Council of Elders also decides on the allocation of rooms to the

parliamentary groups and the Bundestag Administration as well as on matters relating to Members' personal staff and to documentation, in particular the Bundestag's vast library. Commissions set up by the Council of Elders prepare such decisions.

#### 2.4. Committees

In each electoral term, the Bundestag sets up a number of permanent committees. Broadly speaking, in organisational terms the committees are a mirror image of the Government: for each ministry the Bundestag establishes a specialised committee. There are a number of exceptions: not only the Internal Affairs Committee but also the Sports Committee is responsible for matters falling within the competence of the Ministry of the Interior. Likewise, the Finance Ministry is mirrored not only by the Finance Committee, which is responsible for matters relating to fiscal legislation, but also by the Budget Committee, which considers the federal budget and all related issues. Given that its task is to deliberate on the budget and to exercise budgetary control, the Budget Committee is also responsible for the parliamentary scrutiny of all federal ministries. Furthermore, during the 12th electoral term (1990-1994), a separate committee was newly established to deal with tourism, an area that had previously been in the remit of the Economic Affairs Committee. The Committee on the Affairs of the European Union also falls outside the general committee structure as it collaborates not only with the Federal Foreign Office but also with a number of other government departments

These permanent committees are set up for the entire duration of an electoral term. Special committees, on the other hand, may be set up to deal with specific matters, such as long and complex bills. They are dissolved as soon as they have completed their work.

The parliamentary groups appoint committee members. Therefore, if a Member wishes to sit on a particular committee, he must submit a corresponding request to his parliamentary group, which then processes and co-ordinates all the requests it receives. The number of committee members each parliamentary group is entitled to appoint depends on its size. If possible, Members should only sit on one committee as a regular member.

Members not belonging either to a parliamentary group or to a grouping have a special status in the committees. On the strength of a decision by the Federal Constitutional Court, and irrespective of the proportional method of seat allocation, they are entitled to sit on a committee to ensure that they have sufficient opportunity to take part in the work of Parliament. Which committee they sit on is decided by the President of the Bundestag after consultation with the Members concerned. Their membership gives them the right to speak and to table motions but not to vote.

In the 14th electoral term, the Bundestag has set up the following 23 permanent committees:

- |  |            |
|--|------------|
| - Committee for the Scrutiny of Elections, Immunity and the Rules of Procedure | 15 members |
| - Petitions Committee  | 29 members |
| - Foreign Affairs Committee  | 40 members |
| - Internal Affairs Committee   | 40 members |
| - Sports Committee   | 15 members |
| - Legal Affairs Committee  | 31 members |
| - Finance Committee  | 40 members |
| - Budget Committee   | 42 members |
| - Committee on Economic Affairs and Technology                                 | 40 members |
| - Committee on Food, Agriculture and Forestry                                  | 26 members |
| - Committee on Labour and Social Affairs                                       | 40 members |

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Defence Committee	38 members
Committee on Family Affairs, Senior Citizens, Women and Youth	31 members
Committee on Health	31 members
Committee on Transport, Building and Housing	42 members
Committee on the Environment, Nature Conservation and Nuclear Safety	38 members
Committee on the Affairs of the New Länder	15 members
Committee on Human Rights and Humanitarian Aid	15 members
Committee on Posts and Telecommunication	17 members
Committee on Regional Planning, Building and Urban Development	32 members
Committee on Education, Research and Technology Assessment	38 members
Committee on Economic Co-operation and Development	26 members
Committee on Tourism	15 members
Committee on the Affairs of the European Union	36 members
	+ 11 non-voting members from the EP
Committee on Cultural and Media Affairs	15 members

In accordance with the Rules of Procedure, the committees prepare the deliberations and decisions of the Bundestag. They are not authorised to take final decisions on any matter; they may only make recommendations for decisions by the plenary. These recommendations may relate only to items of business referred to the committees, or to questions directly connected with them. Hence, the committees have no right of initiative in the plenary.

Since 1969, the committees have been expressly permitted to deal with matters in their sphere of competence, which are not referred to them by the plenary. In such cases, a committee discusses the matters concerned and may request representatives of "its" ministry to attend its meetings and provide information. It is in fact standard practice for a committee to request "its" minister to report on planned legislation and other topical questions relating to his department several times during the electoral term. However, the committees' right to take up matters on their own initiative does not encompass the power to submit recommendations for decisions on them to the plenary.

The committees may also recommend that "their" ministers take specific measures. Their right to take up matters on their own initiative has become an important tool in scrutinising the work of the ministries. The committees are an ideal forum for a dialogue on questions of detail.

Committee meetings are prepared, convened and presided over by the respective committee chairman. To prepare its work, each committee may, from among its members, form subcommittees for specific tasks, unless one third of its members object. For practical reasons, the parliamentary groups may in exceptional cases delegate a Member to a subcommittee who is not a regular member of the respective permanent committee. Also, a subcommittee may be set up comprising members of several permanent committees concerned with the issue in question. Each committee has the right to demand the presence of a member of the Federal Government, both at its regular meetings and at any public hearings it may hold. In practice, however, it is rare for a committee to have to resort to this right: generally, in the case of important issues ministers themselves have an interest in attending the committees' deliberations and, if they are unable to do so personally, delegate a state secretary to attend in their stead.

In principle, committee meetings are not open to the public. The committees are entitled to admit the public to their meetings, but in practice they seldom do so. Committee members believe that without the presence of the public and the media they are able to engage in more objective and more open discussions

### **2.5. The Parliamentary Commissioner for the Armed Forces**

By stating that the Commissioner "shall assist the Bundestag" and by using the term "Parliamentary Commissioner for the Armed Forces", Article 45b of the Basic Law, and the federal law enacted pursuant to it, make it quite clear that this institution is, without reservation, part of the German Bundestag, and thus of the legislature.

That the Parliamentary Commissioner is an organ of the German Bundestag is underscored in particular by the following legal provisions:

- the Bundestag and the Defence Committee have the right, albeit limited, to issue instructions to the Parliamentary Commissioner;
- the Parliamentary Commissioner cannot act if the Defence Committee has made the matter in question the subject of its own deliberations;
- the Parliamentary Commissioner has a duty to report to the Bundestag;
- the Bundestag and the Defence Committee may at any time request the Parliamentary Commissioner to attend their deliberations.

The Federal Minister of Defence, over whom the Parliamentary Commissioner exercises control, is part of the executive. As a consequence of the separation of powers, the Defence Minister has no right to issue instructions to the Parliamentary Commissioner. The converse also applies.

The Parliamentary Commissioner is neither a Member of the Bundestag nor a civil servant. He holds office under public law in accordance with the provisions of the Law on the Parliamentary Commissioner for the Armed Forces. In defining his legal status, the lawmakers took as a basis the rights and duties of a parliamentary state secretary. The German Bundestag elects the Parliamentary Commissioner by secret ballot without prior debate. Candidates may be nominated by the Defence Committee and by the parliamentary groups in the Bundestag. The Parliamentary Commissioner's term of office is five years and thus one year longer than the electoral term of parliament. This helps to safeguard his independence should there be a change in the parliamentary majority following new elections.

### **2.6. Other committees and similar bodies**

Apart from the permanent committees, the Bundestag can - and must - set up a number of other committees, commissions and similar bodies all of which differ significantly from the permanent committees as regards their composition, tasks and working methods:

- Committees of inquiry (composed entirely of Members of the Bundestag)
- Study commissions (composed of Members of the Bundestag and independent experts)
- Committee for the Election of Judges
- Parliamentary Control Commission (responsible for scrutinising the work of the intelligence services)
- G 10 Commission (in addition to the Parliamentary Control Commission, the Bundestag also sets up the so-called G 10 Panel on the basis of a law enacted pursuant to Article 10 of the Basic Law, which permits certain restrictions on the privacy of posts and telecommunications)
- Body pursuant to Section 41, paragraph (5) of the Foreign Trade and Payments Act

3. OPERATING BUDGETS – totals and main headings

3.1. Budget of 1999

The budget of the Bundesrat in 1999 amounted to DM 27.8 million (€ 14.2 million). That of the Bundestag was DM 1.096 billion or € 560 million.

**Budget of the Bundestag<sup>2</sup> in detail**

1998

Department	thousand DM	million €
Remuneration for delegate	100 000	51.1
Costs per delegate	54 000	27.6
Substitute for co-worker expenditures	168 000	85.9
Official, employee, worker of the federal administration	160 000	81.8
Personnel	480 000	245.4
Rents	41 000	21.0
Property maintenance	14 000	7.2
Parliamentary group subsidies	113 000	57.8
Equipment	49 000	25.1
Larger expenditure on material entirely	218 000	111.5
Other costs	272 000	139.1
<b>Total</b>	<b>970 000</b>	<b>496.0</b>

Since this information was first prepared figures have been made available by the secretariat of the Bundestag referring to the year 2000, which provide a general breakdown of expenditure by broad categories. Thus, expenditure associated with Members of the Bundestag, including salaries, allowances and pensions, amounted to € 105.6 million. Expenditure on staff (both officials and employees - "Beamten", "Angestellten") amounted to € 91.8 million. Expenditure on buildings, including rent and maintenance, amounted to € 59.0 million. Although maintenance of buildings and furniture are included, purchase of new buildings would be provided for in the budget of the Finance Ministry. Expenses related to information technology are included in the Bundestag budget, either under 'administration' or 'members'. The figures for the year 2000 are inflated by the extra expenditure associated with the move from Bonn to Berlin.

4. ORGANISATION AND REPRESENTATION WITHIN PARLIAMENT OF MAIN PARTIES

When the provisional result of the Bundestag election is announced, each party knows approximately how many seats it has won and therefore how large its parliamentary group will be. The parliamentary groups meet in Bonn/Berlin in the first few days after the election to analyse the result and to discuss their internal organisation.

<sup>1</sup> Schick/Zeh, *So arbeitet der Deutsche Bundestag*, 13. Edition 1999, Rheinbreitenbach, p. 148. The 2000 edition has no similar table, but full details of the year 2000 budget of the Bundestag are included in the "Bundeshaushaltsplan 2000, Einzelplan 02".

In accordance with the Bundestag's Rules of Procedure, a parliamentary group may be formed on the following conditions:

- It must comprise at least 5% of the Members of the Bundestag, i.e. at least 34 Members; the purpose of stipulating a minimum size, analogous to the so-called 5% clause of the Federal Electoral Act, is to prevent a large number of small groupings from gaining parliamentary group status and then making excessive use of the parliamentary powers it confers, as this could create undue confusion and pressure of time in the Bundestag's work;
- Its members must belong to the same party or to parties, which have similar political objectives and do not, therefore, compete with one another in any of the 16 Länder. For example, the CDU (present in all Länder apart from Bavaria) and the CSU (present only in Bavaria) have formed a single parliamentary group in every electoral term since 1949.

Each parliamentary group elects an executive committee comprising a chairman, several deputy chairmen, parliamentary secretaries and a varying number of other Members. In the CDU/CSU parliamentary group, the chairman of the CSU Land group, bringing together all the CSU Members from Bavaria, is also traditionally the 1st deputy chairman of the group. The executive committee's term of office varies among the parliamentary groups. Whereas the CDU/CSU parliamentary group always elects its executive committee for an entire electoral term, the FDP does so always for one year at a time.

Each parliamentary group sets up a number of working groups to prepare the ground for decisions subsequently taken by the parliamentary group as whole. Each parliamentary group also appoints a spokesman for each Bundestag committee. He is responsible for co-ordinating the work of the members of the parliamentary group on the respective committee and for ensuring that they act in line with the positions agreed by the group as a whole. Thus, the work of the Bundestag's committees, too, is largely prepared and steered by the parliamentary groups.

5. **SECRETARIAT AND ASSISTANCE TO MEMBERS** – staffing levels, permanent/temporary contracts, division between "administrative" and secretarial staff (A, B, C, D)

*Due to the specific organisation of the Bundestag the list of questions is replaced by the following:*

5.1. **Administration**

The administration of the German Bundestag is divided into the following three main departments:

- A. Department P: *Parlamentarische Dienste* (Parliamentary Services)
- B. Department W: *Wissenschaftliche Dienste* (Research)
- C. Department Z: *Zentrale Dienste* (Central Services)

Apart from these departments the Bundestag's administration comprises the *Präsidentialbüro* (the president's and the vice-presidents' offices), the *Presse-Zentrum* (press agency) and the *Protokollbüro* (office for protocol) which is subordinated to the Director of the Bundestag. Finally the office of the *Wehrbeauftragter des Deutschen Bundestages* (parliamentary commissioner for the armed forces) is part of the Bundestag administration.

2354 civil servants were working for the Bundestag in 2000. The proportion of women amounts to approximately 45 %. Of the total 409 were employed on temporary contracts. The secretariat is divided between the Directorate (*Leistungsbereich*), the Press Centre (*Presse Zentrum*) and the departments of parliamentary services (scientific and central services).

*It is not possible to give a breakdown of staff by categories corresponding to those in use in the EP. The 2354 staff members are divided into the following categories:*

<i>Beamte</i> (civil servants):	889
<i>höherer</i>	291
<i>gehobener</i>	242
<i>mittlerer</i>	256
<i>einfacher</i>	100
<i>Angestellte</i> (employees):	1 103 also
<i>höherer</i>	96
<i>gehobener</i>	213
<i>mittlerer</i>	760
<i>einfacher</i>	34
<i>Lohempfänger</i> (other salaried staff):	362
<i>mittlerer</i>	42
<i>einfacher</i>	320

University graduates are recruited only after they have gained experience elsewhere and must carry out work in three different areas before they can be given posts of responsibility and management.

Party staff are financed directly by the parties and not by the Bundestag. But parties are themselves financed by public contributions. The groups, however, (*Fraktionen*) are bodies of parliament and are financed directly through the Bundestag budget. The amounts allocated to each group are then used to employ staff as they see fit. The latter may be employed on temporary or permanent contracts. The Bundestag provides their offices.

#### **A. Department P: Parliamentary Services**

This department, which offers all kinds of services for conventional parliamentary work, is divided into three subdivisions.

- a) The subdivision *Parlamentsdienste* (PD) is responsible for organising and preparing the plenary sittings and the committees. It sets up the order of all items of business members of parliament will be dealing with during the sitting. It furthermore supports the *Präsidium* (president and vice-presidents) in managing the internal affairs of the Bundestag. As far as the committees are concerned, a small staff is at the disposal of the committees (so-called *Ausschusssekretariate*), who work directly at the instructions and request of the chairman of the committee and look after the administrative, organisational and technical aspects of the committees' work (*See annex*).
- b) The subdivision *Parlamentarische Beziehungen* (PB) is responsible for the Bundestag's connections with national parliaments all over the world and with international parliamentary assemblies (e.g. Parliamentary Assembly of the Council of Europe or the Assembly of the Western European Union).
- c) The subdivision *Parlamentarische Information* (PI) is responsible for public relations and the Bundestag's connections and contacts to the German public. It publishes various brochures on the Bundestag's duties and its work, organises *Tage der offenen Tür* at which the parliament buildings can be visited and is also responsible for the Bundestag's Internet presentation. Furthermore it organises visits related to invitations of members of parliament.

## **B. Department W: Research**

The research department supplies the Bundestag members with all kinds of information, especially on recently introduced bills and current political issues.

- a) Subdivisions 1 and 2 (*Wissenschaftliche Fachdienste*) with approximately 60 experts deliver around 2000 opinions on various topics each year. Due to the huge demand for these expert opinions about 12.000 copies are distributed every year. Apart from that the subdivisions deliver short, understandable reports, suitable for political discussion, for which any Member of Parliament can ask.
- b) Subdivision *Petitionen und Eingaben (PET)* has to deal with approximately 20.000 petitions each year. According to Art. 17 of the constitution the Bundestag is obliged to deal with each petition on the parliamentary level and to take a decision on each one. About 80 employees support the Bundestag's committee for petitions in its work.
- c) The subdivision *Wissenschaftliche Dokumentation (WD)* is responsible for basic scientific studies: in particular, collecting, filing and storing all sorts of scientifically relevant information.

## **C. Department Z: Central Services**

This department comprises four subdivisions with the following duties:

- a) Subdivision *Zentrale Verwaltung (ZV)* is occupied with personnel administration. Furthermore it prepares the annual budget draft according to the resolution of the parliamentary committees.
- b) Subdivision *Zentrale Dienste für Abgeordnete (ZA)* is responsible for the salary of the Members of parliament, as well as for their employees.
- c) Subdivision *Zentrale technische Dienste (ZT)* has to look after the buildings' security, is responsible for the mail distribution as well as for the distribution of all parliamentary documents; it is furthermore responsible for the Bundestag's printing office, its telephone system as well as for all other technical services and assistance provided for the members.
- d) Finally it is the duty of the subdivision *Zentrale Informations-technik (ZI)* to look after parliament's equipment in regard to information and communication technologies.

### **5.2. Staff for members**

In accordance with the law regarding legal status of the members of the Deutsche Bundestages, their expenditure is reimbursed under certain conditions and in limited amount. This specially regards the cost of hiring co-workers, which support the members of parliament in their parliamentary work. But for this, the Council of Elders has issued implementing regulations with the following provisions:

- a) a work contract between the delegate and the co-worker has to be submitted as proof to obtain refunding, which must contain the minimum regulations given in a sample work contract.
- b) the agreed salary of the co-worker has to correspond to his training, professional experience and the activity exercised.

But members of parliament are free to decide how they use available budgetary appropriations. They may recruit secretaries, operators or scientific co-workers. They alone decide how their office is to be organised and how work is distributed between the seat of the Deutschen Bundestages and/or their constituency.

They also decide alone on a termination of the employer-employee relationship. Also possible is the common occupation of several co-workers by several MPs (formation of working groups). The annual maximum amount for each MP amounts these days to € 86209 (DM 168,625) or € 7184 per month (DM 14,052). In addition to the maximum amount are further expenditures,



which are specified in the implementing regulations in detail. The general regulations of the industrial law apply to the employer-employee relationships; possible disputes fall into the competence of the labour jurisdiction.

The administration of the Bundestag helps MPs and their co-workers in all affairs which concern employment, in particular in modifications and terminations of work contracts as well as in questions of social security and tax law.

For the affairs of the MPs' co-workers the Council of Elders used a commission, that deals with all questions raised by delegates or co-workers (in individual cases as well as general ones).

#### 5.2.1. Sources of legal bases:

*Gesetz über die Rechtsverhältnisse der Mitglieder des Deutschen Bundestages (Abgeordnetengesetz):* Law over the legal relations of the members of the Deutschen Bundestages 18. February 1977, last modified at the 5. December 1995

*Ausführungsbestimmungen für den Ersatz von Aufwendungen, die den Mitgliedern des Deutschen Bundestages durch die Beschäftigung von Mitarbeiter (innen) entstehen:* Implementing regulations for the back-up of expenditures, which result to the members of the Deutschen Bundestages from the occupation of co-workers, from 19. January 1978 in the version of the 6. March 1996

### 5.3. Political groups

Each political group in parliament has its own secretariat and assistance. Legal rules can be found in §§ 47-50 of the law over the legal status of the members of the Deutschen Bundestages.

- According to § 47 the function of the parliamentary groups is to participate in the fulfilment of the functions of the Deutschen Bundestag.
- The political groups are in principle free in how they organise their own secretariat and assistance. Only two obligations can be found in § 48 Abgeordnetengesetz. The parliamentary groups are obliged to structure their organisation and mode of operation on the principles of the parliamentary democracy and the parliamentary groups have to establish their own agenda.
- For the fulfilment of their functions, the parliamentary groups have a right, according to § 50 Abgeordnetengesetz, to contributions of equipment and payments from the Federal Budget. The payments in cash are composed of a basic amount for each parliamentary group, an amount for each member and a further addition for each parliamentary group not participating in the Federal Government (i.e. the opposition gets additional funds). The Deutscher Bundestag determines the size of these amounts and the "opposition addition" annually. The contributions of equipment are given in accordance with the conditions laid down in the budgetary law.

## 6. PROCEDURES

### 6.1. Work cycle

The Council of Elders establishes the Bundestag's programme of work for the coming year at an early stage. It generally tries to ensure that the Bundestag convenes for two weeks of sittings at a time, followed by one or two weeks in which there are no sittings. Owing to differences in school holidays, the summer recess and special public holidays, this is not always possible, however. For many years, therefore, the number of weeks of sittings has varied between 22 and 24.

Example:

**Weeks of sittings in 2000**

<b>Plenary sittings</b>	<b>Committee meetings</b>
04/02/2000	Week of 17/01/2000
25/02/2000	Week of 07/02/2000
17/03/2000	Week of 28/02/2000
07/04/2000	Week of 20/03/2000
19/05/2000	Week of 02/05/2000
09/06/2000	Week of 22/05/2000
14/07/2000	Week of 26/06/2000

**Summer recess**

29/09/2000	Week of 11/09/2000
20/10/2000	Week of 02/10/2000
10/11/2000	Week of 23/10/2000
01/12/2000	Week of 13/11/2000
21/12/2000	Week of 04/12/2000

**6.2. Adoption of legislation off the "floor of the house"** (e.g. by "grand committee)

After the treaty of Maastricht one change was made. As a consequence of the strengthening of the Bundestag's participation in European affairs following the amendments to the German constitution in the wake of the Maastricht Treaty, the EU Committee has been accorded a series of special rights. This further underlines the special role of the EU Committee, intended by the lawmakers, in ensuring parliamentary oversight and monitoring of the process of European integration. The special rights and duties of the EU Committee are set forth in Articles 23 and 45 of the Basic Law and the Law on Co-operation between the Federal Government and the Bundestag in Matters relating to the European Union. They are given more concrete form in the Bundestag's Rules of Procedure and in the procedural principles of the EU Committee itself. In all, the EU Committee has five powers not vested in the other specialised committees.

a) Background information: The legal basis of the work of the Committee on the Affairs of the European Union

Article 23 of the Basic Law, which was rewritten in the wake of German unity and the ratification of the Maastricht Treaty, considerably extended the rights of the German Bundestag with regard to its influence on European legislation.

The new **Article 23** stipulates that the Bundestag and the Bundesrat shall participate in the shaping of European legislation. The Federal Government is obliged to inform the Bundestag and the Bundesrat comprehensively and as quickly as possible on all relevant matters. Moreover, the Bundestag must have an opportunity to state its opinion on these matters before the Federal Government takes a binding position in the European decision-making bodies in which it represents the Federal Republic of Germany. If the Bundestag states an opinion on a given matter, the Federal Government is obliged, under Article 23, to take account of this opinion in its negotiations with the governments of other Member States of the European Union. For the first time, therefore, the Bundestag has the formal possibility of exerting an

influence on the elaboration of European directives and regulations before they are adopted by the Council of Ministers and thus become law.

In order to guarantee the exercise by the Bundestag of its rights in this sphere, **Article 45** of the Basic Law was amended, and now stipulates the appointment of a parliamentary Committee on the Affairs of the European Union (EU Committee). Thus, together with only three other committees of the Bundestag (the Foreign Affairs, Defence and Petitions Committees) the establishment of this committee is enshrined in the constitution.

b) Adoption of legislation

In relation to the other permanent committees of the Bundestag, the EU Committee enjoys a "privileged" position as regards its rights and powers. In a departure from the principle that parliamentary committees merely have the task of preparing decisions to be taken by the plenary, **the EU Committee may under certain conditions state opinions directly to the Federal Government. Thus, it has decision-making powers which, under the constitution, may in principle only be exercised by the plenary.**

c) Details of the five special rights

- Power to state an opinion on the basis of specific empowerment by the plenary (Article 45 Basic Law, Section 2 of the Law on Co-operation between the Federal Government and the German Bundestag, Section 93a, par. 2 of the Bundestag's Rules of Procedure)

The German Bundestag can **empower the EU Committee to exercise the rights of the Bundestag** in relation to the Federal Government for a given EU item. This possibility is unique in German parliamentary history. The underlying reason for this arrangement is that decisions on European policy often have to be made under great pressure of time, depending as they do more on the timetable in Brussels than on the schedule of work at the Bundestag. Essentially, the Bundestag only convenes in plenary in weeks of sittings (approx. 20 a year) fixed long in advance by the Council of Elders. Hence, owing to its far greater flexibility, it can occur that the Council of Ministers takes a decision before the plenary of the Bundestag is able to deal the EU item in question during its next week of sittings. A similar situation can also arise during the parliamentary recess. Now, however, the Bundestag can leave it to the EU Committee to deal more quickly and flexibly with EU items, thereby ensuring close parliamentary monitoring of negotiations at European level and avoiding unnecessary delays in the legislative process.

Before stating its opinion to the Federal Government, which, under Article 23 of the Basic Law, the latter is obliged to take into account in negotiations, the EU Committee must ask the competent specialised committees for their views. If the members of the EU Committee and the other committees do not agree, the position of the EU Committee is binding.

The EU Committee itself decides whether or not to make use of an authorisation by the plenary to state an opinion to the Federal Government. Such an authorisation does not impose an obligation to state an opinion.

Until now, the plenary of the German Bundestag has not made use of the possibility of empowering the EU Committee to deal with specific EU items. The complicated procedure, under which the plenary must first take a decision on which the Committee can then act, clearly contradicts the aim of accelerating the formation of opinion within Parliament in relation to the Federal Government and the organs of the EU. Hence, this procedure has proved not to be practicable in the daily work of Parliament, its place being taken by the procedure described below.

- Power to state an opinion on the basis of an agreement with the specialised committees

Much more significant for the work of the EU Committee, therefore, is the arrangement set out in Section 93a, par. 3, sentence 2 of the Bundestag's Rules of Procedure whereby the Committee can state binding opinions on EU items to the Federal Government without the specific authorisation of the plenary if, beforehand, it reaches agreement with the **specialised committees involved**. Until now, the EU Committee and the competent specialised committees have made only sparing use of this possibility. The EU Committee stated its first binding opinion in May 1996 on the subject of the **fight against fraud**.

Thus, it is clear that, since its constituent meeting in December 1994, the EU Committee has taken some time to grow accustomed to its powers and functions. However, the main reason for the small number of binding opinions stated by the EU Committee to the Federal Government is the overall composition of and voting arithmetic in the committees, which reflect the relative strengths of the parliamentary groups and groupings in the Bundestag as a whole. The governing coalition of CDU/CSU and F.D.P. has had a majority both in the plenary and in the committees. Were the Federal Government to be tied too closely to an opinion stated by the Bundestag or, in accordance with the Rules of Procedure, by its EU Committee in conjunction with specialised committees involved, this might occasionally be perceived as a constraint on its conduct of negotiations in Brussels. Hence, it is understandable that the governing majority in the Bundestag and its committees should seek to ensure that the Government has the necessary parliamentary backing. Therefore, the majority in the EU Committee will as a rule only agree to an binding opinion which limits the Government's room for manoeuvre if it appears absolutely essential in the light of the content and importance of the EU item in question.

- Power to move an amendment to a recommendation for a decision submitted by the committee responsible (Section 93a, par. 5 of the Bundestag's Rules of Procedure)

With regard to the opinions it regularly submits on EU items dealt with by the Bundestag's specialised committees, the EU Committee also enjoys a special position. If, once an EU item has been dealt with by all the relevant committees, a specialised committee - as the committee responsible - submits a report and recommendation for a decision to the plenary, only the EU Committee is entitled to move amendments to them during the plenary deliberations. This arrangement is intended primarily to allow rapid modification of the Bundestag's stance in response to the legislative process in Brussels. Because the EU Committee is particularly well informed about the course of legislative deliberations at European level, it is well placed to monitor them and, if necessary, to respond. This arrangement also gives the EU Committee a privileged position vis-à-vis the specialised committees in the case of EU items. If, in its recommendation for a decision by the plenary, a specialised committee responsible for dealing with an EU item fails to take into account the opinion submitted by the EU Committee, the latter can press for its position to be taken into account in the plenary's deliberations by moving an amendment to the recommendation. As yet, no such confrontation between the EU Committee and one of the specialised committees has arisen. However, the mere existence of a mechanism, which ensures that, ultimately, even in deliberations on specialised EU items, important aspects of integration policy in general are taken into account, is sufficient to guarantee a consensual approach to discussions between the EU Committee and the specialised committees.

- Power to convene special meetings (Section 93a, par. 3, sentence 5 of the Bundestag's Rules of Procedure)

A further special power vested in the EU Committee, but not in the Bundestag's specialised committees, is its enhanced room for manoeuvre in planning its meetings. Given that as little time as possible must elapse between the meetings of EU institutions and those of the EU

Committee, the Committee Chairman has the power, in consultation with the President of the German Bundestag, to convene the Committee outside Parliament's scheduled weeks of sittings - if need be at short notice. Two such meetings were necessary in the parliamentary summer recess in 1996 in connection with discussions in the Council of Ministers on Europol and on the European Commission's policy with regard to EU assistance in eastern Germany (subsidies for VW in Saxony).

- Right of the Committee Chairman to submit a proposal for referral of EU items (Section 93, par. 3 of the Bundestag's Rules of Procedure)

In accordance with Section 93, par. 3 of the Bundestag's Rules of Procedure, the Chairman of the EU Committee, in agreement with the specialised committees, submits to the President of the Bundestag a proposal for referral to committee of the EU items received and of other EU documents declared by the committees to be items for discussion. In consultation with the Council of Elders, the President then refers each item to one committee as the committee responsible and to other committees as committees asked for an opinion.

In exercising his right to submit a proposal for referral, the Chairman is assisted by the so-called **European Affairs Office**, which is a functionally independent section of the EU Committee secretariat. In practice, the Chairman's proposal, which is often the outcome of a laborious process of consultation and co-ordination with the specialised committees, carries great weight in the decision on referral subsequently taken by the Council of Elders and the President.

### 6.3. Decision-making in committees

#### a) The committee stage

After a debate was held during the first reading the bill could, for example, be referred to the Finance Committee, as the committee responsible, and to the Committee on Economic Affairs and the Budget Committee, as the committees asked for an opinion. The Finance Committee in this example was designated as the "committee responsible", meaning that it was responsible for the further handling of the bill. The committee responsible must, in keeping with Rule 62 of the Rules of Procedure of the Bundestag, recommend to the Bundestag a definite decision - the acceptance of the bill, the acceptance of amendments decided upon by the committee, or the rejection of the bill - and is obliged to attend to matters referred to it "without delay". It therefore cannot, either for political reasons or because of a heavy workload, put a bill on the "back burner". If it does so, there is the risk that, in keeping with Rule 62, paragraph (2) of the Rules of Procedure, a parliamentary group may, after ten weeks of sitting, demand that the committee submit a report to the plenary giving its reasons for not having considered the bill. Such a report may then be placed on the agenda of the Bundestag for debate, during which the committee can expect to be criticised for its lack of action.

If a particular bill covers different subjects, it is referred to one or more committees in addition to the committee responsible. These committees submit their comments and proposed amendments to the committee responsible, which is required to take these into account in its report to the plenary. The deliberations of the committee responsible conclude with the submission of a report and recommendation to the plenary, on the basis of which the bill is given a second reading.

Under provisions laid down in the Rules of Procedure, the committees are relatively free to organise their work and draw up their agenda. There are, however, certain common procedural rules, which every committee must follow. Thus, for every bill referred to them, the committee must appoint rapporteurs from among their Members. The rapporteurs are generally appointed on the proposal of the parliamentary groups. They share with the committee chairman the responsibility for supervising the progress of deliberations, drawing up the results of deliberations and, in particular, for signing the report submitted to the plenary. The rapporteurs

must familiarise themselves thoroughly with the content and main political points of the bill. They must also consider statements relevant to the bill, read specialist literature in the relevant field and take into account the wishes and demands of interest groups as well as opinions in the press concerning the bill. The rapporteurs, moreover, liaise between the committee and their respective parliamentary groups in their discussions of the bill. They ensure that their parliamentary groups are kept informed of the latest conclusions and deliberations of the committee and keep the committee up to date with the views and demands of the parliamentary groups.

b) Committee meetings

Once the chairman and the rapporteurs have made themselves familiar with the subject matter of the bill and once the working groups of the parliamentary groups have come to their initial conclusions, the committee chairman decides, in agreement with the spokesmen of the parliamentary groups, when the bill will be placed on the agenda. During this meeting the content of the bill is presented and explained in detail either by a rapporteur or by a Government representative. All members of the Federal Government and persons commissioned by it have access to meetings of the committees of the Bundestag, as provided for in Article 43 of the Basic Law. It is, however, also desirable for subject specialists from the federal ministries or the Länder to attend committee meetings so that committee members can question them directly about specific rules and about the background to, the reasons for and possible consequences of the bill. The civil servants employed by the Federal Government also have to assist with the wording of the bill. If the Committee wishes to change the substance of a provision it does not need to concern itself with the legal niceties of formulating the document but can ask the civil servants from the appropriate ministry to draw up the amendment using the appropriate legal language. During the committee's initial deliberations on the bill a general debate can also be held for the purpose of comparing the main problems and political viewpoints relating to the bill.

In exceptional cases this debate can be held in public. According to the Rules of Procedure, committee meetings are not in principle open to the public. The committee may, however, decide to admit the public during the discussion of a particular item of business or during parts of the discussion. This means that journalists, interest groups or other interested parties are free to attend the meeting.

In 1995 the Bundestag passed a number of resolutions to reform its procedures, introducing, among other things, so-called "extended" public committee meetings. As a result, not only can discussions of particular items be made open to the public, but also the public is now to be admitted more frequently to the final committee meeting on a particular bill. The aim is to give the public and the media a better insight into legislative deliberations and parliamentary procedures and make them aware that the substance and specific details of legislation are dealt with in the committees and not in the plenary. Quite a number of debates in the plenary, which few Members attend due to the highly specialised nature of the subject matter concerned, can be dispensed with if a public debate has been held as part of such an extended public committee meeting. An extended public committee meeting involves not only the committee responsible but also the committees asked to give an opinion; in other words all the Members who are involved with the bill in some way. Extended public committee meetings therefore are not held in the rooms usually used for committee meetings but in larger conference rooms specially equipped for the purpose. A frequent venue is what used to be the substitute plenary chamber of the Bundestag. This chamber has a visitors' gallery, a press gallery and television cameras so that media representatives, groups of visitors and individuals can follow the debates. Extended public committee meetings are only held in connection with the final debate, which ends with the committee giving its recommendation. Before the final debate takes place, however, the committee discusses each of the clauses of

the bill. The chairman calls the individual chapters and sections, whereupon rapporteurs, other committee members or representatives of the Federal Government or the Bundesrat have an opportunity to express their views. At this stage amendments can be proposed and other formal motions for amendments moved. Speakers are given the floor in the order in which leave to speak was requested. Formal motions for amendments are voted upon at the end of the discussion of a particular chapter. If an amendment is adopted by a simple majority of those present, then the amended version of the bill presented by the Government forms the basis of all discussions from that point onwards.

Amendments to bills, which are made frequently and which can be identified most easily by comparing the amended committee version with the original text presented by the Government, are not usually the result of formal motions for amendments but rather of discussions and negotiations. During the committee stage Members do not give formal speeches but discuss individual points with each other, submitting and withdrawing proposals for debate. The committee stage therefore consists of specialised discussions, which are designed to create sensible and workable legislation.

#### 6.4. Organisation of delegations

The Organisation of delegations follows certain rules according to the law over the legal relations of the members of the Deutschen Bundestages (delegate law) and the recommendations for journeys of members of the Deutschen Bundestages.

##### a) Licensing procedure:

Foreign official travel of members of the Bundestag requires the permission of the president of the Bundestag (§ 17 exp. 1 delegate law). All official travel (delegation and single journeys) must be situated in the exclusive interest of the Bundestag. Each official journey is to be requested in writing and justified in detail. The planned programme is to be attached to the request for permission. Delegation journeys must be in direct connection with the subjects of the respective specialised committee. After detailed discussion and consultation in the presidency, the president of the Bundestag decides on requests of permission for delegation journeys of the committees, commissions and working groups as well as the groups of parliamentarians. The chairman of the committee/delegation informs the public about the subject of the delegation's trip before the journey starts through a press conference. The delegations are furthermore obliged to submit written reports to the committee and the presidency no later than four weeks after the journey. All members of the Bundestag have the right to see the official travel reports. Journeys of individual delegates are permissible only if the responsible committee and commission chairman acknowledge that the requested journeys serve the study of specific current questions of substance.

The president of the Bundestag creates and publishes in each case for the end of the legislative period a report on the cause, range and costs of the foreign official travel of members of the Bundestag. The report contains the number and the destination countries of the journeys of committee delegations, official delegations, groups of parliamentarians as well as single journeys and also the costs for each financial year.

##### b) Delegations in 1995 and 1996:

	<b>Number</b>	<b>1995</b>	<b>1996</b>
- committee journeys	173	88	85
- journeys of official delegations	11	5	6
- single and delegation journeys, groups of parliamentarians	45	16	29
- single official journeys	307	176	131

c) Total costs:

<i>Year 1996</i>	<b>Numbers</b>	<b>Costs (thousand DM)</b>	<b>Costs (thousand €)</b>
- committee journeys	85	2 337	1 195
- official delegations	6	155	79
- groups of parliamentarians	29	791	404
- single official travel	131	649	332
<b>Total</b>		<b>3 932</b>	<b>2 010</b>

### 6.5. Distribution of documents

*There are no special rules for the distribution of documents. There are few references in the rules of procedure.*

a) *Vorlage* (bills), § 77 Rules of Procedure:

All bills are printed and distributed to the members of the Bundestag. In certain cases the president of the Bundestages refrains in agreement with the Council of Elders, totally or partly from printing and distribution. Just one text is printed containing all these documents, giving a short overview and indicating the place in which the members of the Bundestag can have a look at these documents.

b) *Plenarprotokoll* (§ 116 Rules of Procedure)

For each session a daily report is made (so-called *Plenarprotokoll*). This is distributed to the members of the federal Parliament daily.

### 6.6. Control of the executive – access to information

The relation between European Parliament and European Commission is unique and no parallel could be found in the Bundestag. The means by which the Bundestag obtains information with which to exercise control are outlined below.

a) Invitation of experts

The committees may invite experts and representatives of interest groups to attend their non-public meetings. It is also customary for interest groups to communicate in writing their views on proposed legislation to the committees for inclusion in their deliberations. In the case of draft legislation which affects local authorities, the committees generally give the local-authority associations at federal level an opportunity to state their views before taking a decision. Although, in line with their Joint Rules of Procedure, the federal ministries consult interest groups when preparing legislation, the latter' views are not always adequately reflected in the bills subsequently submitted by the Federal Government to the Bundestag.

In order to obtain information on a subject under debate, the committees may also hold public hearings attended by experts in the given field from outside Parliament. The committees make extensive use of their power to convene such hearings. They are a means for the committees not only to gather relevant information but also to inform the public about a wide range of views on issues of general interest. They also give interest groups an opportunity to state their often widely diverging positions publicly in the Bundestag. In this way, the committees, too, can become a "forum for the nation".

The right to request a public hearing is a minority right: a motion tabled by a quarter of the committee's members is sufficient. However, this applies only to items of business referred to the committees by the plenary and not to those which committees take up on their own initiative.



Occasionally, public hearings are broadcast on television. Moreover, they are generally held in large conference rooms to enable as many interested people as possible, in particular journalists, to follow their proceedings. The main points of the statements and remarks made by the experts and interest group representatives invited to attend are recorded in the committee report. Occasionally, the proceedings of public hearings are published in full in the Bundestag series *Zur Sache*, which deals with selected topics and aspects of the Bundestag's work.

b) Hearings

Often bills cannot be dealt with conclusively during committee discussions even if the preparatory work by the parliamentary groups has been very detailed. If the subject matter of the bill is very complex, and the bill concerns a politically controversial piece of legislation, then a public hearing of experts and representatives of interest groups is held. This is now almost always the case when a bill of any importance is introduced. One of the reasons for holding a hearing is to obtain additional specialist information and advice about particular problems relating to the bill in order to assist the progress of deliberations. Another purpose of the public hearing is to attract media interest in the bill, make the significance of the issues involved clear and encourage political debate. The parliamentary groups therefore regularly endeavour to choose experts whose assessment of the difficulties, risks or chances of success of the bill either backs up their own political views or is likely to undermine the arguments of opposing parliamentary groups. The same also goes for representatives of powerful organisations such as employers' federations, trade unions or environmental organisations. The views such groups express publicly on a particular bill have a potential influence on public opinion. Bills have in the past been withdrawn because the majority or all of the experts invited to a hearing considered the proposed legislation either inappropriate or harmful. Holding a hearing therefore serves to widen participation in the discussion of important laws and ensure that the involvement of interest groups is more effective and, in particular, more public. It is no coincidence, therefore, that there has been a steady increase in the number of hearings held during electoral terms.

c) Interest groups

The head of division will invite organisations and groups, which will be affected by the draft law to attend discussions for an exchange of views and information material. This is more efficient than drawing up provisions in theory which, if they were adopted in that form, might later prove to be impossible to implement or ill-founded. However, this also means that interest groups can influence the bill even at this early stage. They are involved before they face the lawmakers proper, the Bundestag, for instance at committee hearings, where they express their views and place their expertise at the Bundestag's disposal; in this way they often learn that a bill is being prepared sooner than the Members themselves.

To be sure, the influence of interest groups is an aspect of the legislative process that may be criticised. But such groups in principle represent the interests of groups and do not act arbitrarily on behalf of a few individuals. Individual citizens, whether they be businessmen, members of a specific occupational group, recipients of state benefits or simply supporters committed to a specific cause, are hardly in a position to assert viewpoints alone without teaming up with like-minded people. If they take their concerns seriously, they will join a party or relevant association, organisation or citizens' action group and help put the ideas they share into practice. Parliament too is dependent on the involvement of interested groups affected by the planned legislation. For one thing, they have considerable expertise in the field concerned, without which the Bundestag would find it difficult to draw up justifiable and appropriate provisions. On the other hand, it is legitimate and useful for the Bundestag to learn of the misgivings and concerns of the groups affected in good time and possibly take them into consideration. In

taking interests into account as part of routine procedure, it is important to hear not just one viewpoint but also others, which may reflect different and perhaps even conflicting interests in the same field. Thus, in the case of labour law provisions, not only employers are heard but also trade unions; in the case of provisions concerning the production of certain goods, not only the relevant branches of industry but also consumer organisations may express their views; and as regards energy policy and industrial production, environmental organisations have regularly been involved for many years now and are asked to comment on the issues at stake. Moreover, there are experts in the relevant fields and in particular a considerable number of scientific advisory committees which the government has formed and which can provide it with additional advice in almost every specialist field. In all, approximately 6,000 experts serve on a wide variety of scientific advisory committees, commissions and specialised committees.

In this way it is possible to tap expertise, balance interests and win the support of those affected by a legislative proposal without Parliament simply endorsing the opinion of one group or another. The finished text is also submitted to other ministries which are concerned with the subject matter or involved in political terms, because the fields covered by the bill frequently fall within the competence of several ministries. This applies in particular to bills with financial implications, which must also be submitted to the Ministry of Finance. The situation is similar as regards bills the implementation of which might affect environmental protection: a so-called environmental impact assessment is carried out.

#### 6.7. Allocation of speaking time

The rules for allocation of speaking time can be found in §§ 29-32, 35, 44 of the Rules of procedure. In principle, the duration of the discussion is determined by the Bundestag on a proposal from the Council of Elders. If nothing else is decided, the individual speaker in the discussion may not speak longer than 15 minutes. Upon the requests of a parliamentary group one of its speakers can take up to 45 minutes. The president can extend this speaking time, if the negotiation article or the process of the discussion suggests this. If a member of the Bundestag exceeds his speaking time, then it is the President's duty to rule the member out of order after a single reminder.

#### 6.8. Possibility of individual members to speak in plenary (without prior approval of political parties)

The rules for the individual members to speak in plenary can be found in § 27 Rules of procedure. According to § 27 Rules of procedure there are several possibilities:

- a) A member of the Bundestag may only speak if the presidency gives him the floor.
- b) Members of the Bundestag who want to speak on a current subject usually have themselves announced to the secretary, who maintains the list of speakers.
- c) For points on the agenda and the delivery of assertions, verbal messages can take place after agreement *via* acclamation.
- d) For questions to a speaker which interrupt his speech and for incidental remarks in debate, the MPs announce themselves over the hall microphones. Intermediate questions and incidental remarks, which must be short and precise, may be made only if the MP who has the floor permits it, in reply to the appropriate question from the President.
- e) Following a contribution to a debate, the president can give the floor to an incidental remark of at most three minutes; the speaker may then answer.

## 7. REFERENCES

[www.Bundestag.de](http://www.Bundestag.de)

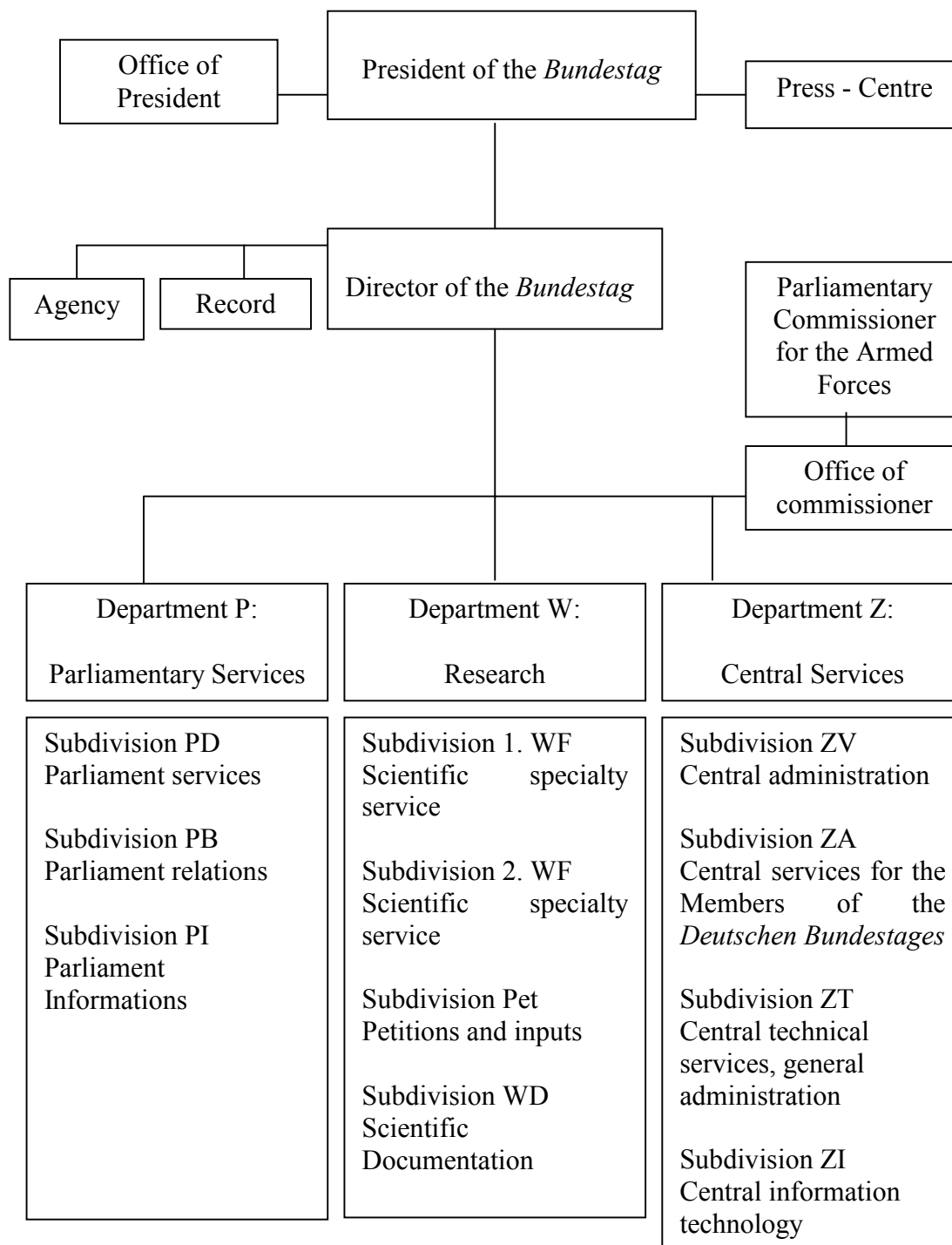
*Schick/Zeh, So arbeitet der Deutsche Bundestag, 13. Edition 1999, Rheinbreitenbach*

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*ANNEX*

**The Administration of the Deutschen Bundestag**

*AN OVERVIEW*



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## 1. NUMBER OF MEMBERS OF PARLIAMENT

According to the **1975/1986 Constitution**, the members of the Hellenic Parliament are elected by means of a direct, universal, secret and mandatory ballot for a term of four consecutive years. Law determines the total number of members of Parliament, but it cannot be below two hundred or above three hundred (Art. 51, par. 1 of the Constitution). According to the legislation in force, **the number of members of Parliament is 300**, of which 12 are country Members of Parliament.

## 2. STRUCTURES

### 2.1. Bureau

The Parliament constitutes itself as a body with the election of its **Bureau** from among its members. It is composed of the President or "Speaker", five Deputy Presidents, three Deans and six Secretaries. The President's role is to direct the business and to supervise the various services of the Parliament.

The **Presidents' meeting or "Bureau"** is an innovation of the new Standing Orders of the Parliament of 1987; it is presided by the President of the Parliament and attended by the Deputy Presidents, the chairmen of the various Standing and *ad hoc* Committees, the Presidents of the parliamentary groups and one independent Member of Parliament who represents all independent members. The Bureau examines the order of the day, determines the duration of debates and expresses its opinion on all other issues explicitly stated in the Standing Orders.

### 2.2. Session

The Parliament convenes *ipso jure* on the first Monday of October in **regular session**, unless it has been convened at an earlier date by the President of the Republic. The session lasts for at least five months and this period must be extended until the **state budget** is authorised. The Parliament holds public **sittings** in the Chamber of Deputies. Ministers and Under-secretaries are free to attend the sittings and have the right to be heard whenever they request the floor.

The Parliament decides by the **absolute majority** of the members present, which in no case may be less than one fourth of the total number of members. In certain cases, however, the Constitution provides for an **increased majority**. The Parliament sits either in **Plenary Session** or in **Sections** (which may not be more than two). The constitution provides that the exercise of the Parliament's most significant functions is assigned to the Plenary Session. Another Section is established when the Parliament is in recess, which may exercise all legislative functions with the exception of those expressly attributed to the Plenary Session.

### 2.3. Committees

**Committees** may be **standing, special** or **ad hoc**. Their membership reflects the presence in parliament of the parties.

Standing committees are the following:

- Educational affairs
- Defence and Foreign Affairs
- Economic Affairs
- Production and trade
- Public administration, public order and justice

There are other special standing committees on:

- Institutions and transparency
- Technology evaluation
- Hellenes abroad

Each Standing Committee of the whole body of the Parliament is comprised of one eighth up to one sixth of the entire number of the members of the Parliament.

Other committees include:

- Committee on Parliament's Internal Affairs
- Committee on Public Enterprises, Banks and Public Utilities
- *Ad hoc* Committees (e.g. narcotics, road accidents).

### 3. STAFF

The President of the Parliament presides over all the services, assisted by the Secretary General. Following a change in 1997 the services of Parliament are organised in three general directorates: Parliamentary Process, International and Public Relations and Administrative Support. It also has a scientific service, which reports directly to the speaker.

The DG for **Parliamentary Process** has four Directorates:

- Legislative work
- Parliamentary Committees
- Parliamentary Control
- Stenographic Services and Publication of the Minutes.

The DG for **International and Public Relations** has three Directorates:

- International relations
- European relations
- Communication

The DG for **Administrative Support** has two Directorates:

- Human resources
- Economic affairs
- Technical Services

The **Scientific Service** is subdivided into three Directorates.

- 1) **Studies:** which has two departments, elaboration of bills and parliamentary research. The latter supports MPs in their parliamentary role and provides scientific opinions and studies when requested by Parliament
- 2) Information science and new technologies: departments for administrative informatics, parliamentary works, computer systems and the data bank.
- 3) the **Library**, one of the largest parliament libraries in Europe: departments for books; press; microphotography and electronic archiving; preservation of art works and publications; and for the Benakios library.

The three Directorates of the Scientific Service are placed under the supervision of the **Scientific Council**, which reports directly to the President (Speaker).

Total staff numbers (July 2000) were 598 permanent officials and 84 contract staff, divided as follows:

- President (Bureau)	33
- Vice-Presidents	44
- Secretary General	9
- Political parties	83
- Diplomatic office	2
- Various	4

DG for Parliamentary Work

- Legislation	22
- Committees	43
- Parliamentary Control	21
- Stenography	82

DG for Public Relations

- International relations	6
- European relations	24
- Communication	53

DG for Administrative Services

- Personnel	45
- Financial services	32
- Technical services	76
- Members and parties	5
- Studies/ scientific service	24
- Informatics	20
- Library	49
- Medical service	4
- Political planning service	1

157 of Parliament's officials held university degrees, 39 an upper technical diploma, 292 secondary diplomas and 110 minimum school leaving certificates. There are in addition 14 officials from other public services temporarily seconded to Parliament.

Staff may change department at any time but within the general group of a professional category.

Office employees of political parties are paid by Parliament. Some have a fixed term contract and others are parliamentary officials. Offices within Parliament's buildings are assigned to political parties.

1 200 paid employees work as assistant to members (4 per member). Of these 300 are paid indirectly by Parliament through an allowance to the members. 900 are officials on secondment who continue to be paid from public funds. MPs must give parliament's services the work contract for their assistants in order to receive their allowance.



The sole service which has been "privatised" is catering - the restaurant and cafeteria of Parliament. Research or publication work may be commissioned from outsiders in specific cases.

#### 4. BUDGET

The main headings of Parliament's budget for 2000 are as follows:

*Millions of drachma and of euros*

	<b>GDR</b>	<b>€</b>
Parliamentary indemnities	10 069	29.8
of which: - <i>Salaries</i>	6847	20.3
- <i>Office allowances</i>	1280	3.8
- <i>Postal expenses</i>	624	1.8
- <i>Transport</i>	280	0.8
Staff salaries	10 616	31.4
Buildings, incl. construction	4 907	14.5
Rent	487	1.4
Supplies	2 161	6.4
Cleaning	33	0.1
Office and informatics equipment	1 099	3.3
<b>Total</b>	<b>33 516</b>	<b>99.3</b>

*(Rate 30.8.2000: € 1 = GDR 337.4)*

#### 5. ORGANISATION AND REPRESENTATION WITHIN PARLIAMENT OF MAIN PARTIES

##### 5.1. Concept and creation

The minimum number of members of Parliament required for the creation of a parliamentary group is ten. Each Member of Parliament may belong only to one parliamentary group. The minimum number of MPs needed to form a group is 5. Parties must have won at least 3% of the total number of valid votes in the whole of the country to form a single group.

Members of Parliament that do not belong to any parliamentary group are independent and are considered as a single group only for their participation in the sections and the Committees of the Parliament.

##### 5.2. Establishment and amendments

The members of Parliament are considered as belonging to the parliamentary group of the political party with which they were elected, unless they express a different wish by a signed declaration. The Leader of the political group is also considered the President of the parliamentary group of his party. The MPs that wish to found a parliamentary group submit to the President of Parliament a relevant statement that includes the name of the party, as well as the names of the members and its President. This statement, signed by all the members of the parliamentary group, is announced in the Parliament and is registered in the minutes. The changes in the composition of a parliamentary group are made known to the President of the Parliament by a signed statement of the person concerned.

##### 5.3. Representation

The parliamentary groups are represented by their Presidents.

#### **5.4. Determination of political groups' order and distribution of space**

The order of the political groups is defined by the number of their members in Parliament. In case two parties have the same number of members of Parliament, the political group that has gathered in the elections the larger number of votes prevails. At the beginning of each legislative period or in the case of emergence of a new parliamentary group, the president of the Parliament invites all the presidents of the political groups to a meeting, so that the places in the chamber of their members may be defined and the offices of the members of Parliament may be allocated.

#### **5.5. Leader of the Opposition**

The President of the biggest in size Parliamentary group that does not participate in the Government is called the Leader of the Opposition and has the special rights that are recognised by the Standing Orders of the Parliament.

### **6. PROCEDURES**

#### **6.1. Legislative work**

According to the Constitution, the right to propose laws is vested in Parliament and the Cabinet. In particular, members submit to Parliament law proposals, amendments and additions whilst the Cabinet submits Bills, amendments and additions. Bills and law proposals submitted to Parliament are referred to the appropriate Committee for further examination and eventual modification. The Committee submits a respective report to the Parliament. As a rule, the debate and the voting of Bills and law proposals take place in three stages: in principle, by article and as a whole. Bills and law proposals are also voted by brief legislative procedures such as voting without debate, voting after a limited debate, special procedure for urgent or very urgent Bills and law proposals.

According to the Constitution and the Standing Orders, Parliament sits either in Plenary Session or in Sections. The Constitution provides that the exercise of Parliament's more significant functions is assigned to the Plenary Session. The Sections - which may not exceed two - are optional and their creation is decided at the beginning of each session by the absolute majority of the total number of the members.

The intention was for two sections to deal with different aspects of government business, as well as a section to meet when needed during parliamentary recessions. But Parliament has carried out legislative work in sections only once since the entry into force of the 1975 constitution. As a rule, it meets in plenary session from October to May or June.

#### **6.2. Agenda and allocation of speaking time**

##### **6.2.1. Debates/ General orders**

The Parliament discusses only the topics that are included in the daily agenda and in the order that they are presented there. Nobody may speak unless they have the permission of the President (Speaker) of Parliament.

##### **6.2.2. Order of the speakers**

The floor is allocated to members of parliament in the order of their registration in the catalogue of speakers. In discussions of Bills (legislative proposals) the floor is allocated first to the Ministers responsible - if they ask for it. In any other case, the floor is allocated first to the rapporteurs.

##### **6.2.3. Registration in the list of speakers**

Registration takes place at the beginning of the discussion of each topic; any change in the order of the speakers in the list is forbidden.

#### 6.2.4. Debates and Voting in principle

The discussion of a Bill starts with its presentation by the Minister responsible and that of a legislative proposal with its presentation by the Member of the Parliament that signs it. Afterwards, registration in the list of speakers for discussion of a Bill takes place throughout the whole procedure until the end of the speech of the reporters. MPs that have been registered in the list have the right to speak for a second time in the discussion of a Bill or proposal.

#### 6.2.5. Allocation of speaking time during the debates of a Bill or a Law proposal

In debate of a Bill, the duration of the speeches cannot be more than: a) twenty minutes for MPs that have been registered in the list of speakers; b) thirty minutes for the rapporteurs, special speakers and the deputy representatives of the political parties. Speaking time cannot be more than one hour for the Ministers responsible and the Presidents of the Parliamentary groups that have power equal to the one-sixth of the total number of members of Parliament (40 minutes for smaller group presidents). The Ministers responsible and the Presidents of the parliamentary groups also have the right to speak for 10 minutes each time they ask it. In case of an address by the Prime Minister, his speech and the speech of the Presidents of the parliamentary groups do not have a time limit.

#### 6.2.6. Special speakers

In the debate on a Bill, each parliamentary group can appoint a special speaker. Parliamentary groups which have at least one-fifth of the total number of Members of Parliament can appoint up to two special speakers. The appointment of the special speakers is made by a statement of the Presidents of the parliamentary groups to the President of Parliament.

### 6.3. Question Time

#### 6.3.1. Context and Answers

The Members of the Parliament have the right to address written questions to the Ministers responsible in relation to any public matter. Ministers are obliged to answer in writing to questions within twenty-five days.

#### 6.3.2. Recording on the Daily Order

If the Minister responsible does not answer on time, the question is recorded in the Order of the Day.

#### 6.3.3. Discussion of the Questions

In the discussion of the Questions only the Members that have put the question and the Minister responsible may participate. The Minister has 3 minutes to answer; the MP has 2 minutes to respond and the Minister a further 2 minutes.

### 6.4. Questions on Current Issues

#### 6.4.1. Context

For issues that are topical every MP has the right to make relevant questions, which are handled in any plenary session except on Tuesdays.

Such questions are addressed to the responsible Minister and are answered by him or her or by a person designated by the government Minister.

#### 6.4.2. Process of Discussion of the Questions on Current Issues

After the question has been read by the President of the Parliament, the responsible Minister or the Minister designated by the Government has 3 minutes to answer. The MP who signs the Question has 2 minutes to speak and then the Minister another 2 to respond.

## **6.5. Application for Documents**

MPs have the right to ask the responsible Minister to submit documents that are related in general to public business. The Minister after receiving the application must either send the documents within thirty days or explain the reasons why all or some of the documents could not be submitted.

The Minister has the right not to submit any documents that concern diplomatic, military or other issues related to the safety of State secrets.

## **6.6. Interpellations ("Extra Questions")**

### **6.6.1. Definition - Context**

The MPs have the right to make extra questions to Ministers which concern the control of the Government and have as their subject its actions or omissions. The MP who has made a question or requested documents and believes that the answer given or the documents delivered are not sufficient has the right to make extra questions.

### **6.6.2. The Recording of interpellations in the Daily Order and their debate**

These "extra questions" are recorded in the Daily Order according to their order of priority. The number and strength of the Political Groups is also considered as well as the ability of Ministers to attend.

Discussion of interpellations is limited exclusively to the subject that is mentioned in the text and is concluded within one session or meeting of parliament. Discussion of any other related issue is not allowed.

MPs put their questions in the order that they have signed them. The duration of the speech of the MP that signs first is 20 minutes and the rest 5 each. The duration of the speech of the Minister can last no more than the total time of the MPs that sign the question.

The responsible Minister can ask for postponement of the discussion only once and only for an exceptional reason.

### **6.6.3. Simultaneous Discussion of "Extra Questions"**

The Parliament, after a verbal suggestion of the Minister or the written application of at least 15 MPs, can decide the simultaneous discussion of more than one extra question that are recorded in the Daily order and refer to the same subject. In debate, one of those MPs in favour and one of those against participate, as well as the Presidents of the Political Groups and the responsible Minister. Each of them has the right to take the floor for 5 minutes.

### **6.6.4. Interpellations on Current Issues**

"Extra Questions" on current issues are discussed during the session of parliamentary control every Tuesday. They are referred to the responsible Ministers and are recorded to the general book of interpellations.

The President of each Political Group has to select by 8pm on the night of Monday three of the questions on current issues that have been made by MPs of his Group. In the case of independent MPs their representative makes the selection. The meeting of presidents then chooses only two per group for discussion.

## **6.7. Standing committees**

### **6.7.1 The Election of a President**

After their establishment the President of the Parliament calls the Standing Committees to separate sessions in order to elect presiding bodies or bureaux. Each body is comprised of a President, a Vice-President and a Secretary.

The Presiding bodies of the Standing Committees have all the competencies of the Bureau of the Parliament except for those outside the nature and assignments of the committees.

#### 6.7.2. Calling of Meetings

The meetings of the Standing Committee are called by its President. Every Standing Committee meets to examine proposed legislation that falls within its competence.

#### 6.7.3. Attendance at Meetings

Members of the Parliament have the obligation to attend the meetings of the Standings Committee of which they are a member or of those for which they are substitute members.

The Standing Committees can request the presence of the responsible Minister if they consider it necessary. Also the responsible Minister has the right to attend the meetings and participate to the debates.

#### 6.7.4. Hearings of agents that are not members of the Parliament

The meetings of the Standing Committees are not held in public except when the principle of a bill is first discussed by the committee. If a bill of a great importance is under discussion, the Standing Committees are allowed to call for a hearing of civil servants, representatives of local and regional authorities, representatives of trade unions but also of experts of any kind.

#### 6.7.5. Votes and Decisions

In the Standing Committees open voting takes place through the raising of hands. In case of a draw the voting procedure is repeated and if a draw takes place again the matter that is put to the vote is rejected.

The Standing Committees decide with an absolute majority of the Members present, the number of which can not be less than the one third (1/3) of the total number of its Members.

In case that the minimum number of Members of the Parliament is not present the President of the Committee can order the interruption of the meeting for two hours. After the meeting has started again the Committee takes its decision with absolute majority of its members present, the number of which can not be less than the one fourth (1/4) of the total number of its members.

#### 6.7.6. Examining of Bills by Standing Committees

The bills are sent by the President of the Parliament for assessment to the responsible Standing Committee or to the Special Committee, which is set up for this reason.

The bills that fall under the jurisdiction of more than one Ministry and which belong to different Standing Committees, are referred to the Standing Committee which, according to the opinion of the President of the Parliament, is responsible for the main subject of the legislative proposal.

#### 6.7.7. Number and Duration of the Meetings of the Standing Committees

The overall number of meetings of each Standing Committee is set by the President after prior consultation with the President of the Parliament and cannot exceed three full meetings. In exceptional cases the Standing Committee, with the approval of the President of the Parliament, can increase the number of the meetings to four.

If the assessment of a legislative proposal takes more than one meeting, the duration of every full meeting of the Committee cannot be less than three hours or more than five.

If the specified time proves insufficient, the Committee can extend the duration of the meetings or increases their number in order to conclude the assessment of the legislative proposal.

#### 6.7.8. Debate in the Standing Committees

The process of debate in the Committees is determined after a recommendation of the President of the Committee. In the debate one MP from each Political Group can participate and also one independent, each for five minutes.

The MP who has submitted a proposal for legislation or an amendment can be present during the debate in the responsible Committee of which he/she is not a member and can explain verbally the proposal for legislation up to 15 minutes or the amendment for 5 minutes.

After the assessment of the proposal for legislation the responsible Committee submits to the Parliament a report which includes: a) the number and duration of the meetings during which the assessment was taken place, as well as the names of the MPs that took part into them; b) the proposal of the Committee for the approval or rejection of the legislative plan and c) the amendments that were accepted and in the case of extensive changes to text of the proposal as was formulated by the Committee and accepted by the Minister.

## **6.8. Special Committees**

### **6.8.1. Creation and Responsibilities**

If the needs of the legislative work of Parliament require it, the President of the Parliament may set up special Committees which are responsible for assessing bills (for example, special committees were established prior to ratification of the Maastricht and Amsterdam Treaties). Special committees are constituted of one tenth up to the one fifteenth of the total number of MPs.

### **6.8.2. Functioning of the special Committees**

The functioning of the special committees lasts until they take a final decision on the legislative proposals for the assessment of which are set up. In every case they are dissolved after the end of the Plenary Session during which they were set up.

## **6.9. Committees for Issues of National or General Interest**

### **6.9.1. Creation and Responsibilities**

The Parliament can, after the suggestion of the government, set up committees for issues of national or general interest. Proposals can be made once every session by the Presidents of the Political Groups. These committees for issues of national or general interest are also made up from one tenth to one fifteenth of the total number of MPs.

The subject with which this committee will occupy itself as well as the deadline for submitting its proposals must be determined in advance. Examples include committees on narcotics and road accidents.

### **6.9.2. Functioning of the Committees**

The functioning of the committees for national or general interest lasts as long as the study of the issue for which they were set up takes.

The committees study the subject matter that the decision of the Parliament requires and produce a report in which they record their suggestions and the opinions of the minority. The report is submitted to the Parliament and the government and has an advisory character.

These committees have in no way an investigating capacity and they do not share the responsibilities of the Examination Committees.

## **6.10. Internal Affairs Committees of the Parliament**

### **6.10.1. Creation and Composition**

At the beginning of every Parliamentary Period the President of the Parliament establishes the Committee on the Rules of Procedure and, at the beginning of each regular session, the Committee for the Financial Affairs of the Parliament and the Committee for the Library of the Parliament.

The Committee for the Rules of Procedure is made up of the President of the Parliament and 9 MPs, 4 of which come from the political groups of the opposition.

The Committee for Financial Affairs is made up of 3 Deans of the Parliament and 4 MPs, 2 of which come from the 2 largest groups of the opposition.

The Committee for the Library is made up of 3 Deans and 4 MPs, 2 of which come from the 2 largest groups of the opposition.

#### 6.10.2. Responsibilities

The Committee on Rules of Procedure

- a) assesses proposals for changing the Rules of Parliament and makes a relevant report to the plenary;
- b) includes any changes of the rules in the original text;
- c) approves, after the recommendation of the President of the Parliament, the creation of new rules of operation for the scientific service and the library of the Parliament.

The Committee on Financial Affairs:

- a) follows the expenditure of the Parliament and submits every three months a relevant report to the President of the Parliament;
- b) submits proposals to the President of the Parliament for the activation or termination of certain expenditures;
- c) examines the budget of Parliament and submits relevant reports to Parliament.

The Committee of the Library supervises the functioning of the parliament's library.

## 7. REFERENCES

[www.parliament.gr](http://www.parliament.gr)

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## **IRELAND**

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## 1. NUMBER OF THE MEMBERS OF THE PARLIAMENT

Ireland is a parliamentary democracy. The Oireachtas (National Parliament) consists of the President and two Houses: Dáil Éireann (House of Representatives) and Seanad Éireann (the Senate).

The method of election to each House is different. The 166 Members of Dáil Éireann are directly elected by the people.

Seanad Éireann is composed of 60 Members as follows:

1. 11 nominated by the *Taoiseach* (Prime Minister).
2. 43 elected by five panels representing vocational interests namely, Culture and Education, Agriculture, Labour, Industry and Commerce and Public Administration.
3. Six elected by the graduates of two universities: - three each by the National University of Ireland and the University of Dublin (Trinity College).

## 2. STRUCTURE

### 2.1. The two Houses

The Constitution empowers each House to make its own Standing Orders (Rules of Procedure) with power to attach penalties for their infringement. In addition to its legislative role, each House may examine and criticise Government policy and administration. However, Dáil Éireann is the House from which the Government (the Executive) is formed and to which it is responsible. Should the Government fail to retain the support of the majority of the Members of Dáil Éireann, the result can either be the dissolution of the Dáil and a General Election or the formation of a successor Government.

By law, a General Election to Dáil Éireann must be held at least once every five years. Members of Dáil Éireann are elected by citizens aged 18 years and over. A Member's official Irish title is *Teachta Dála* which in English means "Deputy to the Dáil"; Members are generally called "TDs" or "Deputies". For electoral purposes, the country is divided into areas known as constituencies, each of which elects either three, four or five Members. Under the Constitution there must be at least one Member for every 20,000 to 30,000 people and at present there are 166 Members representing 41 constituencies. The constituencies must be revised at least once in every twelve years. In practice, constituencies are revised on the publication of the results of each census of population. A census is normally taken every fifth year and then an independent Commission draws up a revised scheme of constituencies if necessary.

A speaker (*Ceann Comhairle*) is appointed, with a deputy, by a new Dáil after a general election, to preside impartially and conduct the business of the House. The speaker also chairs the Committee of Procedure and Privileges. To assist him in his duties the speaker nominates a panel of temporary chairmen from amongst other members. Similarly, the Seanad elects a *Cathaoirleach* to preside over its proceedings.

### 2.2. Committees

Each House of the Oireachtas has power under its Standing Orders (rules of procedure) to form Committees for specific purposes and decide on their terms of reference, membership and powers. The Houses have separate constitutional identities but may form "Joint Committees", which are Select Committees of each House sitting and voting together.

Most committees meet in public session and their proceedings are televised. Representatives of the media and members of the public may attend. Joint Committees have been established in the 28<sup>th</sup> Dáil for European Affairs; Foreign Affairs; Heritage and Irish Language; Justice, Equality and Women's Rights; Family, Community and Social Affairs; Enterprise and Small Business;

Agriculture, Food and the Marine; Public Enterprise and Transport; Health and Children; Education and Science; Tourism, Sport and Recreation; Broadcasting and Parliamentary Information; Joint House Services.

There are Committees on Procedure and Privileges and on Members' Interests in each House. The Dáil also has a Committee on Public Accounts which is responsible for examining reports of the Comptroller and Auditor-General on departmental expenditure. All committees have a secretariat and some may engage consultants. Government Ministers do not chair committees but may be *ex officio* members; some Chairmen are members of the opposition.

Powers of committees vary according to their terms of reference. They may include the power to send for persons, papers and records; to receive submissions and hear evidence; to discuss and draft legislative proposals; to publish minutes and other evidence. Under new legislation, not yet in force, designated committees will be able to compel the attendance of witnesses in certain circumstances. Ministers attend committees to explain policy and proposals for legislation.

In the event of absence, incapacity, death, resignation, removal from office or failure to perform functions by the President, the Constitution provides for a Commission to exercise and perform the powers and functions of the President. The *Ceann Comhairle* of Dáil Éireann (chair of the lower house of the parliament) and the *Cathaoirleach* of Seanad Éireann (chair of the upper house of the parliament) are *ex officio* members of the Council of State which aids and counsels the President and together with the Chief Justice they constitute the Commission. If any of those is unable to act, the President of the High Court, the *Leas* (Deputy) *Ceann Comhairle* and the *Leas* (Deputy) *Cathaoirleach*, respectively, can act as members in their place. The Commission may act by any two of their number. In any contingency not foreseen by the constitutional arrangements, the Council of State may make any arrangements they consider appropriate to meet the situation.

In relation to Committee work, Dáil Éireann has its own specialised Committee system which advises on a wide range of legislative, social, economic and financial business. Other work conducted by these Committees includes the processing of legislation and the examination of Government expenditure. A Deputy will often be a member of more than one Committee or indeed its Chairperson. Deputies also have an international political role to play through their membership of international bodies e.g. the Council of Europe, the British-Irish Inter-parliamentary Body and other parliamentary associations and are frequently called upon by national and international TV and Radio to participate in current affairs programmes.

### 2.3. Government

On the assembly of a new Dáil following a General Election, the process of forming a Government begins with Dáil Éireann nominating persons for appointment by the President to be *Taoiseach* (Prime Minister). The nominations are voted on in sequence until one is agreed. Normally, each of the political parties, or a coalition of parties, will have its own nominee and the person securing the nomination will have the support of the majority of the Members.

The executive power of the State is vested in the Government, which is responsible to Dáil Éireann. The Government consists of a minimum of 7 and a maximum of 15 Members. The *Taoiseach*, the *Tánaiste* and the Minister for Finance must be Members of Dáil Éireann. A rarely used provision in the Constitution permits not more than two Members of Seanad Éireann to be Members of the Government. The Government meets and acts as a collective authority. Ministers of State, who are not members of the Government, assist Government Ministers in their parliamentary and departmental work. At present there are 17 Ministers of State.

### 3. OPERATING BUDGETS – totals and main headings

The estimates for the salaries and expenses of both houses of the Oireachtas for the year 2000 amounted to I£ 42.3 million (€ 33.3 million). Major items within this total were as follows:

	I£ million	€ million
<b>Administration</b>	13.0	10.4
Of which - Salaries and allowances	6.9	5.4
<i>officers of the Oireachtas</i>	0.4	0.3
<i>administrative and clerical staff</i>	4.1	3.2
- Travel and subsistence	0.2	0.2
- Office machinery and other supplies	3.5	2.8
- Office premises	0.8	0.6
Catering	0.5	0.4
Televising of proceedings	0.9	0.
<i>Ciste Pinsean Thithe</i> (grant-in-aid)	2.8	2.2
Expenses of committees	0.5	0.4
Members' salaries		
- Dail	7.0	5.5
- Seanad	1.6	1.3
- EP	0.7	0.5
Secretarial assistance for members		
- Dail	4.6	3.6
- Seanad	0.8	0.6
Travel expenses of members		
- Dail	3.0	2.4
- Seanad	1.3	1.0
- Committee travel	0.4	0.3
Other allowances and expenses of members		
- Dail	4.4	3.5
- Seanad	1.0	0.8

### 4. ORGANISATION AND REPRESENTATION WITHIN PARLIAMENT OF MAIN PARTIES

Deputies represent the entire electorate within their constituencies and provide an essential democratic link between constituents, Government and Parliament. A Deputy can be a member of a Government Party, the Opposition or sit as an Independent.

In theory, Seanad Éireann does not recognise party affiliations. However, as the electorate for the panels is made up of the Members of the incoming Dáil, the outgoing Seanad, county councils and county borough councils, the composition of Seanad Éireann, including the *Taoiseach's* nominees, will tend to reflect party strengths in Dáil Éireann.

In practice, Senators will divide into groups supporting and opposing Government business when voting on issues. Furthermore, the Constitution provides that not more than two Senators may be members of the Government and this provision has been exercised twice in the last 60 years.

Current representation in Parliament (June 2000) is as follows:

	75
1.1.1.1.1. Fianna Fáil	
<i>Fine Gael</i>	54
Labour	21
<i>Progressive Democrats</i>	4
Green Party	2
Socialist Party	1
<i>Sinn Féin</i>	1
Others	8
<b>Total</b>	<b>166</b>

## 5. SECRETARIAT AND ASSISTANCE TO MEMBERS

There is provision for one secretarial assistant per Deputy and one assistant per three Senators. Additional assistants for the parties are sanctioned by the Department of Finance in consultation with the Government Whip.

The Houses of the Oireachtas jointly employ 202 staff members: of these the Dáil employs 147 secretarial assistants, 8 administrators and 13 administrative assistants, while the Seanád employs 26.5 secretarial assistants and 4.5 administrative assistants. Secretarial assistants were given the option to go on contract in 1997 and all new secretarial assistants employed since 1997 are placed on contract for the duration of the Dáil.

Staff in Parliament are distributed as follows:

Committees	43.5
Research	2
Library and information	5
Administration	19

There are no staff working for political parties.

## 6. PROCEDURES

Dáil Éireann normally meets in plenary session on Tuesdays, Wednesdays and Thursdays; Seanád Éireann meets on Wednesdays and Thursdays. Sessions of Parliament normally run from late January to Easter; from Easter to the start of July; and from the end of September to Christmas.

Government policy and administration are open to Members' scrutiny by way of formal Parliamentary Questions which may be addressed to Members of the Government on public affairs connected with their Departments or on matters of administration for which they are officially responsible. Moreover, Government performance and policy can also be the subject of more extended debate in the Houses. The *Taoiseach* (Prime Minister), the *Tánaiste* and the Minister of Finance must be members of the Dáil.

While each House decides its own procedures for regulating its business, Government support for new procedures is necessary. Initiatives in recent years have resulted in the establishment of a series of legislative and other specialised committees across a broad spectrum of policy and administration. As a result, Members have increased opportunities to participate more actively and effectively in the working of Parliament.

A typical day's work for a Deputy in Dáil Éireann includes researching and preparing speeches for debates on social, economic, financial and budgetary issues, drafting amendments to and examining proposals for new legislation, contributing to debates on Bills and other important matters, voting on issues in the House, attending Question Time, participating in the proceedings of any of 19 Committees and making either oral or written representations on behalf of constituents to Ministers or Government Departments.

Seanad Éireann's main business is the revising of legislation sent to it by Dáil Éireann. However, in recent years the Government has tended to make greater use of Seanad Éireann to initiate legislation. Seanad Éireann can initiate and revise legislation but under the Constitution its legislative role is restricted in that it cannot initiate Money Bill i.e. financial legislation, and can only make recommendations but not amendments to such Bills. The fact that a Dáil Bill must be examined also by Seanad Éireann is a safeguard against legislation being enacted too quickly. In addition to its legislative role, Seanad Éireann also debates important issues. Indeed, as the Government is constitutionally responsible to Dáil Éireann, Seanad Éireann can debate these issues with greater freedom because the fate of the Government will not be at stake. Moreover, Seanad Éireann cannot delay indefinitely legislation, which has already been passed by Dáil Éireann and cannot initiate Bills to amend the Constitution.

Deputies in Dáil Éireann may ask questions of Members of the Government on matters of administration for which they are responsible on Tuesday, Wednesday and Thursday afternoons. Both oral and written questions are possible. In 1997 some 13,850 questions were answered. Short supplementary questions are permitted during question time. Matters of urgent public importance may be the object of "Private Notice Questions" at short notice if accepted by the Cean Comhairle (*Speaker*).

## 7. REFERENCES

**[www.irlgov.ie/oireachtas](http://www.irlgov.ie/oireachtas)**

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## ITALY

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The Italian Parliament consists of two Houses: the Camera dei Deputati (Chamber of Deputies) and the Senato (Senate).

The first House has 630 Members and the second has 315 Members.

As the two Houses have the same structure and organisation and their Rules of Procedure are essentially similar, the Chamber of Deputies only is examined here.

## **1. MANDATE OF THE MEMBERS OF THE CAMERA DEI DEPUTATI**

Members are directly elected for five years, on the basis of one Member per constituency.

## **2. STRUCTURES**

### **2.1. The Bureau**

Apart from the President, the Bureau is composed of four Vice-Presidents, three Quaestors and eight Secretaries. The number of Bureau Members must reflect the political distribution of the Chamber of Deputies.

The Bureau makes a number of decisions that are important for the functioning of the Chamber, the most significant of which refer to:

- appeals related to the formation of the Parliamentary Groups and the composition of the Rules of Procedure);
- the Members' status Committees (Rule 12 of (Rule 48(a) of the Rules of Procedure) and sanctions for Members who disturb the freedom of debate or order during sessions;
- the annual budget of the Chamber (Rule 12 of the Rules of Procedure);
- organisation of the Chamber's administration, personnel matters, appointment of the Secretary General and of other managerial positions (Rule 12 of the Rules of Procedure).

Committees are set up within the Bureau, which are responsible for certain decisions.

Each Committee is chaired by the President or one of the Vice-Presidents.

Currently, the main such Committees are as follows:

- Committee for Supervision of Documentation Activities;
- Committee for Communication and Information
- Committee for Staff Matters
- Committee for Security
- Committee for the Protection of Artistic and Architectural Heritage
- Committee for the Evaluation of Scientific and Technological Options

### **2.2. The President**

The President of the Chamber is elected by the House at the opening session of a new Parliament.

The President represents the Chamber and ensures its proper functioning (Rule 8 of the Rules of Procedure).

Under the Rules of Procedure, the President:

- oversees the application of the Rules of Procedure by all the bodies of the Chamber and decides on issues concerning their interpretation, hearing, if necessary, the opinion of the Committee on the Rules of Procedure;
- decides on the admissibility of bills, amendments and the agenda;

- sees to the organisation of the business of the Chamber, convening the Conference of Group Chairmen;
- chairs the Plenary and the bodies responsible for organising the business and the general conduct of the Chamber;
- watches over the proper functioning of the Chamber's Administration, which is directed by the Secretary General.

### **2.3. Vice-Presidents**

They work in partnership with the President and he may convene a meeting with them at any time. They stand in for the President in the event of his absence.

### **2.4. Quaestors**

In accordance with the Rules of Procedure of the Chamber (Rule 10), three Members jointly preside over the correct running of the administration. Each year, they draw up an annual internal draft budget that is submitted first to the attention of the Bureau and then to the House for discussion and approval.

The Quaestors also supervise the Protocol, the maintenance of order and security of the Parliament.

### **2.5. Secretaries**

They supervise the drafting of the Records, which must only include proceedings and acts of the Chamber, which they read. They draw up the list of Members who have requested the floor during a plenary sitting. They cooperate with the President in order to ensure proper voting procedures.

### **2.6. Conference of Group Chairmen**

The Conference of Group Chairmen is convened by the President of the Chamber of Deputies on each occasion he deems it necessary in order to examine the proceedings of the House and Committees.

The Government is constantly kept informed by the President of dates and meetings in order to enable Members of the Government to attend. Vice-Presidents of the Chamber and the Chairmen of the Parliamentary Committees may be invited to attend the Conference.

### **2.7. Committees**

The Committees (referred to as "Giunte" in Italian because of their specific nature) are responsible for the correct functioning of the Chamber and the independence of Parliament vis-à-vis the other branches of power.

The members of each of these Committees are appointed by the President, who ensures that the various Groups are adequately represented in each Committee.

Currently, the Committees are as follows:

- **Committee on Elections:** this has the task of checking that each Member has been correctly elected and recommends whether the House should validate or cancel the election. It also checks the Members' "credentials", that is, whether there are any grounds for ineligibility or incompatibility with their parliamentary mandate;
- **Committee on the Rules of Procedure:** unlike the other Committees of this kind, it is chaired by the President of the Chamber who convenes it when he needs its opinion on the interpretation of any part of the Rules of Procedure;



- **Committee on Parliamentary Immunity:** after the reform of Article 68 of the Constitution approved in 1993, the Judiciary no longer has to request that the Members of the two Houses waive their immunity before conducting investigations involving a Member, except in the case in which it intends to proceed to an arrest or other restrictions of personal freedom; in such cases, the Committee assesses the magistrate's requests and reports to the House. The Committee is empowered to examine also issues related to the uncensurability of opinions expressed and of votes cast by Members and the granting of the waiver required under Article 96 of the Italian Constitution in order to institute criminal proceedings against Ministers for offences committed while in office, provided that the Ministers are also Members of Parliament.

The House is then called upon to decide upon the proposals made by the Committee.

### 3. ORGANISATION AND POLITICAL DISTRIBUTION IN THE PARLIAMENT

#### 3.1. Parliamentary Groups

At least 20 Members are required to form a Group. All the Members must be members of one of the Parliamentary Groups within two days after the first session. Members of different political colours may belong to a "Mixed" Group.

The proportion among the various Groups must be respected when the Committees are set up.

The organisation of business and the scheduling of the activities of the House are regulated by the Conference of Group Chairmen.

Currently, the following groups are represented:

<i>Alleanza Nazionale (National Alliance)</i>	91 Members
<i>Comunista (Communist Party)</i>	21 Members
<i>I Democratici (Democrats)</i>	21 Members
<i>Democratici di Sinistra (Democrats of the Left)</i>	165 Members
<i>Forza Italia</i>	110 Members
<i>Lega Nord Padania (Northern League for the independence of Padania)</i>	43 Members
<i>Misto (Mixed Group)</i>	97 Members
<i>Popolari Democratici (Popular Party)</i>	58 Members
<i>Unione Democratici per L'Europa (Democratic Union for Europe)</i>	21 Members

#### 3.2. Standing Committees

The Rules of Procedure (Rule 22) establish the number of Standing Committees, and define their remits for the different areas, which are:

- Constitutional Affairs, the Prime Minister's Office and the Interior,
- Justice,
- Foreign and Community Affairs,
- Defence,
- Budget, Treasury and Economic Planning,
- Finance,
- Culture, Science and Education,
- Environment, Territory and Public Works,

- Transport, Post Office and Telecommunications,
- Productive Activities, Commerce and Tourism,
- Civil service and Private Sector,
- Social Affairs,
- Agriculture,
- European Union Policy.

Each Committee elects its own Bureau comprising the Chairman, two Vice-Chairmen and two Secretaries.

The Committees carry out legislative, policy orientation, scrutiny and fact-finding activities.

In carrying out their functions, Committees adopt resolutions aimed at expressing guidelines or defining policies concerning specific issues; they may meet for the purpose of putting questions in order to express opinions on proposed appointments and other Government acts.

### **3.3. Special Committees**

Besides the Standing Committees, the Rules of Procedure also empower the Chamber to set up Special Committees, which must always reflect the proportions among the Groups (Rule 22).

### **3.4. Organisation of the business and agendas of the Parliament and the Committees**

The House organises parliamentary business in accordance with the programme.

The programme of business for at least two months is debated by the Conference of Group Chairmen.

The programme of business, drawn up on the basis of the suggestions made by the Government and the proposals put forward by the Groups, contains the list of the subjects, which the Chamber intends to consider, with an indication of the order of priority.

The programme of business of the House determines the allocation of working time for the House and the Committees for the period under consideration.

Once the programme of business has been drawn up, the President convenes the Conference of Group Chairmen to define the conditions and timing of its implementation through the adoption of a three-week order of business.

The order of business is drawn up on the basis of the recommendations made by the Government and the proposals put forward by the Groups.

The Chairman of the Committee convenes the Bureau, with the participation of the representatives of the Groups, to establish the Committee's programme and the order of business.

## **4. PARLIAMENT'S BUDGET**

The Parliament (the two Chambers) is an independent body: it is not part of the public administration in the strict sense of the term, and therefore has its own funding by means of an appropriation, laid down in the General State Budget. This is why the Parliament works on a different budgetary basis to the State Budget.

The Chamber's draft budget and accounts are drawn up by the Quaestors and agreed upon by the Bureau before being debated and voted on in the House (Rule 66). The budget is not an internal act: it is subject to the publication of parliamentary acts since this is a question of informing public opinion of the aims and uses of public resources.

#### 4.1. The 1999 Budget

In the context of the reform process begun last year by drafting the budget for the first time in terms of competence and liquidity, the 1999 Budget includes the separation and quantification of different headings of expenditure concerning each chapter or elementary unit of the budget and is only subject to approval. These changes give new importance to transparency of the budget both when under consideration by the House and during parliamentary publication.

##### 4.1.1. Tables showing the Parliament's draft 1999 forward Budget

**Table 1**

REVENUE				
ITEMS	1998 final <i>(millions of lira)</i>	1999 forecast <i>(millions of lira)</i>	% change	1999 forecast <i>(millions of €)</i>
Appropriations	1 155 800	1 202 000	+ 4.00	620
Savings in previous years	176 825	147 584	- 16.54	716
<b>Total revenue</b>	<b>1 414 389</b>	<b>1 424 308</b>	<b>+ 0.70</b>	<b>736</b>
EXPENDITURE				
ITEMS	1998 final <i>(millions of lira)</i>	1999 forecast <i>(millions of lira)</i>	% change	1999 forecast <i>(millions of €)</i>
Current expenditure	1 292 167	1 332 502	+ 3.12	688
Capital account expenditure	122 221	91 806	- 24.89	47
<b>Total expenditure</b>	<b>1 414 389</b>	<b>1 424 308</b>	<b>+ 0.70</b>	<b>730</b>

**Table 2**

CURRENT EXPENDITURE				
CATEGORY	1998 final <i>(millions of lira)</i>	1999 forecast <i>(millions of lira)</i>	% change	1999 forecast <i>(millions of €)</i>
MPs	261 920	270 780	+ 3.38	140
MPs drawing a pension	179 786	185 470	+ 3.16	96
Current staff	322 672	333 390	+ 3.32	172
Staff drawing a pension	199 856	203 716	+ 1.93	105
Purchase of goods and services	206 675	212 353	+ 2.75	110
Transfers	72 318	59 240	- 18.08	31
Miscellaneous expenditure	45 715	44 034	- 3.67	23

**Table 3**

CAPITAL ACCOUNT EXPENDITURE				
CATEGORY	1998 final <i>(millions of lira)</i>	1999 forecast <i>(millions of lira)</i>	% change	1999 forecast <i>(millions of €)</i>
Real estate	48 368	42 098	- 12.96	22
Tangible assets	29 884	24 905	- 16.66	13
Artistic heritage, library and historic archives	3 677	3 090	- 15.96	2
Miscellaneous amounts	40 291	21 713	- 46.11	11

## 5. SECRETARIAT

### 5.1. Internal structure

The Secretary General is appointed at the proposal of the President following a debate, and is chosen from among the Deputy Secretaries General, the Editor of the Official Report, the Administrative Advisers and the Parliamentary Advisers.

The Secretary General oversees the preparation of parliamentary business and assists the President during plenary sittings of the Chamber and Parliament when the two Chambers sit in joint session.

He is in contact with the President of the Republic, the Senate, the Presidency of the Council and the Ministers.

He drafts the Records of the Bureau, the Committee on the Rules of Procedure and the Conference of Group Chairmen. He archives the proceedings of meetings in camera.

He is answerable to the President for all the departments and offices.

As Staff Manager, he represents the Administration legally. He makes proposals to the President regarding, which Advisers with the position of Head of Department to assign to the various departments and their transfer from one department to another. He assigns staff to the various departments and offices.

Each year, he prepares a report on the state of the Administration for the Bureau.

He drafts and edits the Chamber's publications.

Following an order by the President, three Deputy Secretaries General may be appointed. They, along with the Editor of the Official Report, are responsible for co-ordination duties in the various Administration sectors, which are assigned to them by the Secretary General.

A Head of Department position is assigned, by order of the President, to one of the Parliamentary Advisers.

**A Head of Department/Adviser** manages, co-ordinates and is responsible for a department, and establishes its aims in relation to the general needs of the Administration.

**The Council of Heads of Department** is a general consultative body of the Administration and performs other tasks assigned to it by the Regulations on Staff and Departments.

The Council consists of the Secretary General, who chairs it, Deputy Secretaries General, the Editor of the Official Report and Advisers who are Heads of Department.

The Council of Heads of Department is made up of three sections, which respectively have competence for legislative assistance, administrative assistance and documentation.

These sections issue proposals within their sphere of competence.

A **department** consists of a structure with specific competences on a set subject and operates independently.

Each department is divided into several offices and operating units.

The Administration departments of the Chamber are as follows:

- Department for Privileges and Immunities
- Plenary Assembly Department
- Committees Department
- Department for the State Budget
- Department for the EU and International Relations
- Research Department
- Library

- Department for Verbatim Reports
- Treasury
- Personnel Department
- Administration Department
- Maintenance Department
- Information Technology Department
- Department for Members' status and allowances.

The Offices of the General Secretariat are as follows:

- Office for General and Legal Affairs
- Protocol
- Office for Administrative Scrutiny
- Office for Parliamentary Scrutiny
- Office for Parliamentary Publications and Information
- Office for the Technical Drafting of Legislative Texts
- Office for the Rules of Procedure
- Security Office

## **5.2. Staff status**

### **5.2.1. Job grades**

The Chamber staff is grouped into five job grades and is paid in accordance with their different tasks. The number of staff in each grade is decided by the Bureau.

The staff consists of approximately 1900 employees who are divided between these five grades. 250 civil servants are included among the 1900 employees and are divided up as follows:

- 150 general civil servants
- 60 parliamentary reporters
- 15 librarians
- 20 computer technicians

Each post is filled on the basis of a competition open to the public, with the exception of workers who are employed on a contract basis.

After the competition, the successful candidates may take up their duties only when they have passed the Administration's medical checks.

The probationary period lasts one year. During this time, these employees have the same duties and rights as the permanent staff. At the end of the probationary period, the employee is appointed to the post by the Secretary General.

Doctors attached to the Chamber's offices and translators are taken on as liberal professionals on an open-ended contract by order of the President.

The Administration of the Chamber of Deputies also provides for part-time positions, in accordance with the provisions laid down in the Agreements on the "Part-time Employment Terms appended to the Regulations on Staff and Departments" (Presidential Decree No 2512 of 17 February 1992). Unless otherwise specified, the part-time terms are governed by the full-time employment terms.

Part-time employees may not exceed 12% of the total number of staff with respect to full-time posts.

Salaries, National Insurance contributions and pensions for part-time staff is proportional to hours worked.

#### 5.2.2. Holidays

The parliamentary year lasts 12 months with holidays in August and the first week of September, one week at Easter and two weeks at Christmas.

#### 5.2.3. Staff Discipline

Disciplinary action against Parliament staff, laid down in the Regulations on Staff Discipline (Bureau document of 19 February 1969) consists of the following:

- a) written reprimand
- b) censure
- c) transfer to reduce staff numbers
- d) suspension from post without pay
- e) dismissal

A written reprimand is given to civil servant managers by the Secretary General and to all other employees by the Staff Manager.

Censure is imposed on civil servant managers by the Secretary General and all other employees by the Staff Manager.

The sanctions laid down in subparagraphs c), d) and e) are taken against all employees by the Discipline Committee as laid down in Rule 10 of the Regulations on Staff and Departments.

The Discipline Committee consists of the Secretary General who chairs it, four Head of Department/Advisers and four additional Members.

## 6. PROCEEDINGS

It is the duty of Members to take part in the business of the Chamber. The Bureau decides the procedures and criteria to be followed to ascertain the presence of Members at sittings of the House and Committees.

The Bureau sets the deductions from the allowance for absences from sittings of the House and Committees.

### 6.1. Order during sittings

If a Member is accused during a debate of conduct that may damage his honour, he may ask the President of the Chamber to appoint a Committee to assess the truth of the accusation; the Committee may be given a deadline to present its findings to the House.

If a Member uses unparliamentary language or disturbs by his behaviour the free conduct of the debate or the orderly conduct of the sitting, the President calls the Member to order by naming him. Any Member called to order, who wishes to explain his actions may be given the floor at the end of the sitting.

After two calls to order in the same day, or, in very serious cases, on different days, the President may order a Member to be excluded from the Chamber for the rest of the sitting if the Member in question has insulted one or more colleagues or members of the Government. If the Member refuses to comply with the President's direction to leave the Chamber, the President suspends the sitting and gives the necessary instructions to the Quaestors to see that his directions are carried out.

The President may also propose to the Bureau the censure, with disqualification from participation in Parliamentary business for a period ranging from two to fifteen days, of any Member who has recourse to violence, provokes disturbances, uses threatening language against a colleague or member of the Government or uses insulting language against the institutions or the Head of State.

When disturbances occur and the President's calls to order are not heeded, the President leaves his chair and the debate is suspended. If the disturbance continues, the President suspends the sitting or closes it. In the latter case, the House or Committee is convened for the following day.

The powers required to maintain order in the House are exercised by the President, who gives appropriate instructions to the security officers.

Law enforcement personnel may not enter the Chamber or Committee room unless by order of the President and only after the sitting has been suspended or closed.

### **6.2. Discipline of the Members**

The Members of Parliament may not be prosecuted for their opinions and the way they vote during their mandate.

Without the authorisation of the Chamber, the Members of Parliament may not have their home or person searched. They may be arrested, have their personal freedoms restricted or be detained but only in the event of the enforcement of a sentence or of *flagrante delicto*.

## **7. REFERENCES**

**[www.camera.it](http://www.camera.it)**

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## **LUXEMBOURG**

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## 1. GENERAL INFORMATION

The Parliament consists of a single House. The number of Members of Parliament is fixed at 60.

## 2. ELECTORAL SYSTEM

Electoral Act: 31/07/24 Last amended: 28/12/90

Constituencies: 4 constituencies -South, Centre, North, East- which elect 23, 21, 9 and 7 Members of Parliament respectively.

Voting system: Party-list proportional representation with seats allocated according to the Hagenbach-Bischoff method. Electors may cast a preferential vote or split their vote between different lists. Voting is compulsory.

## 3. STRUCTURES

### 3.1. Bureau

Rule 4 of the Rules of Procedure: The Bureau shall be composed of a President, three Vice-Presidents and seven Members of Parliament at the very most. Appointments shall be made by absolute majority voting, and blank or void voting slips shall not be counted; during the second round, a relative majority shall be sufficient; rules have been laid down in the event of a tied vote.

Rule 7: Tasks. The Bureau shall represent the House at national and international level; it shall take decisions on financial matters and the organisation of the House.

### 3.2. Working Committee

Rule 26 of the Rules of Procedure: The Working Committee shall consist of the President of the House and a delegate from each technical group and each political group. It shall take decisions on matters relating to the organisation of Parliament's work and shall propose the agenda.

### 3.3. Committees

Chapter 5 of the Rules of Procedure: There shall be standing committees and special committees. The number of standing committees, their title and responsibilities shall be laid down after each new election. The committees shall consist of a minimum of five Members of Parliament and a maximum of thirteen Members of Parliament. Special committees may be established at the request of the President of the House or at the request of the House.

On the proposal of the Working Committee, the House shall establish the number of seats to be allocated in each individual committee to each political group, to each technical group and to non-attached Members of Parliament, according to their proportional representation.

Examination of proposals, draft acts, amendments and motions shall take place in the committees in accordance with the order indicated by the House;

A committee agenda shall be decided by the committee or failing this, by its chair or the President of the House.

#### 4. BUDGET

		<i>LUF</i> (millions)	€ (millions)
A	MPs	303.7	7.5
B	Political groups	59.5	1.5
C	Staff	118.2	2.9
D	Administration	217.2	5.4

Costs related to buildings used by the House and political groups are paid for by the State, except maintenance costs (cleaning and municipal charges). The appropriations are laid down in the "Administration" section.

The House bears the cost of computer equipment for Members of Parliament (the appropriations are laid down in the "Administration" section and partly in the "Parliamentary Groups" section).

#### 5. ORGANISATION AND DISTRIBUTION OF THE PARTIES

- Rule 13 of the Rules of Procedure: The Members of Parliament may form political groups, which must consist of a minimum of five Members of Parliament.
- Rule 14: Members of Parliament who do not belong to any group and who have not allied themselves with a group may form a technical group.

At the last election in June 1999, the political distribution was as follows:

<i>CSV (Christian Social Party)</i>	19
<i>DP (Democratic Party)</i>	15
<i>LSAP (Socialists)</i>	13
<i>ADR (Action Committee for Democracy and Pension Rights)</i>	7
<i>Verts (Greens)</i>	5
<i>dei Lenk (The Left)</i>	1

##### 5.1. Secretariat and auxiliary staff for Members of Parliament

- Rule 157 of the Rules of Procedure: House employees and staff shall be appointed and dismissed by an absolute majority of the Bureau.

The Chamber of Deputies currently employs 40 civil servants, 3 employees and 1 manual worker on open-ended contracts.

Members of Parliament have the right to a monthly allowance in order to employ a research assistant (on a contractual basis and subject to fulfilment of social security requirements). The appropriations are laid down in the Members of Parliament section.

#### 6. PROCEDURES

##### 6.1. Methods of adopting legislation

- Chapter 8, Rule 42 of the Rules of Procedure: The House may not make decisions unless the majority of its Members are present. Vote by roll call may always be conducted by electronic voting. Apart from votes on all acts, which are always held by roll call, the House shall express its opinion by a show of hands, unless five Members of Parliament request a roll call vote.

- Rule 46: All decisions shall be made by an absolute majority vote, except in respect of those laid down in these Rules of Procedure with regard to elections and tabling of documents. Abstentions shall not be included when calculating the absolute majority.

**6.2. Allocation of speaking time**

Rule 31 of the Rules of Procedure: No Member of Parliament may speak until he has been registered or has asked the President for the floor and has been given it.

**7. REFERENCES**

Rules of Procedure of the Chamber of Deputies; Registry of the Chamber of Deputies;  
27.10.1994

[www.chd.lu](http://www.chd.lu)

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**THE NETHERLANDS**

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The Dutch Parliament or Staten-Generaal (States General) is structured as a bicameral institution. The main legislative responsibility lies with the directly elected Lower House or second Chamber (Tweede Kamer<sup>1</sup>) rather than with the indirectly elected first Chamber (Eerste Kamer), although the latter has an important supervisory function in the legislative process.

## 1. MEMBERS OF PARLIAMENT

### 1.1. Number of seats in the House and constituencies

The Lower House consists of 150 members who are directly elected for 4 years by proportional representation. Within parliament, members have fixed, allocated seats according to their party allegiance. Although there are six "blocks" of 25 seats each in the assembly room, members from one party sit in a coherent group wherever possible. Traditionally, parties are allocated seats on the left or right side of the Chamber according to their political position (right being conservative, left usually referring to social democrats), but due to the fragmentation of parliament into many different groups (*see below*), this traditional division is somewhat less significant in modern politics.

Apart from members of parliament, cabinet members, secretaries of state and other officials as well as the *Griffie* (Chief Registrar of the House, *see below*), have their fixed seats in the Chamber.

At the beginning of each debate, the Speaker establishes who is present and, if the number of members present is 76 or higher (i.e. if more than half of all members is present) the debate is opened. Members may leave the plenary after that, but votes can only take place if more than 50% of all members are present.

The country is divided into 19 districts which are subdivided into multi-member constituencies of approximately 1000 voters each, who elect members of parliament from nation-wide party lists. Parties and groupings can gain parliamentary representation without having to pass a significant threshold, the minimum share of the vote required being as low as 0.67%. Should a vacancy arise in parliament between two general elections, the post is filled by the next candidate on the party list in question.

### 1.2. Incompatibilities of offices

To avoid undue accumulation of powers in one person, any combination of two or more of the following offices is not allowed:

- Member of Parliament
- Cabinet Minister, member of the Council of State
- Judge of the Supreme Court
- Member of the General Board of Auditors

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<sup>1</sup> NB: this study uses the terms "Tweede Kamer" "Chamber", "Parliament" and "House" or "Lower House" to refer to the second Chamber of the Dutch Parliament. All these terms can be considered to refer to the same institution within this study.

- Queen's Commissioner in a province
- Clerk or any other official of either Chamber.

## 2. STRUCTURES

### 2.1. The Standing Orders

The rules and procedures of the House are laid down in the Standing Orders (*Reglement van Orde*). Each Chamber of Parliament has the right to set up its own Standing Orders and to amend them as and when it deems necessary. Such proposals can, in principle, be made by an individual member or by a committee, but political practice has shown that proposals to amend the Standing Orders from within the House are normally tabled by one or more leaders of the parliamentary parties, or, even more frequently, by the procedures committee (*see below*), which draws its legitimacy from the Standing Orders themselves. Its main task is to advise the House on necessary amendments of the procedures of the House, either on its own initiative or at the request of the House, the government or the Speaker.

### 2.2. The Presidency of the Tweede Kamer

The Speaker of the Lower House, the *Voorzitter*, is elected by MPs during every parliament's constituent meeting for the duration of the entire term of parliament (normally 4 years), or as soon as possible after a mid-term resignation of the Speaker. The Speaker's election is the result of a formal secret ballot. To be elected *Voorzitter*, a candidate has to obtain an absolute majority of all members. If this is not achieved in the first or the second ballot, a third ballot is held between the two candidates with the highest share of votes in the previous ballot. A fourth ballot is held if the third one produces no majority for either candidate. If there is still a tied vote, the lot will decide as a last resort. Presiding over this vote is the last official duty of the preceding Speaker before the successor takes over.

The *Voorzitter* supervises parliamentary procedures and organises parliamentary business by convening sessions, organising and presiding debates and proposing or deciding on the setting-up of committees. Furthermore, in his/her function as chairperson of public debates, the Speaker supervises and verifies the voting process and ensures respect for the Constitution and the Standing Orders of the House. In this respect, s/he has the power to decide on disciplinary measures where necessary. While the Speaker normally establishes the list of speakers and gives or withdraws permission to speak, s/he can also, at his/her discretion, organise impromptu debates. Although the Speaker is expected to remain above party politics, he or she can propose bills or amendments and make speeches in legislative debates, but only when previously leaving his/her chair. S/he is also normally consulted by the Head of State about the formation of new governments, and may speak as a representative of the parliamentary assembly.

Nonetheless, although the Speaker has powers of his/her own, some of the Presidency's responsibilities lie with the *Presidium* or Bureau, a presidential college meeting twice monthly and consisting of the Speaker and several deputy speakers. The *Presidium* enjoys special powers in being in charge of the budget of the House, recruitment and promotion of staff, the organisation of the services of the Chamber and safety in the Chamber, but is obliged to consult an advisory committee before reaching a decision. If there is a tied vote within the *Presidium*, the casting vote will be made by the Speaker.

### 2.3. Committees

Committees are a central instrument in the working procedures of the Dutch parliament. They are generally the most important forums where matters of specialist nature are discussed, and they are a more likely venue for long and in-depth discussions of proposals than the full plenary debate. Any matter can be referred to the appropriate committee by the Speaker of the House.

While the number of members on a committee is determined by the Speaker (although the House may decide otherwise), they are normally composed according to the parliamentary majorities. All members and, if appointed deputy members of a committee are also members of parliament. Membership of a committee may be terminated by the Speaker of the House upon request. Appointed by the Speaker acting on behalf of the Lower House, each committee is entitled to the assistance of the Clerk or a Deputy Clerk designated by the *Griffier* (see below), and by one or more other officials of the House.

During the constituent meeting of a committee, chaired by the Speaker of the House or a deputy, the committee members elect a chairman and a deputy chairman, in whose remit it is to control any further business of the committee.

There are generally four types of committees in the Lower House, with vastly differing functions. However, all committees have in common that they discuss during their meetings all matters regarding their specific, often specialised, field of action in order to propose legislation, discuss a bill tabled by the government or other members of the House, or consider any other political measures in their field. After the committee stage of any proposal, the committee reports to the entire House and normally advises the Chamber as to the proposed course of action or voting behaviour. Especially when the committee work concerns a highly specialised subject matter, its suggestions are normally followed by the House, although there is of course no such formal requirement.

The committees currently operating in the Tweede Kamer are as follows:

- Standing committees (*vaste commissies*), of which there is one for every Ministry, except the Ministry for General Affairs, and the committee for Netherlands Antilles and Aruban Affairs
- General committees (*algemene commissies*), appointed for the duration of the entire parliamentary term to deal with matters of special importance to the House, or which concern virtually all Ministries
- Temporary committees (*tijdelijke commissies*) appointed on a temporary basis to work on any subject the House regards sufficiently important. This subject must be clearly defined and the Committee must report to the House within a specified period of time, unless parliament grants an extension upon the committee's request.

Other committees (*overige commissies*), which include the following:

- The credentials committee, which examines credentials and reports to the House on the admission of members, and, if necessary, on the course of elections and the adoption of election results.
- The petitions committee, which is responsible for reporting on all petitions passed to it by the House or a committee of the House and may receive reports from and consult with the National Ombudsman. To produce its report, which must contain a clear conclusion and which will be published, it may request advice from standing or general committees.

- The procedures committee, which is charged with advising the House on its the rules and procedures as laid down in the standing orders (*see above*). It may do so upon its own initiative or upon the request of the House.
- The public expenditure committee, which advises the House on legal budgetary matters and financial scrutiny whenever budgetary items or budgetary and accounting aspects of policy proposals and government decisions are concerned.

The committee is also entitled to receive directly any report by the Board of Auditors (*Algemene Rekenkamer*) and any government document regarding accounting matters. The committee's opinion is essential for the House to take a decision on any request to initiate a Court of Auditors investigation.

- The joint committee for the stenographic service of the States General, which is a cross-chamber committee supervising the stenographic service. It is significant to note that the two Chambers of parliament share one stenographic service and are consequently both represented on this committee.

In order to carry out its work, each committee is entitled to communicate directly with the minister(s) concerned (especially, but not only, with reference to a bill referred to the committee), to hold hearings after previous notification of the House and to consult advisory bodies (addressing its request to the relevant minister) as well as external experts.

All committees have to report on their work to the House, although if the Chamber so decides, the report may be withheld from publication. Generally, committee reports fall within the remit of the clerk. Committee meetings are normally public, although the House may decide that meetings of a particular Committee may be held in private. Equally, a committee may decide to hold a specific meeting in private, and to hold their procedural meetings in private.

While the government may request a committee meeting, it is normally the responsibility of the committee itself or of its chairman to determine its meeting times. Meetings are accessible to all members and deputy members of the committee. However, a committee may also decide to grant other members of the House permission to attend a meeting if they so request. Meetings where legislative consultations are held, and during which motions may be moved, are open to all members of the House.

Decisions within the committees can only be taken by their members or deputies, and, in case of the petitions committee, if more than half of its members are present to cast their vote. Even if two or more committees have been conferring in joint meetings, each committee has to reach a decision separately. Should the outcome not be identical, the matter will be decided by the House.

### 3. OPERATING BUDGETS

Article 10 of the rules of procedures of the Lower House lays down the guidelines for estimates and management of financial resources, stipulating that "each year, estimates of the expenditure required for the House in the next year shall be drawn up by the *Presidium*, and after adoption by the House, shall be sent to the relevant Minister before 1 May." It is up to the *Presidium* to manage the financial resources of the House.



The yearly budget of both chambers of parliament is traditionally found in chapter II of the national budget and includes expenditure for members and former members of parliament, the groups, officials and staff and material requests such as stationery. In 1995, the overall budget for both Chambers was roughly 140 million guilders (€ 63.5 million).

A breakdown of budget items and the size of the operating budgets from 1998 to 2000 can be found in the following two tables.

**INCOME OF THE TWEEDE KAMER (SECOND CHAMBER)**

Description	Income 1998 in € 1000	Income 1999 in € 1000	Expected income 2000 in € 1000
<b>Total Tweede Kamer</b>	<b>2 220</b>	<b>1 581</b>	<b>1 581</b>
Withheld resources for pensions of members of parliament and their relatives	375	286	286
Receipts from restaurant	741	710	710
Various receipts	1 105	584	584
Joint expenditure Staten-Generaal	15	23	23
Various receipts	15	23	23

**PARLIAMENTARY EXPENDITURE OF THE TWEEDE KAMER (SECOND CHAMBER)**

Description	Expenditure 1998 in € 1000	Budget 1999 in € 1000	Financial frame 2000 in € 1000
<b>Total Tweede Kamer</b>	<b>70 037</b>	<b>71 804</b>	<b>68 252</b>
Reimbursement of travel and other expenses of and benefits for members of parliament, benefits for Speaker, deputy Speaker and group leaders	13 907	14 561	14 532
Pensions and other payments to former members of parliament and their relatives	6 249	4 942	4 942
Personnel and material	32 631	34 889	31 835
Printing of parliamentary documents	3 150	2 934	13 642
Financial assistance to groups	13 736	13 670	13 642
Foreign visits by members of parliament and accompanying staff	130	367	366
Parliamentary Enquiries	196	441	PM
Guarantees	27	PM	PM
Joint expenditure Staaten-Generaal	4 560	5 114	4 719
Personnel and material expenditure for the stenographic service and the Griffie for interparliamentary relations	3 357	3 452	3 453
Interparliamentary relations	1 203	1 662	1 266

Grants paid to political groups or groups in 1999 amounted to € 13 million (NGL 28.6 million).

The Second Chamber does not rent any premises; all such public buildings in the Netherlands are the responsibility of the Governments Buildings Service. Maintenance costs amounted to €563 000 (NGL 1.24 million). Information technology and furniture are included in the figures provided above.

As the only official way to influence the budget decision is to table an amendment during the budget debate, both Chambers are only indirectly involved in determining the amount of money available to them and cannot draw up their own independent budget.

However, it is usual that the *Presidium* of the Lower House publishes an estimate of its required expenses for the following year, which the government can use as a basis for its budget calculations in this area. (A similar custom applies to the budget of the Upper House.)

However, while these estimates had usually been accepted by the government until the 1970s, there was conflict during a period of budget austerity in the 1980s, during which the second Chamber was repeatedly able to resist budget reductions proposed by the government.

It has now gained a fairly strong position to influence its own budget by means of political negotiation and bargaining.

#### 4. ORGANISATION AND REPRESENTATION WITHIN PARLIAMENT OF MAIN PARTIES

Political parties in the Tweede Kamer are organised in so-called groups (*Frakties*) which consist of all the sitting members of parliament of each party. Thus, all political activities of the parliamentary parties are organised within the strict framework of groups, which are headed by a leader (*fraktieleider* or *fraktievoorzitter*). Group leaders have to be elected by all members of the parliamentary party, but political reality has shown that the post is normally held by the first candidate on the electoral list in the case of opposition parties, or by a senior politician on the electoral list of the parties in government, who does not have a cabinet post. (However, group leaders are very rarely party chairpersons at the same time.)

The group leader can speak and act on behalf of the parliamentary party in all-political matters up to and including the formation of a government. It is thus not surprising that s/he is often seen as political leader of the entire party, although technically this is not necessarily the case.

The number of people working for the group (leader) varies according to its size and parliamentary importance. Larger groups are likely to have deputy leaders and a secretary as well as a political bureau where the group leader and a small number of senior politicians regularly discuss the business of the parliamentary party. However, on a purely organisational basis, all groups are treated equally insofar as every group has its own conference room, offices and (administrative) staff provided by the Tweede Kamer (*see below*). Most groups have one weekly meeting to discuss the week's political business. In most cases, this has turned out to be Tuesday mornings, just before the opening of the public debate in the House.

While setting the agenda for the next meetings and allocating specific responsibilities and tasks to individual members is standard procedure during these meetings, which are held in private, groups also use the occasion for a most important political purpose, namely to define their (political) attitude towards a certain project or bill, after which all members of the group are normally expected to vote unanimously in the House as previously agreed within the group by majority voting. Furthermore, members who wish to speak during the plenary debate normally inform the other group members of the contents of their speech.

In general, it is expected that members always act in the House as previously agreed in the group, or at least in a way that does not contradict the policy approach taken by the group. This "group discipline" is only suspended in exceptional cases or when the group in question has not been able to agree a common position. To breach group discipline is considered serious misbehaviour and often implies disciplinary measures by the group leader in co-ordination with the rest of the group members. (These can include removing the member in question from specific posts (e.g. a group committee chairmanship), or even expulsion from the group. As individual members who are not part of any group have little influence in a parliament dominated by groups, this is a heavy-handed and efficient measure, although it can, of course, only be regarded as a last resort.)

The group(s) of the government coalition or party is/are normally expected to support the government's policy, especially as it is common procedure for the cabinet member in question to ensure parliamentary support by co-ordinating and discussing his or her position with the relevant group leader(s).

Clearly, the combination of the influence of group leaders on their groups based on group discipline and the ability of cabinet members to negotiate and confer with group leaders implies that the government can exercise strong influence on parliament, and, in particular, on members of government groups.

However, the fact that government ministers are not members of parliament and consequently have no direct formal powers with regard to the parliamentary party makes the Dutch parliament potentially more independent than, for example, the German Bundestag, where it is common for prominent cabinet members to be party chairperson in addition to being a member of parliament. It can thus be argued that groups are one of the most important elements of parliamentary political organisation, not least because the (power) relationship between individual parties determines to a large extent the overall political climate.

For the larger groups, it is not unusual to have their own committees on various topics where specialists discuss which stance the group should take. Their advice is normally of great importance to the group conference, but it is obviously not necessarily binding. However, a member of a specialist group committee often also speaks in the House on behalf of the entire group if their specialist area is being discussed.

Parliamentary groups are fully in charge of their own internal organisation and are therefore strictly speaking independent of the organisational structures of the Tweede Kamer, although they do of course have to work within the framework of these.

## 5. SECRETARIAT AND ASSISTANCE TO MEMBERS

### 5.1. The chief registrar / clerk of the house (*Griffier*)

The administrative organisation of both chambers of the Dutch Parliament is the responsibility of the *Griffier* (chief registrar or clerk of the house, who can be regarded as the most important official of the chamber), and the *Griffie*, the secretariat of the Tweede Kamer, which is of central importance to its organisation. The *Presidium* is to assist the *Griffie* in this task.

Among the *Griffier*'s most important functions are the preparation of decisions of the chamber and the *Presidium*, the preparation of bills and preliminary research with reference to bills and committee projects, as well as the drafting of parliamentary reports, based on the minutes of a debate.

S/he is also in charge of the parliamentary agenda, and gives legal and procedural advice. Finally, the *Griffier* is responsible for questions of personnel and staffing, financial and organisational matters.

Because of the extensive nature of his or her remit, the *Griffier* is assisted by several *plaatsvervangende Griffiers* (deputy registrars or clerks). Since the 1980s, there are also several assistant registrars or clerks employed by the *Griffie*.

Given the highly political nature of the post, each chamber of parliament appoints and dismisses its own *Griffier*, who is required to be above party politics and must therefore be appointed by a secret and written parliamentary vote. The same applies to deputy *Griffiers*.

Administrative directors are employed and dismissed by the *Presidium*, which is also in charge of handling measures regarding the guidelines regulating the employment of officials, including disciplinary measures. However, the *Presidium* can transfer some of its competencies to the *Griffier*. As head of the administrative organisation of the chamber, the *Griffier* is also responsible for other services, such as the library or the joint stenographic service.

#### 5.1.1. Group workers and other assistance to members

Groups have their own staff to assist group members in their daily work. Staffing policies and levels obviously vary from party to party, and according to the size of the group, but it should be noted that group workers and secretariat assistants are provided and paid for the groups by parliament.

Group workers are thus civil servants, employed to support group members - i.e. members of parliament - in their political work. Over the years, the overall amount of group workers or parliament officials working primarily for groups has risen to over half of the overall staff employed by parliament.

Furthermore, according to articles 9 and 15 of the Standing Orders, the secretariat has to provide administrative support to the *Presidium* and committee bureaus which support the work of the individual parliamentary committees by providing administrative staff as well as other officials, depending on the size and nature of the committee.

Both staff of the groups or groups and Members' assistants is paid from the group's budget which is part of the budget of the Second Chamber. The 150 members of the second chamber have 150 personal assistants and 150 parliamentary group staff.

#### 5.1.2. Total Staff of the Tweede Kamer

Expenditure in 1997 amounted to €17.1 million (NGL 37.6 million) on permanent posts in the establishment plan for the Second Chamber. Expenditure on auxiliary staff amounted to € 1.8 million (NGL 3.9 million), equivalent to about 49 full-time posts. There are no categories of staff as such, but within each service there are administrative, secretarial and executive staff. There is relatively little mobility between departments in the Second Chamber.

The only work of the Second Chamber, which is contracted out, is cleaning. Otherwise all staff working in the Second Chamber are employed by it.

Unit	Number	Permanen t	Temporar y	Percentage in age group		
				Up to 40	40-60	60+
Staff to the <i>Griffier</i>	7	5	2	37.5	50	12.5
Social Services	2	2	0	0	100	0
Personnel & Organisation	16	14	2	37.6	62.4	0
Communications	20	12	8	47.3	52.7	0
Finance & econ. affairs dept.	14	14	0	53.9	46.1	0
Constitutional process dept.	4	4	0	0	75	25
Committee Bureaus	58	51	7	42.6	57.4	0
Other staff in the <i>Griffie</i>	15	15	0	53.3	46.7	0
Mail and Archives	18	15	3	47.5	47.7	4.8
Documentation	39	36	3	48.7	46.4	4.9
Library	8	8	0	75	25	0
Support	10	10	0	60	40	0
General & technical services	2	1	1	0	100	0
Security	46	31	5	59.6	34	6.4
Internal mail service	27	22	5	38.6	57.6	3.8
Domestic service	64	9	55	20.2	75.5	4.3
B&I technical staff	15	14	1	40	60	0
Internal service	29	25	4	26	71.4	2.6
Automation	28	22	6	33.3	66.7	0
Restaurant / admin.	10	9	1	66.6	33.4	0
Restaurant / kitchen	27	21	6	55.6	40.7	3.7
Restaurant / service	33	26	7	25.7	74.3	0
Enquiry committee	4	4	0	75	25	0
Other	1	1	0	0	100	0
Stenographic service	61	61	0	25	71.7	3.3
<i>Griffie</i> interparl. Relations	6	6	0	0	0	100
<b>1.1.1. Total</b>	<b>564</b>	<b>493</b>	<b>71</b>			

## 6. PROCEDURES

### 6.1. Work Cycle

The parliamentary year begins on the third Tuesday of September, the so-called *prinsjesdag*, with the Queen's speech outlining the government's programme for the parliamentary year to come. Plenary sessions usually take place on Tuesdays, Wednesdays, and Thursdays. Specialised committee meetings may take place at the same time, although some committees also meet on Mondays.

Most parliamentary votes take place on Tuesday around lunchtime, at the beginning of the weekly debate period. Because many members of parliament are in committee meetings during the hours of plenary debate, the approximate times when a vote will take place are published in advance. Equally, a bell will ring in the all offices in the parliament building to announce an imminent vote so that members can proceed to the plenary to participate in the vote. This procedure is necessary to ensure that over 50% of all members are present during parliamentary votes.

While it is unusual for most plenary sessions to start before lunchtime, this may well happen during busy periods (for example in the run-up to budget day). Furthermore, it has become general practice to hold debates on Thursday mornings due to the time pressure under which the chamber operates. Normally, daytime sessions do not last longer than until 6.30pm. The Chamber tries to ensure that evening debates, which begin 90 minutes after the end of the daytime session, finish by 11pm. Any amendment to this timetable requires a parliamentary decision.

The parliamentary year, beginning with the Queen's speech in late September, has several periods of recess.

<i>Second half of December until mid-January:</i>	Christmas recess
<i>February or March:</i>	Short early spring recess
<i>Easter:</i>	Easter recess, normally two weeks
<i>Summer:</i>	Summer recess late June until end of August

While plenary sessions used to be exceptional between the end of the summer recess and the official opening of parliament in September, this is now effectively common procedure due to the increased workload of the Chamber. In urgent cases, parliament can be re-called during a recess period if the Speaker so decides or if 15 or more members have sufficient reason to request a plenary session. However, this only happens in exceptional cases or emergencies.

## 6.2. Adoption of legislation

The majority of parliamentary preliminary work is done during the committee stage of any proposal, which involves detailed consideration of the proposal and direct contact by means of *notas* (see below) between the committee and the minister in charge. The committee will then form an opinion and present its report (which must be supported by the majority of committee members) to both the government and the Tweede Kamer.

During the committee stage, it is also usual for public hearings to be held with the minister (this practice is called *wetgevingsoverleg*, or legislative deliberation). If it appears at that stage that all groups support the bill, it can be passed without a full, formal plenary vote, if the group leaders agree.

Normally, however, a bill enters the plenary stage after the preparation work and preliminary research and discussion in the relevant committee. It is common that the chamber will in most cases rely on the report published by the committee and vote according to the committee advice if group discipline allows them to. (As committees are composed according to the majorities in the House, this rarely presents a problem.)

There is no regulation as to when a bill must be put to the plenary after the committee stage. Consequently, the setting of the agenda by the *Presidium* takes place according to the urgency, importance and priority of the bill.

It is common for debates over legislative bills not to be governed by limits on speaking time (see below) in the first session. Although the chamber is at liberty to decide different procedures whenever it thinks fit, the standard procedure is that every bill is dealt with in at least two sessions. The first one allows for in-depth discussion by the Chamber. The following day, there is time for the government to react to the plenary discussion of the bill, after which the second plenary session is held. If there has been a first session without a speaking time limit, it is standard procedure to impose a limit on the speaking time available for the second reading.

If a bill is the result of the chamber or some of its members making use of their right to legal initiative, the member who tabled the proposal may speak before the minister concerned. The bill then proceeds along the same channels as a government bill.

After the initial deliberation, the chamber can proceed to vote on the proposed bill. Although a large number of votes are per article, which means that the chamber votes on every article of a proposal individually, there may also be one single vote on an entire proposal.

The vote normally takes place on Tuesdays around lunchtime, when the chamber tends to be quite full. Most votes are by hand, but any member may ask for a vote by name. This usually only happens in the case of very important bills or when groups are internally divided.

If the bill undergoes changes during the plenary stage, in particular during the vote on individual articles, the Chamber can decide to defer the final vote. This leads to a second reading, which involves that both the committee in question and the government can change the bill as required by the amendments decided by parliament, and that further other improvements can be made. The second reading is thus of a highly technical nature, during which parliamentary amendments (*see below*) can no longer be made.

The final vote will then take place after the second reading.

### 6.3. Distribution of documents

Any bill that has been passed by both chambers of parliament and signed by the Queen, and has thus become law, is published in the *Staatsblad*, the official journal of the state. Furthermore, all items received by the chamber from the government, as well as any other item parliament deems necessary to publish, are printed by the state printers and, whenever their nature demands this, distributed to the members.

These publications as well as minutes etc. are readily accessible to all members of parliament from the chamber's archives. All documentation of parliament proceedings is kept in the archives, while many more recent documents (up to two months old) and the most recent minutes of plenary debates are also published in the Internet.

### 6.4. Relations with the executive

#### 6.4.1. General relations and parliament's position vis-à-vis the executive

As opposed to Germany, Britain and many other European countries, the Dutch government does not emerge directly from within parliament: as in France, members of the government must not be members of parliament at the same time. If a Member of Parliament is chosen for a cabinet post, he or she has to pass on the parliamentary mandate to the next candidate in line on the electoral list of their party if s/he accepts the cabinet post.

Nevertheless, the entire cabinet as well as individual ministers do of course require the confidence of the chamber. The government as a whole is instigated by a parliamentary vote of confidence - usually following the conclusion of coalition negotiations after a general election or a mid-term fall of the previous government. (Political reality in the Netherlands has shown that an overall majority is only very rarely achieved by one single party. If that were the case, however, coalition negotiations would of course not be necessary.)

The Dutch system is very much in line with general practice in most West European democracies in that the cabinet is fully responsible to parliament. It thus follows that the Tweede Kamer can withdraw its confidence in the entire government or an individual minister by a vote of no confidence (unlike in Germany, a constructive vote of no confidence is not required at any

stage) if there is a conflict over an important policy decision by the government which cannot be resolved by other means, or if the minister or the entire cabinet have in any other way lost the confidence of the majority of MPs.

After a successful vote of no confidence, the minister in question - or the entire cabinet - is expected to resign, and successors have to be appointed and approved of by parliament as soon as possible. (However, to avoid a period of deadlock, the old minister(s) remain in charge until successors have been appointed).

In this context it is noteworthy that neither the ability of parliament to withdraw its confidence, nor the subsequent resignation of the concerned minister(s) can be found in written Dutch constitutional or national law: both principles, which are considered to be among the most precious of parliament's powers in any democracy and which are always adhered to in political practice, are only part of national customary common law.

There is also a second option to resolve a conflict situation between the chamber and the executive, namely the dissolution of parliament by the government, followed by a new general election. (Of course this normally involves the formation of a new cabinet according to the new majorities in parliament, too.) The government can only dissolve the Tweede Kamer under observance of strict rules, which imply that new elections must be called immediately, and that the new assembly must take office within three months. Until that time, the dissolved chamber will continue to act as an interim parliament. Furthermore, the chamber may never be dissolved twice over the same issue.

However, it has to be noted that while this procedure is clearly provided for in the legal framework, it has rarely been used in post-war Dutch politics.

Clearly, these two options are the "nuclear deterrents" of domestic politics and are as such not of immediate relevance in day to day politics, although they are of course important factors determining the relation between parliament and the executive.

#### 6.4.2. Forming a cabinet

Another important point, is the formation of a cabinet. In the Netherlands, it is generally more difficult to name ministers who have the chamber's confidence because of the multi-party composition of the Tweede Kamer. In stark contrast to Britain, for example, where there is normally only one government party, Dutch ministers mostly require the support of a coalition of several parties.

Following a complicated process of cabinet formation, which involves the work of an "informer" (*Informateur*) who reports to the Crown on the possible make-up of a government, a Cabinet former (*Kabinetsformateur*) is then charged by the Crown with forming a government that will receive parliamentary confidence. After successful coalition negotiations with the group leaders of possible coalition partners, a government programme is devised and ministers are named by the parties and then appointed by the Crown. The new government will then present its programme to the Tweede Kamer, which could then of course - in theory - vote to disapprove of the cabinet. However, given the previous coalition negotiations, it can be assumed that the new government will enjoy the chamber's confidence.

If there is a coalition government, it is not unusual for the first candidate on the electoral list of one of the coalition parties to head the cabinet, while politician(s) of similar status in the coalition partner(s) would sit in parliament as group leader. As the co-ordination and communication between group leaders of the government parties and the government itself is



vital for the latter's survival, an extremely important part of policy deliberation would not primarily take place only within the cabinet, or directly between the cabinet and the House, but between the leaders of the cabinet (i.e. the Prime Minister) or the concerned minister, and the leaders of the government group(s). In important decisions, it is not unknown for the opposition to be consulted through the same channels.

### 6.4.3. Relations in day-to-day politics

#### 6.4.3.1. Committees

In day to day politics, parliament's influence on the executive is channelled through committees and parliamentary debates. For every ministry, there is a standing parliamentary committee which not only prepares bills and assess government projects before reporting on its findings to the whole House, but is which also required by the Standing Orders to engage in a regular exchange of views with the government (i.e. the minister in charge).

This includes the right to demand further explanations by the minister on any relevant subject matter. Committees can also demand that a hearing be held with representatives of "its" ministry, usually including the minister, where general topics as well as specific projects or bills can be discussed in more depth than during a debate of the whole House.

Consequently, the committees gain a very good insight into the ministerial work and can thus develop an informed opinion on the basis of which it can recommend certain behaviour to the House. When used appropriately and competently, standing parliamentary committees are an extremely influential instrument for the Tweede Kamer to influence, control and possibly correct government policy even before it reaches the plenary stage.

#### 6.4.3.2. Notas

The so-called *notas* are a straightforward, standard way of communication between the executive and the Tweede Kamer. They are in-depth studies, briefings and reports (no bills or proposals yet!) about projects and issues sent to parliament by the government which are then deliberated in the chamber. Due to the long, detailed and often specialist nature of these discussions, they usually take place in public committee meetings, but can also happen in the full plenary.

*Notas* are also used by the government to advise the parliament of any project, bill or amendment it wishes to pass to parliament for approval. At the same time, parliament or a parliamentary committee can also inform the government of its intentions or proposals through the same channel.

The publication of *notas* and their subsequent discussion in parliament are an essential part of the preliminary work of both institutions as they inform the chamber of the details of government projects and give members the opportunity to study the matter in depth in order to form an opinion.

*Notas* are published throughout the parliamentary year, but particular heavy use of this tool is made in September and October after the opening of the parliamentary session. They can lead to a whole written discussion and exchange of views between parliament and the government, and therefore play an important role in defining each other's position and facilitating consensual government.

#### 6.4.3.3. Motions

The House can use motions to express its views, demands and opinions on any topic and whenever it regards a motion appropriate. Motions do not, however, have legally binding status and are thus less powerful a tool than amendments (*see below*). On the other hand, they are less aggressive and at the same time more than mere expressions of parliament's views: they are a direct attempt to influence legislation and policy by means of a clear parliamentary vote.

The chamber is not powerless if the government repeatedly ignores a parliamentary motion. By passing a motion of no confidence, the House can withdraw its confidence in the minister in question, who is then expected to resign.

Every member can present a motion to the Speaker on any subject that is being treated by the chamber, but it needs to be signed and supported by at least four other members before it can be admitted and voted upon. Motions cannot be amended once they have been tabled: if a member wishes to change a motion, they either have to convince the member who tables the motion to change its text before presenting it to the House, or have to table their own motion.

However, when the government has strong reasons not to follow a parliamentary motion, political reality has shown that - not least due to group discipline - most members of government groups would prefer not to lose a minister than to insist on their motion. Hence, given that the cabinet's influence on the government parties through the group leaders is considerable, the government is in a strong position to influence the behaviour of the House. In general, it can be said that the majority of such motions is rejected by a majority of the chamber.

#### 6.4.3.4. The right of amendment

While controlling the cabinet and government policy in general is an important part of the Tweede Kamer's functions, the chamber also has the right to amend government proposals or bills before proceeding to the final vote. While these amendments may never change the actual purpose of proposed legislation, there is a possibility of changing significant details of the bill.

Individual members and groups make ample use of this tool in order to attempt to influence government policy or to amend a proposal so that it becomes more acceptable to them. As the right of amendment extends to all areas of legislation, including the budget, it has developed into an extremely important parliamentary instrument. (However, it should not be forgotten that proposed amendments can of course also be rejected by the majority of members, which is especially likely when an amendment is proposed by the opposition.)

Parliament's (proposed) amendments can be accepted or rejected by the government. In the former case, the procedure is straightforward, as the amendment automatically becomes part of the bill. In the latter (unusual) case, the procedure would be for the responsible minister to declare the bill "untouchable" and, if parliament still rejects the original proposal, ask the Speaker of the House to close the debate and, after previous deliberation with the cabinet, withdraw the bill. Parliament can thus in fact choose between the bill proposed by the cabinet and no bill at all. In extreme cases, this procedure can even lead to the (threatened) resignation of the minister.

If neither of these options applies, the responsible minister can express his or her reservations or even strong reservations about the proposed amendments and advise MPs to vote against it. While the minister then does not make his or her political future dependent on the outcome of the vote, a vote in favour of the amendment would be considered as a considerable defeat for the government. Consequently, MPs (and groups) who support the government are quite sensitive in

this area and tend to follow the minister's advice. However, once a majority of members has voted in favour of an amendment, it becomes legally binding and the government has to incorporate it in the new law.

#### *6.4.3.5. The right of initiative*

The right of initiative grants the House the right to table bills and legislative proposals without previously going through government channels. In this aspect, they compare, for example, with the private member's bill in the House of Commons. The right of initiative has been used repeatedly in the recent years, but it must be said that individual members cannot rely on the specialist advice government ministers are given by the civil service, whereas ministers have the administrative support of their ministry. It thus follows that members are more likely to ask the government to look into a certain proposal or to consider legislation in a specified area.

Nonetheless, if the member(s) in question are not satisfied with the government's response, or do not regard it helpful to go through government channels (which could be the case if the opposition wants to propose legislation), attempting to achieve parliamentary approval of a proposal by making use of the chamber's right of initiative is a definite option. However, due to the dominance of groups and the cabinet's strong influence on the government parties, it is advisable to secure the government's support in order to pass a bill.

Any initiative needs to be presented to the Speaker in writing. After that, it goes the normal way of any proposal, with the exception that the member who tabled the initiative takes the place of a minister who presents a proposal on behalf of the cabinet as contact person for matters regarding that proposal.

#### *6.4.3.6. Interpellation*

The right of "interpellation" gives the Tweede Kamer a right to obtain written or oral information from a government minister - or indeed the Prime Minister. Interpellations are to be used for subjects which are not on the regular parliamentary agenda, and unless the security of the state is at stake, ministers are obliged to answer such parliamentary questions through the official channels and procedures. Usually, a minister would take the opportunity to try and convince the House of his or her point of view and to explain his position.

The normal procedure for an interpellation is for a member of the Tweede Kamer to formulate their question in writing and pass it to the Speaker, who then forwards it to the relevant minister or secretary of state. In urgent cases, and when the recipient of the question(s) is already present in the House, interpellations may be held directly without the previous written procedure. The most drastic possible outcome of an interpellation would be for the House to pass a motion expressing its dissatisfaction with the minister's answers, which might even go as far as to withdraw parliament's confidence.

However, by far the more common procedure would be for a minister to reply to questions posed to him under parliament's interpellation right and for the chamber to pass a motion thanking the minister for the information. In addition, it is also possible for the motion to express a certain position of the chamber, which the government would usually have to take account of, not out of legal obligation, but out of political wisdom.

The Member who brought forward the interpellation can, if there are further questions or comments remaining after the Minister's answers, ask or make these directly following the latter's statements. In addition, other members have the right to speak once during the interpellation debate. The right of interpellation is therefore significant as an opportunity not

only to ask questions, but also to voice opinions and points of view on matters which are not on the agenda of the regular parliamentary debate. As such, it has mainly become a tool for the opposition, the use and efficiency of which depends on the strength and organisation of the non-government groups in the chamber. All questions and answers in this process are minuted, printed and published.

#### 6.4.3.7. Individual members' questions

The formal right of "interpellation" is granted by the Standing Orders (Art. 106) to the whole House, rather than to individual members. However, Article 107 of the Standing Orders allows individual members to ask a member of the cabinet questions without previous permission by the House (although an interpellation is rarely rejected by the House). While there is no clear legal obligation for a minister to answer such questions, it is still politically wise to do so because parliament might otherwise resort to using its right of interpellation.

To ask a minister a written question, members have to inform the Speaker of the question, who, if s/he has no objections to either form or content (questions must be put to the minister in a short, clear and concise form), passes them directly to the minister in question. The latter will then prepare a written answer.

If the a member requests an oral answer to a written question, or wishes to ask an oral question, the Standing Orders provide for a "question time", i.e. a fixed time every week (normally Tuesday afternoons, after parliamentary votes have taken place) when ministers are expected to answer those questions before the House. During the course of the debate, the member who tabled the question may continue to ask one or more short questions on the same subject, this time without previously informing the minister of their contents. Other members may ask one question each on the same subject. Every member has the right to ask questions during question time, but it is still at the Speaker's discretion to refuse to admit a question if form or content are not appropriate. The House can decide to hold extra question times or determine a different time.

The so-called "question right" is frequently used in parliamentary procedures: on average, there are roughly 750 written questions to ministers per year. This already indicates that the right to put questions is an instrument that is highly valued and appreciated by members of parliament. Indeed it can be argued that it has become a very important way for parliament to exercise both control and influence over government ministers. (The same can also be said of motions - *see above*)

Consequently, there is a clear distinction to be made between interpellations and questions; the former have to be supported by a majority of the chamber and has a stronger, more aggressive legal character. Furthermore, an interpellation may not be tabled during question time. Indeed, the member who has tabled a question may not even table a motion on the same subject during the debate in question.

Again, all questions and answers are minuted, printed and published.

#### 6.4.4. Committees of Inquiry or Fact-finding Committees

When the chamber wishes to hold an investigation on any topic it regards as sufficiently important, whether within government remit or not, the Tweede Kamer can vote to form an enquiry committee, which has far-reaching powers and can force witnesses to appear before its panel, including members of the cabinet and government officials, who can only refuse to give testimony if the "higher interests of the state" are at stake.

Committees of inquiry have to be supported by the majority of MPs, which means that they also need support from within the government groups. Hence, whenever the government might be subject of such an investigation, the required majority to convene the committee could be difficult to attain.

Furthermore, committees of inquiry are not used frequently due to their heavy-handed nature (the last one was convened in 1995/96); in many cases, parliamentary investigation is carried out by a specially convened fact-finding committee, which technically has less powers, but can be equally efficient and more flexible than a committee of inquiry. In both cases, the committees report to parliament, which decides on its further course of action on the basis of that report.

### **6.5. Allocation of speaking time**

In order to gain permission to speak during a public debate, MPs need to enter their names into a list of speakers, which is drawn up before the debate. With the exception of the budget debate, where there is a fixed order that allows a representative of the largest opposition party to speak first, the rule provides that whoever enters their name first, speaks first. Members are given the right to speak in a debate by the Speaker immediately before they begin their speech.

When the list of speakers becomes too long, the chamber may decide to limit the time allocated to each speaker. Generally speaking, this is not a measure that normally needs to be taken when ordinary bills of no special importance are discussed. However, when controversial bills or proposals of particular importance are involved, this is not an unusual procedure.

The time limit is thus a matter that is decided by the chamber according to the subject of the debate in question. Time limits can come in several forms: there may be a limit to the time available to each speaker, or a limit to the time spent discussing a certain topic, or a group of topics. (The latter option is called the guillotine-method, as any debate is "guillotined", i.e. ended immediately, no matter how many members still wish to speak, when the allocated time is over. It is, however, a very rarely used tool.)

There may also be limited time available for each group, which can then freely allocate their speaking time to their MPs. The time allocated to each group takes account of its size. (This is now the most common way of imposing a time limit, especially during budget debates and other major plenary sessions).

Speaking time can be limited by the chamber either before the debate, or during its course upon the suggestion of the Speaker or any member who is present during the debate.

During question time, however, there is a clear time limit to the effect that any member who tabled a question may speak for two minutes in reaction to the answer given by the representative of the executive. Subsequently, other members may comment or ask one question each, but are only allowed to speak for one minute. Limitation of speaking time is also common procedure during interpellation debates. There is not always strict observance of the speaking time allocated to each speaker. Especially if some members or groups do not use all the time available to them, it is not uncommon for the Speaker of the House to allow another member to exceed the time available to them.

In this context it should be noted that although the Tweede Kamer can limit the time allocated to speakers who are members of parliament, it cannot limit the time available to a minister or a secretary of state: as these are not sitting members of the Tweede Kamer they are, in a way, guest speakers and as such not bound by limitations of speaking time decided by the chamber. However, it is common practice that cabinet members are asked (but not required) to keep an eye on their speaking time and speak for roughly the same time as members of parliament.

6.6. **Possibility of individual members to speak in plenary** (without prior approval of political parties)

Because of group discipline, it is politically difficult for most members to speak freely and without prior approval from their respective political parties. However, legally, it is clearly possible for members to speak freely in their capacity as an individual member and a representative of a constituency: both the Basic Law and the Standing Orders grant parliamentary rights to the **members** of the Tweede Kamer, rather than the **groups**. However, in political reality, the groups exercise great influence over their members in terms of who may speak in parliament and of what may be said in the name of their parties.

If a member wished to by-pass the group, this can happen by way of an oral question to a minister during "question time", by tabling a motion or during an interpellation debate, but also by following the normal channels of a plenary debate, namely by defying group structures and entering one's name on the list of speakers without prior approval. In plenary debates, the Speaker also has the discretion to allow interruptions, which can be made spontaneously by any member.

Apart from using political pressure, groups can only stop their members from speaking to the plenary when speaking time is allocated to groups, rather than to topics or individual speakers. Nevertheless, the vast majority of members normally adhere to group discipline and only make longer speeches, table questions or motions and demand an interpellation after previous approval by their party. Even short questions, comments or interruptions are likely to be compatible with the general party line, although clearly not all of these are previously cleared with the group leadership, if the member in question wants to avoid risking a rupture with their group.

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[www.parlement.nl](http://www.parlement.nl)

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## **1. NUMBER OF MEMBERS OF THE ASSEMBLEIA DA REPÚBLICA**

The members of the Portuguese parliament are currently 230 in number and the parliamentary mandate is four years. The constitution provides that the number of deputies may vary between 180 and 230.

## **2. STRUCTURE**

### **2.1. President**

S/he is elected by the absolute majority of deputies and represents the Assembly, presides over the Bureau, directs parliamentary work, signs decrees and other parliamentary acts drawn up on behalf of the Portuguese Parliament. S/he also supervises the parliament's administration.

### **2.2. Bureau**

The Bureau is composed of the President, four Vice-presidents, four Secretaries and four Vice-secretaries. It assists the President in directing plenary sessions.

### **2.3. Conference of Chairmen**

The president of the Parliament meets the Presidents of the parliamentary groups to discuss the agenda of plenary sessions or any other matter concerning the regular performance of the Assembly.

The representatives of the parliamentary groups have in this Conference a number of votes equal to the number of Members of Parliament that they represent.

### **2.4. Committees**

For each subject, the committees must choose one or several rapporteurs.

- Each committee has a Board, made up of a President, one or more Vice-presidents and one or more Secretaries.
- The number of permanent committees is fixed itself at the beginning of each legislature; their number may not exceed twelve.
- Each committee draws up its own rules of procedure.
- They inform the Assembly monthly on progress of their work.
- They have facilities in the headquarters of the Assembly.
- Their meetings are fixed by each committee as a whole or by the president. The agenda is decided in advance.
- The members of the government can take part in committee meetings, but in general these are not held in public; the media can take part during the discussion of legislation, unless the Committee decides the contrary.

## **3. BUDGETS**

The draft law on the national Budget for each economic year must be presented to the Assembly, in a legally determined period. The president must send the proposal to the competent Committee and the other permanent Committees. The Budgets Committee must offer its evaluation after considering the opinion of other committees.

In the Plenary Session the length of the first budget debate varies between 2 and 5 days; second reading - article by article - must not exceed 10 days. The budget is the object of a general final vote.



The totals and main headings of the Portuguese Parliament Budget for 1999 were as follows:  
(Initially approved on 17 December 1988 modified by a supplementary Budget on 2 July 1999)

	<i>PTE million</i>	<i>€ million</i>
President, Vice-Presidents and Bureau: headings 101 to 105	328	1.6
Groups: heading 106	1 113	5.6
Members: heading 109	3 303	16.5
EP members: heading 110	233	1.2
Grants to parties and electoral campaign: heading 116	1 728	8.6
Support services: headings 118-120	2 375	11.8
Publishing: heading 122	369	1.8
Interparliamentary cooperation: heading 123	149	0.7
Outside bodies: heading 124	1 390	6.9

#### 4. ORGANISATION AND REPRESENTATION WITHIN PARLIAMENT OF MAIN PARTIES

The deputies elected, whether as individuals or as party members, can form political groups, even with as few as two members. Usually, there are the same number of political groups as parties represented in the Assembly.

The political groups designate representatives in the Committees, present bills, express views on the Agenda, submit motions of censure to the government or to reject its programme, provoke debates, or question the government.

During the current session (VIII Legislature, elected the 10 October 1999), there are six political groups:

Socialist Party	115 members
Social Democratic Party	81 members
Popular Party –Social Democratic Centre	15 members
Communist Party	15 members
Green Party	2 members
Block of Left	2 members

It is necessary to observe that the Green Party and the Communist Party were allied during the elections in the "Unity Democratic Coalition", but in the Assembly each has its own political group.

#### 5. SECRETARIAT AND ASSISTANCE TO MEMBERS

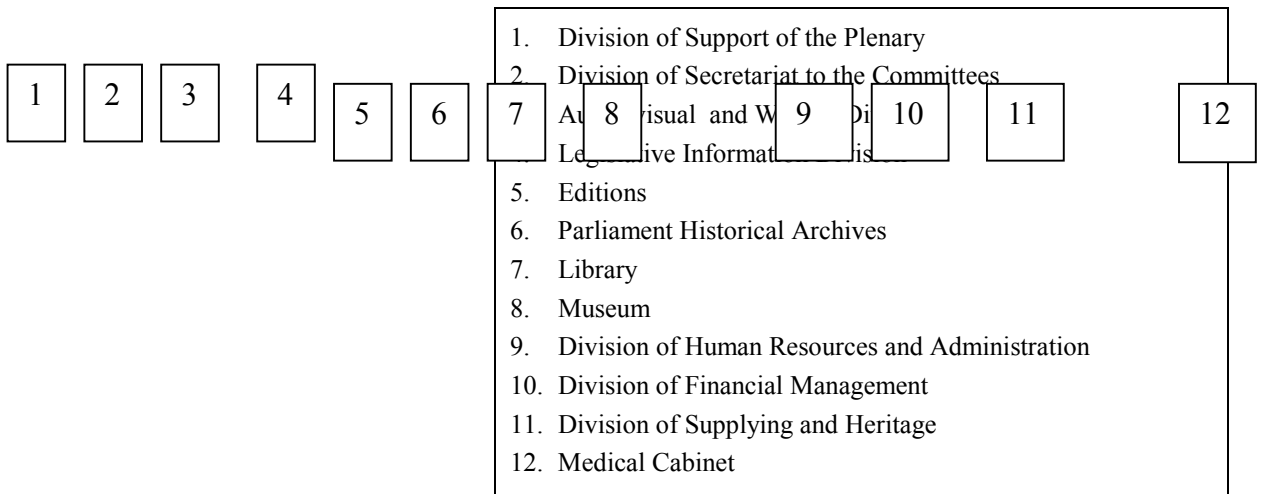
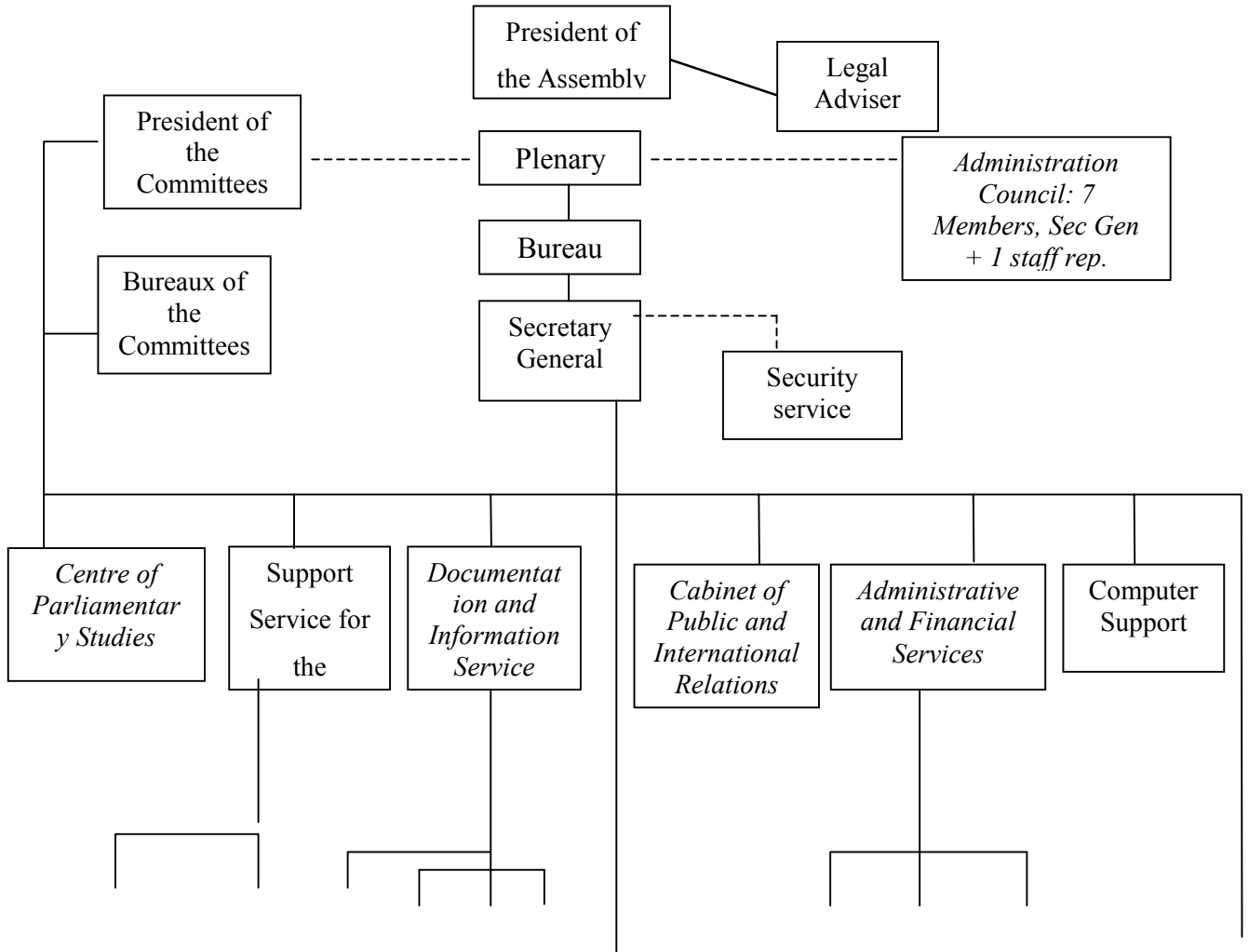
In the Portuguese Parliament there are two types of civil servant:

- the staff of the Parliament
- the political groups

For **civil servants of the Parliament** there are various categories as listed below, following the duties that they exercise. Academic training is significant. Indeed, there are civil servants who have a university degree occupying posts for which a degree is not required. Generally all the staff of the Parliament have permanent contracts.

The secretariat and support for the Members of Parliament are made up of personnel chosen freely by the **political groups**. The organisation and the number of these officials are established internally by each political group. At the beginning of each legislature the political groups indicate to the Services of the Assembly of the Republic the establishment plan of support personnel. Contracts, recruitment and conditions of service are subject to the Organic Law of the Assembly of the Republic (article 62, N° 6,7,8).

*To understand better the administrative structure of the Portuguese Parliament, see the table on the next page:*



## **5.1. Committees**

### **5.1.1. Standing Committees**

1. Constitutional affairs, Rights, Liberties and Guarantees
2. Foreign affairs, Portuguese communities and Cupertino
3. National Defence
4. Regional policy, Local authorities and Environment
5. Economic and Monetary affairs
6. Transport and infrastructure
7. Education, Science and Culture
8. Health, drug addiction
9. Employment, Solidarity, Social Security
10. European affairs
11. Agricultural, Rural development, and Fisheries
12. Youth and sport
13. Equal opportunities and the family
14. Ethics

### **5.1.2. Temporary committees**

- a) Situation in East Timor
- b) Porto 2001 - European Capital of Culture

### **5.1.3. Committees of inquiry**

Such committees may also be established to review activities of the government and public administration. These have the same power of investigation as judicial authorities.

## **5.2. Research and Information**

The majority of information tasks, including information to the general public, are carried out by the "Direction of Documentation and Information Services" especially through its Division of Legislative and Parliamentary Information and the Library. The Internet team is co-ordinated by the Publications division.

The Cabinet of Public and International Relations informs the media on the activities of the Assembly and assures contact with international parliamentary assemblies.

## **5.3. Administration**

The Parliament's administration organs are:

1. The President of the Assembly
2. The Administration Council (chosen by the Assembly and composed of one representative of each political group, the Secretary General, and one representative elected by parliamentary staff. This is an organ of management and consultation.
3. The Secretary General, in charge of technical support and administrative and financial management of the Assembly.

#### 5.4. Political groups/parties

Each political group establishes its own organisation. The parliamentary groups can:

- take part in committees where their members sit
- be heard on the fixing of the agenda
- interrupt the plenary in certain cases
- bring about by questions to the government the opening of two debates in each legislative session on a matter of general policy,
- request the permanent Committee that it promotes the meeting of the Assembly
- request a parliamentary Committee to set up an enquiry
- exercise legislative initiative
- propose motions of rejection of the government programme
- propose motions of censure of the government
- be informed, regularly and directly by the Government on the situation of the principal matters of public interest.

Each parliamentary group has a right to offices in the headquarters of the Assembly.

#### 5.5. Staff

In total there are 387 officials working for the assembly of which 94% are permanent and 6% on contract. They are distributed as follows:

Support services and secretariat	104
Documentation and information	64
Administrative and financial services	99
Information technology	21
Public and international relations	28
Museum	6
Private offices ("Cabinets")	34
External	15

Officials are placed in the following categories:

directing	14
upper technical	98
technical	5
professional technical	93
administrative	71
auxiliary and labourers	102

There is no policy of compulsory mobility.

Officials of political groups are paid by parliament and are on temporary contracts.

Members do not have assistants individually; their support is provided by the groups.

## 6. PROCEDURES

### 6.1. Work cycle

The legislative period has a duration of one year, starting on 15 September. Activities may be organised on a fortnightly cycle, so that there is a period for the meetings of the Plenary Session and another for the meetings of the Committees. Time is left for Members of Parliament to meet with voters.

Committees may meet during the Plenary Session, but their activities must be interrupted so that members exercise their right to vote. The Assembly can only work in plenary session with a quorum of a fifth of the number of the Members of Parliament elected.

Usually, in each Plenary Session there is a:

- Period known as "before agenda", in which the deputies can make political declarations, to discuss topical affairs and to make urgent debates. This period has a length of one hour.
- And another period called "agenda", for discussions and the voting on legislation and other subjects within the specific domain of the Parliament.

This Agenda is established 15 days in advance, by the President, after consulting the Conference of Chairmen (of the political groups), where the government can also be represented.

Plenary Sessions are public. There are usually three plenary meetings per week. The Assembly works all days except Saturdays, Sundays and holidays.

When the Assembly is closed or is dissolved, it works through a **Standing Committee** that it is formed by the President of the Assembly, vice-presidents and the deputies designated by all political parties present in Parliament.

### 6.2. Adoption of legislation

The initiative for legislation rests with Members of Parliament and the parliamentary groups. In this case items of proposed legislation are called **bills**. When proposed by the government or the regional legislative Assemblies, they are called **proposals of law** or **drafts**. Debate and the study of bills are carried out in the Committees before voting in the plenary session.

Each Committee can create sub-committees if previously authorised by the President of the Assembly. After being admitted by the President of the Assembly, the legislative initiative is the object of a report from the Committee to which it was sent.

It is then debated "**in majority**" in the plenary session (the discussion "in majority" turns on the principles and the system of each project or proposal of law), which corresponds to a first reading. The debate ends with a vote on its acceptability. The following step is a debate "**in the speciality**", that is to say, a second reading article by article that can take place in the Plenary Session or a Committee. There are matters whose debate and vote "in the speciality" are compulsory in the Plenary. For example, those referring to the creation or change of the powers of local government.

The final text is submitted to a final overall vote in the Plenary.

The initiative once approved is called a Decree of the Assembly of the Republic. The decree is signed by the President of the Assembly and then sent to the President of the Republic to announce it. After promulgation the decree will be named a **law** and is sent to the government because it also needs the signature of the President of the Government.

Finally, it has to be published in the Official Journal of the Republic.

The President of the Republic can place a veto on legislation, but only in certain cases: if he thinks that the law it is contrary to the Portuguese constitution (this needs the opinion of the Constitutional Court) or for political reasons (with a founded reasoning).

In any case, a veto can be lifted by the Assembly by an absolute majority (or a majority of 2/3 in some subjects). In this case, the President of the Republic must approve the law.

The Assembly can legislate on any subject, except those referring to the organisation and functioning of the government.

### **6.3. Organisation of delegations**

The Portuguese Parliament has permanent relations with several parliaments in the world and receives regular visits of foreign delegations.

With respect to multilateral relations, the Assembly of the Republic chooses, at the beginning of each legislature, delegations that take part in several plenary sessions and meetings of Committees of the following international parliamentary assemblies:

- North Atlantic Assembly
- Interparliamentary Union
- Assembly of the Western European Union
- Assembly of the OSCE
- Parliamentary Assembly of the Council of Europe

### **6.4. Distribution of documents**

For the information of the Members of Parliament, of the media and the public, the Bureau must:

- before each plenary meeting, distribute a bulletin with the agenda and other information on parliamentary activities,
- publish summaries drawn up annually in the area of the different parliamentary committees.

Internal documents are distributed in the form of Circulars, Orders of service and News. Distribution of official publications is the responsibility of the Division of Publications except in the area of the legislative process where the Support Division for the Plenary is responsible. Distribution of documents to Members of Parliament is also carried out by the Support Division for the Plenary.

### **6.5. Relations with the executive**

The Assembly watches over the fulfilment of the Constitution and the law and it evaluates the acts of the government and the administration.

After its designation, the government must present its Programme to the Assembly; during these discussions, any political group of the opposition can propose the rejection of the government's programme or the government can ask for approval by a vote of confidence.

Any political group can propose a **motion of censure** against the government. The adoption of a motion of censure by absolute majority of the deputies or the rejection of a motion of confidence by the simple majority of the deputies present in the Assembly will provoke the resignation of the government.

Each political group can propose **two discussions** in each legislative session (parliamentary year), general discussions or relating to a particular political subject.

The deputies can ask **questions to the government** on any subject of public interest related to the fulfilment of the laws or the acts of the government or public administration during a Plenary Session that is held every 15 days for this purpose. They can also present **written questions**.

By a petition from 10 deputies the Assembly can alter decrees

adopted by the government, other than those approved under the exclusive legislative powers of the Government, within the 30 days following publication.

### 6.6. Allocation of speaking time

A Member of Parliament may be given the floor to speak outside the time allocated to his group on an individual basis, in which case he will have ten minutes. Interventions are made by order of inscription, alternating Members of Parliament of different parliamentary groups.

<i>Purpose of speaking time</i>	<i>Time</i>
Right to defence in the cases of loss of mandate or challenge of mandate	The Member of Parliament (MP) has 15 minutes
Participation in the debates on matters of the agenda	Each MP can not exceed 15 minutes in his 1st intervention and 5 minutes in his 2nd, except for rapporteurs whose speeches may last 20 minutes.
Discussion in second readings	The maximum time is 5 minutes in 1st intervention and 3 minutes in the 2nd.
To invoke the Rules of Procedure	2 min.
Request to the Bureau	2 min.
To query the decisions of the Bureau	3 min.
Request for explanation and response	3 min. If there is more than one request for explanation, the MP questioned has 5 min.
To defend honour	3 min.
To complain	3 min. The reply is given immediately.

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## 1. THE CORTES GENERALES IN THE SPANISH CONSTITUTION OF 1978

As laid down in Article 66 of the Spanish Constitution, the Cortes Generales represent the Spanish people and consist of the Congress of Deputies and the Senate. They are responsible for exercising the legislative power of the State with absolute inviolability, adopting the Budget, and controlling the actions of the Government, amongst other powers bestowed upon them by the Constitution.

The creation of the State of Autonomous Communities (Title VIII Spanish Constitution) has established almost a federal distribution of political power. In exercising the power of autonomy, each Autonomous Community has a regional parliament that fulfils the legislative, budgetary and control functions relating to their territory. It is therefore prudent to distinguish between these assemblies and the State Parliament (Cortes Generales).

The term of office is the main unit of Parliamentary time, equivalent to the length of the mandate of the two Chambers, which is renewed every four years except in the case of prior dissolution by the President of the Government or by the King with the countersignature of the President of Congress. Each term of office comprises different periods of sessions.

The current term of office (1994) is the sixth. Since 1977, the lengths of terms of office have been as follows:

	Constituent term of office:	1977-1979
I.	Constitutional term of office:	1979-1982
II.	Constitutional term of office:	1982-1986
III.	Constitutional term of office:	1986-1989
IV.	Constitutional term of office:	1989-1993
V.	Constitutional term of office:	1993-1996
VI.	Constitutional term of office:	1996-2000
VII.	Constitutional term of office:	2000-2004

Each calendar year, the Chambers have two periods of sessions. The first runs from September to December and the second from February to June.

## 2. CONGRESS OF DEPUTIES OR "LOWER CHAMBER"

### 2.1. Functions

The Congress of Deputies fulfils the following roles:

- representing the Spanish people.
- political control, consisting of granting or, where applicable, vote of no confidence in the President by means of the procedures of investiture and the motion of censure and monitoring the actions of the Government.
- legislative role, consisting of approving national laws, international treaties and General State Budgets.
- appointing other constitutional bodies by electing four magistrates of the Constitutional Court, 10 members of the General Council for the Administration of Justice, six councillors of the Court of Auditors and by nominating the "Defender of the People".

### 2.1.1. Operation

Outside the periods of sessions, the plenary sitting of the Congress of Deputies may meet in an extraordinary session at the request of the Government, the Permanent Committee or a majority of Members, for a specific agenda.

The sessions, which generally take place Tuesday to Friday, are public with the exception of those concerning matters relating to respect for the Chamber or its Members and cases where this is decided by the Chamber with an absolute majority.

The agenda for the plenary session is set by the President in agreement with the Spokesmen's Conference. The Government may, after completing the regulatory steps, request the inclusion of a priority matter in a specific session.

#### 2.1.1.1. Debates

The sessions consist of debates. No debate may begin without prior distribution of the document, report or opinion upon which the said debate will be based to all Members 48 hours in advance. No Member may take the floor without first asking the President. The speeches are made in person. The speaker may speak from the rostrum or from their seat.

The President may at any time decide to close a discussion, in agreement with the Bureau, when they decide that the subject has been adequately debated.

#### 2.1.1.2. Votes

According to the Rules of Procedure, in order to vote the Chamber and its bodies must be quorate, with a majority of Members in attendance. For the votes to be valid, they must be adopted by simple majority of the Members of the corresponding body present, without prejudice to the required majorities specified by the Constitution, Institutional law or the Rules of Procedure. The Members' vote is personal and non-transferable.

The vote may be:

- approved at the proposal of the President provided that it encounters neither doubt nor opposition when announced by the latter.
- ordinary, when the Member, on rising, follows the order of voting rounds "for", "against" and "abstention" or uses the electronic procedure. The President decides between the two procedures.
- public, by roll call: when the Members' names are called, they respond positively, negatively or abstain. The votes for the investiture of the President of the Government, the motion of confidence and motion of censure follow this procedure.
- secret, electronically or by ballot, when people are being elected or when the President so decides.

Where necessary, a second vote is taken. If this is still insufficient, the vote is suspended for a period considered reasonable by the President. At the end of this period, voting recommences and if this is still inconclusive, the opinion, article, amendment, specific vote or proposal in question is considered to be rejected.

#### 2.1.1.3. Declaration of urgency

At the request of the Government, two Parliamentary Groups or one fifth of the Members, the Bureau may decide that a case is to be treated as a matter of urgency.

## 2.1.2. Organisation

### 2.1.2.1. Presidency

The President is chosen by secret ballot among the Members that sit in the Chamber. Each Member writes a single name on their ballot paper. The person obtaining an absolute majority of Members is elected. If nobody achieves an absolute majority, the election is repeated with the two candidates who obtained the best results and the person that obtains the most votes is finally elected.

The President of the Chamber:

- a) represents the Chamber,
- b) ensures that work is carried out correctly,
- c) chairs the debates,
- d) keeps order during these debates and
- e) orders payments without prejudice to the delegations.

It is the President's responsibility to ensure that the Rules of Procedure are observed, interpreting them in case of doubt and supplementing them in case of insufficiency.

### 2.1.2.2. Bureau of the Congress

*The Bureau comprises the President, four Vice-Presidents and four Secretaries:*

- Vice-Presidents

The four Vice-Presidents are simultaneously elected by secret ballot. Each Member writes a single name on their ballot paper. The four people that obtain the largest number of votes are elected. The functions of the Vice-Presidents include, according to the amount of votes they obtained, replacing the President and carrying out his duties in the case of his absence or impediment. They also carry out tasks delegated to them by the President or the Bureau.

- Secretaries

They are chosen in the same way as the Vice-Presidents. With the President's approval, they supervise the minutes of the plenary sessions, the Bureau and the Spokesmen's Conference. They assist the President during sessions in keeping order during debates and ensuring conformity with the Rules of Procedure during voting; they assist with the normal working of the Chamber according to the arrangements of the President; they also carry out the duties delegated to them by the President or by the Bureau.

- Secretary-General

The Clerk or Secretary-General is appointed by the Bureau of the Congress on the proposal of the President from among the legal advisers of the Cortes with over five years of service.

### 2.1.2.3. Spokesmen's Conference

This is composed of the spokesmen of the Parliamentary Groups, who meet under the aegis of the President of Congress. One Vice-President, one Secretary and the Secretary-General of Congress automatically attend the meetings of the Conference. The Conference reports to the Government on the meetings, sending a representative if this is considered necessary. Its duties concern the establishment of the agenda for plenary sessions and the practical organisation of work.

### 2.1.2.4. Committees

These consist of Members appointed by the Parliamentary Groups in proportion to the distribution of groups in the Chamber. Members of the Government may attend committee meetings but may only vote on committees of which they are members. The committees appoint a Bureau from among their members, comprising a chairman, two vice-chairmen and two secretaries. The committees meet when convened by their President on his own initiative or at the request of two Parliamentary

Groups or one fifth of the members of the committee. The Bureau of the Congress submits drafts, proposals or dossiers to the committees, in keeping with their respective competences. The latter must process all dossiers within a maximum period of two months, except if the Constitution, the Rules of Procedure of Congress or the Bureau of the Congress stipulate a different period. The committees may be standing or temporary.

A. Standing Committees:

These are constituted in the 10 days following the constitutive session of Congress and differ according to the term of office. There are currently the following standing committees:

1. Committee on Constitutional Affairs
2. Committee on Foreign Affairs
3. Committee on Legal Affairs and the Internal Market
4. Committee on Defence
5. Committee on Education and Culture
6. Committee on Economic Affairs, Business and Finance
7. Budget Committee
8. Committee on Agriculture, Animals and Fisheries
9. Committee on Industry, the Public Sector and the Private Sector
10. Committee on Infrastructures and the Environment
11. Committee on Employment and Social Affairs
12. Committee on Civil Service

There are also standing committees laid down by law:

13. Rules of Procedure Committee
14. Members' Statute Committee
15. Petitions Committee

B. Temporary Committees

These are created for a specific task for the duration of the term of office. An example of this is the "Committee on the Parliamentary control of RTVE" (Spanish state radio and television).

C. Joint Committees

These have the characteristics of Temporary Committees and are composed of Members and Senators. They are as follows:

1. Joint Committee on the European Communities
2. Joint Committee on Women's Rights
3. Joint Committee on Relations with the Court of Auditors
4. Joint Committee on Scientific Research and Technological Development
5. Joint Committee on Drugs

*2.1.2.5. Permanent Committee*

The Permanent Committee is presided over by the President of the Chamber and consists of at least 21 members, the number being proportional to the distribution of the Parliamentary Groups. The Committee elects from its Members two Vice-Presidents and two Secretaries, following the same procedure as for the election of the Bureau.

As well as guaranteeing the powers of the Chamber when it is not in session, the duties of the Permanent Committee include the exercise of the competence awarded to the Chamber with regard to states of urgency, emergency and siege (in accordance with Article 116 of the Constitution). In the case of a mandate that has expired or is dissolved, the Permanent Committee continues to exercise its functions until the new Cortes have formed.

#### 2.1.2.6. General Secretariat

This is the parliamentary administration of the Chamber. In accordance with the constitutional principles of efficiency, hierarchy, decentralisation and co-ordination, it comprises the following elements: Secretary-General, Deputy Secretary-General, directorates, departments and units.

##### A. Secretary-General

Responsible for all the administrative services of the Chamber, for assisting and supporting the bodies of the Chamber and for providing legal, technical and administrative advice. His tasks are under the authority of the Bureau and the President.

The Deputy Secretary-General assists the Secretary-General; his responsibilities are those delegated by the latter and he replaces the latter in his absence or in case of illness.

##### B. Directorates

The directorates of the Chamber are as follows:

1. Directorate of Studies and Documentation. Responsible for monitoring and publishing studies and research in relation to parliamentary activity and the documentation of the Chamber.
2. Directorate of Parliamentary Technical Assistance. Responsible for drafting reports and assisting the plenary session, the Bureau and the Spokesmen's Conference.
3. Directorate of Parliamentary Affairs. Provides legal and technical advice in the field of parliamentary relations and is responsible for the logistics of official visits by parliamentary delegations.
4. Directorate of Internal Administration. Draws up and proposes staff policy in the Chamber.
5. Directorate of Economic Affairs. Responsible for advice on economic and budgetary matters and for drawing up preliminary draft budgets.
6. Directorate of Speeches. Responsible for accounting for all the minutes, documents and dossiers of the General Secretariat of the Senate.
7. Directorate of Information Technology. Provides legal advice in the field of information technology and is responsible for information technology services within the Chamber.

#### 2.1.3. Composition

According to the Constitution, the Chamber is composed of a number of Members that can vary between 300 and 400, elected by secret, equal, free, direct universal suffrage (Article 68 EC). The Act on the Electoral System 5/1985 of 20 June 1985 sets the number of Members in the Chamber at 350.

In the current term of office (1996-2000), the 348 Members are distributed between political groups as follows:

People's Party:	180
Spanish Socialist Workers' Party:	125
Federal Party of the United Left:	8
Catalan Party ( <i>Convergència i Unió</i> ):	15
Basque Nationalist Party ( <i>EAJ-PNV</i> ):	7
Canarian Coalition Group:	7
Mixed Group:	8

## 2.1.4. Decision-making procedures

### 2.1.4.1. Legislative procedures

Members of the Government, Senate, the parliaments of the Autonomous Communities, citizens and Members of the Congress of Deputies have the right to the legislative initiative within the Congress of Deputies.

#### A. Presentation of amendments

- Amendment documents

Draft acts or "Bills" submitted by the Government, must be accompanied by an explanatory statement. The Bureau orders the proposed changes to be published and sent to the corresponding committee and announces the beginning of the presentation period. Members and Parliamentary Groups have a period of 15 days from the date of publication to present amendments. Amendments may be against the draft as a whole or against the principle or spirit of the draft and cause the draft to be sent back to Government or simply involve the removal, amendment or addition of an article. The Government must reply within 15 days; if there is no reply from the Government by the end of this period, this is taken to mean approval.

- Debates on overall amendments

The President of Congress includes the overall amendments in the agenda and submits them for debate, giving the floor first to their supporters and then to the opponents. Once the discussion is closed, he puts all the amendments to the vote, beginning with those that propose sending the draft back to the Government. If, at the plenary session, it is decided to send back the draft, the draft is rejected. If, however, an amendment proposing an alternative text is approved, the latter is transferred to the corresponding committee and published in the Official Journal of the Cortes Generales and a new period is declared open for submitting amendments.

#### B. Proceedings of the committee

Within the period determined for submitting amendments, the competent committee appoints one or more rapporteurs from its number to draw up a report within a period of 15 days. Once the report is completed, the debate takes place article by article within the committee itself.

The opinion of the committee, signed by its chairman and one of the secretaries, is submitted to the President of the Chamber to begin a new stage in the procedure.

#### C. Proceedings of the plenary sitting

The Parliamentary Groups, in the 48 hours following the date of the opinion, must make known to the committee the amendment they intend to defend at the plenary sitting. During the debate, the President may adopt amendments that aim to correct errors or technical, terminological or grammatical inaccuracies. The votes are taken as a majority.

#### D. Members' bills

The Members' bills of the Chamber may be accepted on the initiative of a Member, supported by the signatures of 14 other Members of the Chamber or on that of a Parliamentary Group, with the signature of the spokesman for the group. The Bureau of the Congress then orders the publication of the Members' bill and sends it back to the Government. If the Government has not made known its opposition within a period of 30 days, the draft is put on the agenda. The procedure is the same as for debates on overall amendments (5.1b). Draft Institutional Governmental and Institutional Members' bills only follow the legislative procedure common to all draft Institutional acts after having been considered as such by the Bureau and once the Spokesmen's Committee has been consulted in accordance with Article 81 of the Constitution and in accordance with the reasons given by the Government. An absolute majority of Members of the Chamber is required on the whole text in order for this procedure to begin.

E. Non-legislative motion

The Parliamentary Groups may present non-legislative motions in the form of draft resolutions of the Chamber.

These non-legislative motions must be submitted in writing to the Bureau, which decides whether or not they are admissible. After publication, Parliamentary Groups may submit amendments up until six hours before the beginning of the session at which the debate is to take place.

During the debate, after the explanatory statement by the Parliamentary Group submitting the motion, representatives of the groups that have submitted amendments may speak. Parliamentary Groups that have not submitted any amendments may speak at the end of the debate. Once the debate is over, the motion as amended by the approved amendments is put to the vote.

The committee chairman or President of the Chamber may group together similar non-legislative motions or motions concerning the same topic for the purposes of the debate.

F. Draft budgetary act

The draft act on the General State Budget takes priority in the legislative procedure. Amendments proposing an increase in appropriations are only admissible if they provide for an equivalent reduction in the same section of the budget. The final debate takes place section by section.

*2.1.4.2. Political control procedures*

A. Investiture

The President of the Chamber calls a plenary session when the Chamber receives the proposal for candidature for the Presidency of the Government. The session begins by the reading of the proposal by one of the Secretaries. The candidate then explains his programme for Government with no time limit imposed and requests a vote of confidence of the Chamber. A representative of each Parliamentary Group may then speak for 30 minutes. The candidate may intervene as often as he wishes. The Parliamentary Groups may respond for no longer than 10 minutes. At the end of the debate, the vote is taken. If the candidate obtains an absolute majority, confidence is considered as having been granted. Otherwise, another vote is taken within 48 hours where a simple majority is sufficient. The President of the Chamber communicates the results of the vote to the King, with a view to the nomination of the President of the Government.

If after a period of two months from the first investiture vote, none of the proposed candidates have succeeded in obtaining the confidence of Congress, the President of the Chamber submits the decree for the dissolution of the Cortes for the King's signature with a view to new elections.

B. Confidence

The President of the Government may raise the matter of confidence within his programme or in a declaration of general policy. The debate takes place on the same principles as for investiture. The matter of confidence may only be voted upon 24 hours after its presentation to the Chamber.

C. Motion of censure

The Congress of Deputies may challenge the political responsibility of the Government by adopting a motion of censure

The motion must be cited by the Bureau following a request involving at least one tenth of the Members. In the two days following the presentation of the motion, other draft motions for censure may be presented.

The debate begins with the defence of the motion of censure where the representative of the Government may speak with no time limit. After this speech, the Parliamentary Groups may speak, through the intermediary of a representative, for a period of 30 minutes.



The motion or motions for censure are put to the vote within a period of five days following the registration of the first of the motions in the General Register. The adoption of a motion for censure requires an absolute majority of the Members of the Congress of Deputies. If a motion is adopted, the President of the Chamber notifies the King and the President of the Government.

#### D. Oral questions to Members of the Government

The Members and the Parliamentary Groups may question the Government by asking oral questions of each Member of Government. The questions must be presented in writing and concern the actions of the Government or of a minister regarding dossiers on general policy. Once it has received the text of the questions, the Bureau decides whether the response must be given orally or in writing. The questions are presented at the plenary sessions, granting 10 minutes to the author for the question itself, 10 minutes for the Government's response and five minutes for the responses of the two protagonists. If a group so requests on the day following the presentation of the question at the plenary session, the question gives rise to a motion for censure.

The questions are included in the agenda, with priority being given to those of Members or Parliamentary Groups that have not used up their speaking time of one question for every 10 Members.

#### E. Written questions

The Members may ask questions of the Government and each of its Members. The response is in principle given in writing. When the author of the question requests an oral response in plenary, it must be restricted to a concise, strict formulation of a single question on one subject, situation or piece of information. After the question has been asked, the Government responds. The Member may speak again and after the second speech by the Government, the debate is closed. Speaking times are established by the President, taking into account the five minutes required for each question. The response in writing must be given within 20 days of its publication. In ordinary sessions of the plenary sitting, at least two hours are generally devoted to questions and questions to the Government.

#### *2.1.4.3. Understanding and authorisation of International Treaties*

The ratification of treaties or conventions by the State requires the authorisation of the Cortes Generales. In this way, the Government must request authorisation by sending the agreement of the corresponding Council of Ministers to the Congress of Deputies, with the text of the Treaty concerned, within 90 days following the agreement of the Council of Ministers. This period may be extended to 180 days. The agreement of Congress must be adopted within 60 days.

### 3. SENATE OR "UPPER CHAMBER"

#### 3.1. Functions

In accordance with the provisions of Article 66 of the Constitution, the Senate, the Chamber of Territorial Representation in accordance with Article 69.5 of the Constitution, carries out a series of functions which may be summarised as follows:

- Legislative function. The Senate debates and adopts at second reading Government and Member's bills previously adopted by the Congress of Deputies (Article 90 EC).
- Territorial integration function. The Senate handles draft acts on inter-territorial compensation funds at a first reading. It takes part in the constitutional discussions laid down by Articles 145.2 and 155 of the Constitution. Authorises international treaties and conventions. (Article 94 of the EC).
- Budgetary function. Adopts draft acts on the General State Budget once these have been adopted by the Congress of Deputies.
- Representative function. The Senate receives delegations from other countries or other parliaments and participates in international parliamentary organisations.
- Appoints other constitutional bodies. The Senate selects four magistrates of the Constitutional Court, 10 members of the General Council for the Administration of Justice and six councillors of the Court of Auditors and ratifies the nomination of the "Defender of the People" (ombudsman).
- Political control and impetus: in particular through special or ad hoc committees on important social problems such as drugs, the elderly, public safety, violence in sport, advertising, etc.

##### 3.1.1. Operation

Outside periods of sessions, the plenary sitting of the Senate may be called for an extraordinary session, with a specific agenda, at the request of the Government, the Permanent Committee or an absolute majority of Senators.

##### 3.1.2. Organisation

The main bodies of the Chamber are the Presidency, the Bureau and the Board of Spokesmen. The working bodies of the Senate are the committees, the rapporteurs, the Permanent Committee, the plenary sitting and the General Secretariat. Parliamentary activity is exercised by the Senators themselves and the Parliamentary Groups. The parliamentary administration is constituted by the General Secretariat.

##### 3.1.2.1. Presidency

###### A. President

The President is elected in the first round by an absolute majority of Members of the Chamber. If no candidate obtains an absolute majority, a second round takes place between the candidates obtaining the largest number of votes. During this second round, a relative majority is sufficient for election.

The President of the Senate carries out the following duties:

- a) represents the assembly in the official minutes and acts as a spokesman,
- b) calls and presides over the sessions of the plenary sittings in the Senate,
- c) keeps order during discussions,
- d) leads debates and presides over the Bureau,
- e) announces the agenda of the plenary sitting with the agreement of the Board of Spokesmen,
- f) communicates with the Government,

- g) corrects insufficiencies in the Rules of Procedure, in agreement with the Bureau of the Committee of the Rules of Procedure and the Board of Spokesmen,
- h) takes steps concerning parliamentary discipline.

The President exercises supreme authority over the assembly in the Palace of the Senate and other related buildings. He may take the necessary steps to keep order on the premises and gives the appropriate instructions to civil servants and security staff. He also has policing prerogatives regarding everything relating to the behaviour of the public attending the sessions: expulsion, arrest and delivery to the competent authorities.

#### B. Vice-Presidents

The two Vice-Presidents are elected by simple majority. They take turns to replace the President when he is absent or unavailable.

#### C. Secretaries

The four Secretaries are elected by simple majority like the Vice-Presidents (2.1.a). Their duties are:

- a) drafting and approving the minutes of the plenary sessions, which must be signed by two of them with the President's agreement;
- b) accounting for all communications and documents received by the House
- c) authorising the official communications and certifications sent by the Secretariat;
- d) recording the results of votes in the House;
- e) being co-signatory to the President of reasoned opinions, as laid down in Article 20(2) of the Constitution.

#### 3.1.2.2. Bureau of the Senate

The decision-making body of the Senate, which acts under the authority of the President. It comprises the President, the two Vice-Presidents and the four Secretaries. The Bureau is assisted by the Secretary General (or Clerk) of the Senate.

It sets the calendar of activities of the House and takes decisions on the documents to be sent to the competent committees.

#### 3.1.2.3. The Board of Spokesmen

It comprises the President, who presides over it, and the spokesmen of the Parliamentary Groups. It sets the agenda and gives its opinion on the calendar of works and sessions.

#### 3.1.2.4. Committees

There may be standing committees, committees of inquiry or special committees. Standing committees may be legislative or non-legislative.

##### A. Standing non-legislative committees:

1. Incompatibility Committee
2. Petitions Committee
3. Rules of Procedure Committee
4. Committee on Hispano-American Affairs
5. *Committee on authorisations for prosecution.*

## B. Standing legislative committees

These committees issue opinions on Government and Member's bills handled in the assembly. When acting with full legislative delegation, they have the power to approve these drafts and bills. They also have the role of ensuring the political control of the Government by means of questions, motions and convocations of Government representatives.

These committees are as follows:

- Constitutional Committee
- Committee on Agriculture and Fisheries
- Committee on Foreign Affairs
- Committee on the Autonomous Communities and Territorial Administration and Organisation
- Committee on Defence
- Committee on Economy and Finance
- Committee on Education, Universities, Research and Culture
- Committee on Industry and Energy, Business and Tourism
- Committee on Justice
- Committee on Public Works, Town and Country Planning and the Environment, Transport and Communications
- Committee of the Presidency of the Government and Home Affairs
- Budget Committee
- Committee on Health and Social Security
- Committee on Employment

### Committees of inquiry and/or special committees

The task of these committees is to set up inquiries or studies on any matter of public interest.

### *Joint Committees*

*(See paragraph with same heading under Chapter 1).*

#### *3.1.2.5. Permanent Committee*

This committee is composed of 21 Members appointed by the Parliamentary Groups in proportion to their numbers, and is responsible for guaranteeing the powers of the assembly during vacation periods or after dissolution.

#### *3.1.3. Composition*

The Senate currently comprises 259 Senators, appointed in two ways:

Most (208) are elected in provincial constituencies. Each province elects four Senators by secret, equal, free, direct universal suffrage, by the majority system (Article 69(2) EC - Article 165(1) LOREG (Institutional law on general rules on elections). However, in the island provinces, each island or group of islands constitutes a constituency with three constituencies for each of the largest islands (Gran Canaria, Majorca and Tenerife) and one for each of the islands or groupings (Ibiza-Formentera, Menorca, Fuerteventura, Gomera, Hierro, Lanzarote and Palma) ((y) Article 69(3) EC - Article 165(2) LOREG). The inhabitants of Ceuta and Melilla each elect two Senators ((y) Article 69(4) EC 165.3 LOREG). Voters may vote for a maximum of three candidates in the provincial

constituencies, two in Gran Canaria, Majorca, Tenerife, Ceuta and Melilla and one in the other island constituencies. The candidates obtaining the largest number of votes are elected (Article 166 LOREG).

Furthermore, the Autonomous Communities each appoint one Senator, plus one other for every million residents on the basis of a census of voters at the time of the last Senate elections. The nomination is made by the legislative assembly or, in the absence of this, by the higher body associated with the Autonomous Community, in accordance with the Statutes, and observing proportional representation ((y) Article 69(5) EC - Article 165(4) LOREG). These Senators are indirectly elected, for which the only condition required by the Constitution is that proportional representation is ensured.

Each Autonomous Community decides on the electoral procedure in its own Statute, Autonomous Law or Chamber rules, ensuring that the conditions hereinafter are met:

1. Must be a Member of the electing assembly (condition not required in the Autonomous Communities of the Basque Country, Galicia, the Asturias, the Region of Murcia, Navarre and in the Community of Valencia)

*Must be a Member of the Autonomous Community (condition not in force in Galicia)*

2. Must declare that they accept the responsibility (condition required in the Autonomous Communities of Murcia, the Asturias, Valencia and Aragon)
3. Must be proposed as a candidate.

The Parliamentary Groups of the Senate are distributed as follows (VII. Parliamentary term, May 2000):

Group of the People's Party	146
Socialist Group	64
Catalan Parliamentary Group ( <i>Convergència i Unió</i> )	11
Parliamentary Progress Group <i>Entesa Catalana</i>	11
Basque Parliamentary Group ( <i>EAJ-PNV</i> )	8
Parliamentary Group <i>Coalición Canaria</i>	6
Joint Parliamentary Group	3

#### 3.1.4. Decision-making procedures

##### 3.1.4.1. Legislative procedures

###### A. Legislative initiative

Members' bills must be presented by a Parliamentary Group or by 25 Senators. They must be accompanied by an explanatory statement and, where appropriate, an economic cost assessment. They must be taken into consideration by the plenary sitting of the House. They are then presented to the Congress of Deputies so that the appropriate steps may be taken with regard to the bill.

###### B. Procedure for Government and Member's bills from the Congress of Deputies

###### 1) Ordinary Procedure

As soon as the adopted text is received in the Congress of Deputies and published in the Official Gazette (*B.O.C.G.*), the deadline (10 days) applies for tabling amendments or propositions to veto and the competent committee is designated. This committee appoints a rapporteur who has a 15-day period to submit his report.

The committee debates and adopts its opinion within a period of 15 days after the report is published. Senators whose amendments are not accepted during the debate by the committee may maintain the amendments or proposals to veto for the debate at the plenary sitting.

The debate in plenary must take place before the end of the two month period laid down in the Constitution and the Rules of Procedure of the Senate. It is opened by the presentation of the opinion of the committee. The overall debate and discussion of the propositions to veto then take place. The adoption of a proposal to veto requires an absolute majority of the Senators.

When there are no proposals to veto or these have been rejected, the individual votes and/or unanimous proposals of all the Parliamentary Groups on the amendment of the opinion are discussed, then a vote is taken. If the text amends that adopted by the Congress of Deputies, it is sent back to the lower Chamber with a reasoned opinion (Article 90.2 of the Constitution). If the text adopted by Congress is not amended, it is sent directly to the King to be approved.

2) *Special procedures*

a. *Single reading:*

When the nature of a draft or bill so allows, the plenary sitting may, at the proposal of the Bureau and in agreement with the Board of Spokesmen, apply the single reading procedure.

b. *Delegation of legislative competence to the committees:*

At the proposal of the Bureau, a Parliamentary Group or 25 Senators, the plenary sitting may, on the opinion of the Board of Spokesmen, delegate legislative power for the adoption of a draft or Members' bill (Article 75 of the Constitution).

c. *Urgency procedure:*

*The Bureau of the Senate, on its own initiative or at the proposal of 25 Senators or a Parliamentary Group, may decide to apply the urgency procedure, which reduces the time periods imposed on joint legislative procedure by half.*

In the case of drafts declared urgent by the Government or by the Congress of Deputies, the Senate has a period of 20 calendar days to exercise its legislative powers.

d. *Budgetary procedure:*

*The draft act on the General State Budget is handled according to the ordinary procedure although it takes priority.*

e. *Others:*

- The procedure for the draft act on the Inter-Regional Compensation Fund is the only procedure to begin in the Senate and not in the Congress of Deputies. It requires the opinion of the joint committee to verify that there is no divergence between the texts adopted issued by the two chambers.

The adoption and reform of the Statutes of Autonomy are treated as draft institutional law.

3.1.4.2. *Political control procedures*

A. *Parliamentary questions:*

These are addressed to the Government.

1) *Oral questions*

a. *In the plenary sitting:*

These consist of a single concisely formulated question, asked during the Wednesday sitting.

b. In committee:

These may be questions asked directly in committee or written questions, which have not received a reply after a period of 20 days and therefore become oral questions.

2) *Written questions:*

The responses of the Government are printed in the official publications of the House.

B. Questions to the Government:

The procedure consists of an explanatory statement by the Senator asking the question, the response of the Member of Government and the right of each speaker to speak. Questions to the Government may give rise to motions.

C. *Motions:*

These may be presented by a committee, a Parliamentary Group or a minimum of 18 Senators. The aim of motions is to oblige either the Government to make a declaration or send a draft act back to Parliament, or the Chamber to decide on a non-legislative text. Motions on a non-legislative text must be accompanied by an estimate of their cost. The debate involves three rounds of speeches: one round for, one round against and one for the designated speakers who request the floor.

D. *Attendances:*

These involve the Members of the Government, the authorities of the Autonomous Communities, representatives of local communities or public administrative bodies or individuals. Members of the Government may attend on their own initiative or when requested to do so by a committee. In either case, the attendance takes place in the same way: speech by the Member of Government, speech by the spokesmen and other Senators with a response in each case by the person requested.

3.1.4.3. *Authorisation procedures for International Conventions and Treaties*

The Senate (like the Congress of Deputies) must be consulted on international treaties and conventions. It may propose their non-ratification or their adjournment. For these purposes, proposals for non-ratification are treated as proposals to veto and proposals for tabling or adjournment are treated as amendments.

In case of divergence between the Chambers, a joint committee is set up to submit a text to the vote in the two Chambers.

The Senate may also, at the proposal of a Parliamentary Group or 25 Senators, ask the Constitutional Court to pass judgement on the conformity of a treaty or convention with the Constitution.

4. **THE BUDGET OF THE CORTES**

The overall budget of the two chambers for the year 2000 was € 132 million (PTA 21,971.6 million) of which € 38 million went to the Senate. The monthly salaries of the Members represent € 2,517 but they also receive Madrid residence weighting (€ 640) and a travel allowance (€ 1,407). The Presidents of the parliamentary bodies receive variable allowances. Within the total budget of the Senate the breakdown was as follows:

	<i>€ million</i>
Senators' allowance	12.9
Staff salaries	3.7
Buildings and other administrative costs	17.3

The buildings, computer equipment and furniture, maintenance and cleaning costs are all included in the overall budget.

## 5. THE SECRETARIAT OF THE CORTES

There is a joint secretariat for the two chambers. In the year 2000 the total staff number is 326, of whom 290 have civil servant status and 36 are political assistants. 14 people work in the offices of the Secretary-General and his deputy; 62 in the Studies and Documentation Directorate; 44 in Sessional Services; 28 in Committees; 8 in the Directorate for Interparliamentary Relations; 69 in the Internal Affairs Directorate; 43 in the Economic Affairs Directorate; 4 in the Budgetary Control Directorate; and 30 in the Information Technology Directorate. The staff are divided into the following categories:

Clerks	22
Maintenance	23
Advisors	4
Drivers	9
Librarians	16
Managers	29
Shorthand secretaries	25
Secretaries	69
Computer engineers	25
Medical staff	4

The staff of the political groups is not part of the secretariat but is employed by the groups, who receive a budgetary allocation from the Cortes corresponding to the number of Members in the group, and a fixed allowance. The Senate provides offices for the groups.

Parliamentary assistants paid out of public funds are only allocated to members of the Bureau (the President, the Vice-Presidents and the Secretaries). However, the Parliamentary Groups also have assistants - totalling at present some 36.

Few Parliamentary support functions are outsourced: printing and catering are the main instances.

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## **1. NUMBER OF MEMBERS OF THE RIKSDAG**

The number of members in the Riksdag is now 349.

## **2. STRUCTURES - bureau, committee of presidents, committees**

The Parliament has two "boards" (or Bureaus) both of which are chaired by the Speaker. For political work there is the "Speaker's Conference" with the Secretariat of the Chamber as its executive body. For the administration there is the Board of Administration with the Administrative Office of Parliament as its executive body.

Recently, the Speaker's Conference presented a proposal according to which a new Parliamentary Board will replace the Speaker's Conference and the Board of Administration. The new board will be chaired by the Speaker and will have ten elected members. It will, according, to the proposal, amongst other things deal with questions concerning the development of the Riksdag and with international activities. Furthermore, it will take decisions on the budget and accounts and will submit annual reports. The new arrangements were due to come into force on 10 September 2000.

### **2.1. The Speaker's Conference**

The Speaker's Conference manages parliamentary business. It discusses the planning of parliamentary business, rules for the parliamentary procedures and international parliamentary contacts. In addition to the Speaker, who is its chairman, the Conference comprises the three Deputy Speakers, special appointees from each of the parliamentary parties, the chairmen of the 16 Parliamentary Standing Committees and the Vice-Chairman of the Board of Administration.

### **2.2. The Board of Administration**

The Board of Administration is the governing body of Parliament's Administrative Office. Its task is to provide Members and staff the support and service they require in their work. The Board is chaired by the Speaker. Eight Members of Parliament and three staff representatives constitute the rest of the Board.

### **2.3. The Committees and the Advisory Committee on European Affairs**

There are 16 Standing Committees. They are usually referred to as technical committees, since each of them its own area of interest. When necessary, temporary or special committees may also be set up, as in the case of the EEA Committee that was set up in 1992 prior to Parliamentary consideration of the EEA agreement.

Each Parliamentary Committee has 17 members and at least as many alternate members representing the parties in proportion to their numbers in Parliament. Large parties have more members than smaller parties. The Committees are appointed at the beginning of every new electoral period, that is to say after a parliamentary election, and retain their composition during the whole period.

The Advisory Committee on EU Affairs is a Riksdag body for consultation with the Government. Unlike the regular Riksdag Committees it has a consultative function and is not concerned with proposals for parliamentary decisions. It has 17 members - i.e. the same number of members as a committee - appointed from all the political parties in the Riksdag. The Advisory Committee deals with all of the EU's areas of co-operation, and in principle it convenes every Friday. During the meetings a member of the Government presents and discusses the different questions to be dealt with in the following week's meetings in the Council of Ministers.

### 3. OPERATING BUDGETS - totals and main headings

The procedure used to decide on the annual budget of the Riksdag is zero-base budgeting. This budgeting process consists of identifying "decision packages" (i.e. analysing and describing each activity in one or more decision packages) and then ranking the decision packages (i.e. evaluating and ranking these packages in order of importance).

The Riksdag Office of Administration, on the basis of its calculations, makes a proposal for the final request of appropriations (under the national budget). The decision is then taken by the Board of Administration.

The request for appropriations is divided into three areas:

- Members of the Riksdag and the parties
- administration costs
- Ombudsman of the Riksdag

The first category includes the costs of remuneration of MPs, travel costs, financial support to the Party Groups etc. and the second includes the wages to the staff, the administration, internal service, IT, library, and information.

The request for appropriations is made to the Government and is then included in the Budget Bill.

#### The budget of the Riksdag for 1999 (million SEK and € million, at August 2000 exchange rate)

	<i>in million SEK</i>	<i>in million €</i>
MPs and Parliamentary Parties	489.0	58.1
Parliamentary Committees – foreign travel	9.3	1.1
Administrative expenses (including wages)	420.3	49.9
Parliamentary premises	20.9	2.5
<b>Total</b>	<b>1 144.1</b>	<b>135.8</b>

This total includes rent, lease and purchase of buildings; information technology; furniture; and maintenance and cleaning.

### 4. ORGANISATION AND REPRESENTATION OF MAIN PARTIES

There are 349 seats in the Riksdag. Of these 310 are **fixed constituency seats**, allotted to the constituencies in advance, according to the number of voters in each. After the election these seats are allocated to the parties on the basis of the result achieved in the respective constituency. The purpose of the 39 **adjustment seats** is to achieve the best possible proportional distribution of seats between the parties for the country as a whole. This means that the adjustment seats are first allocated according to party and then according to constituency.

In order to participate in the allocation of seats and achieve representation in the Riksdag, a party must obtain at least 4 per cent of the votes in the entire country or 12 per cent in a constituency. These barrier rules have been introduced to avoid splitting up representation in the Riksdag amongst a number of small parties.

The **fixed seats** in a constituency are allocated between the parties as follows. First a comparative index is worked out for all the parties concerned. This is done by dividing the number of votes for a party by 1.4. The party with the highest comparative index gains the first seat. If two or more candidates have fulfilled this requirement, they will be returned in the order of their personalised vote scores. Each time a new comparative index is worked out, a seat goes to the party with the highest score, until all the fixed constituency seats have been allocated.

After the fixed seats have been allocated in the various constituencies, it is the turn of the **adjustment seats**. The aim is to make the total distribution of seats as fair as possible for the country as a whole, and a different method is now applied. The first step is to work out how many votes the parties have gained in the whole country and how the 349 Riksdag seats would have been distributed in a single, nation-wide constituency. The difference between this notional number and the number of fixed seats already distributed constitutes each party's "allocation" of the 39 adjustment seats. The constituencies to which these seats are allotted will depend on where the party scores its highest comparative index following allocation of the fixed constituency seats. For parties with no fixed seats in one constituency, the number of votes gained will be the comparative index.

Once the allocation of seats between the parties has been settled, it remains to work out which candidate or candidates will occupy them. Members of the Riksdag are selected primarily on the strength of votes cast for them personally. The personalised vote score is the number of personalised votes cast for a particular candidate in a particular constituency. In order to be returned on the strength of personalised votes, the candidate must have gained such votes corresponding to at least 8 per cent of the party vote in the constituency. If two or more candidates have fulfilled this requirement, they will be returned in the order of their personalised vote scores. If it is not possible to appoint all members on the strength of personalised votes, the d'Hondt method will be used instead. The rules on this procedure are set out in chapter 20 of the Elections Act.

The distribution of seats in the Riksdag after the 1998 election is as follows:

<b>Party</b>	<b>Women</b>	<b>Men</b>	<b>Total</b>
Social-Democrat party	65	66	131
Moderate Party	25	57	82
Left Party	17	26	43
Christian Democrats	18	24	42
Centre Party	10	8	18
Liberal Party	7	10	17
Green Party	9	7	16
<b>Total</b>	<b>152</b>	<b>197</b>	<b>349</b>

## 5. SECRETARIAT AND ASSISTANCE TO MEMBERS

### 5.1. Committees

As mentioned above, there are 16 Standing Committees in the Riksdag. Every Committee has its own secretariat. This is headed by an Administrative Director, assisted in part by officials (Secretaries) who prepare and present business for Committee members, and in part by clerical staff responsible for the routine work of the Secretariat. An average Secretariat consists of some 6 persons.

### 5.2. Research

Within the Riksdag there is an autonomous unit called the Parliamentary Research Service. This unit carries out investigations, analyses and computations and produces factual and background material. In the first instance it serves the MPs and the party secretariats, but also the parliamentary committees and the administration. The work and investigations must be objective, well founded and presented in a form that is concise and easily accessible. Each year the Research Service receives around 3,000 assignments and within the unit there are about 25 Research Officers and four assistants.

Besides the Research Service, the MPs have other bodies at their disposal to access and research the information needed - e.g. the party secretariats, the Committees and the Riksdag Library.

### 5.3. Information

The Information Division is responsible for actively disseminating information about the Parliament to the media, non-governmental organisations, the educational system and the general public. One way of doing this is to keep the Riksdag's homepage ([www.Riksdagen.se](http://www.Riksdagen.se)) up to date.

### 5.4. Administration

According to the Riksdag Act the Riksdag's administration consists of a secretariat of the Chamber, Parliamentary Committees, an Advisory Committee on European Affairs and an Administrative Office. The Secretary General, who is elected by the Chamber, is responsible for management and co-ordination of the Administration.

In 2000, 600 people were permanently employed by the Riksdag's administration (59% women). There is not, as within the EU, a classification of the staff in different categories (A, B, C, D), but each post has a certain designation - for example Committee Secretary, Research Officer, Information Officer Technical Officer, Administrative Officer, Clerical Officer.

About 91% of staff are employed on permanent contracts (547) and 9% on temporary, fixed-term contracts (53). The breakdown by department is as follows:

Administration (including research, personnel)	48
Data and parliamentary documents	84
Internal service	160
Knowledge management	87
Committee secretariats	117
Secretariat of chamber, international department and information department	104
<b>Total</b>	<b>600</b>

The breakdown by category is as follows:

Executives	42
Secretaries (includes researchers, information specialists and committee secretaries and does not correspond to clerical)	125
Assistants	138
Others (including librarians, technicians, security personnel and cleaners)	295
<b>Total</b>	<b>600</b>

Staff are not obliged to change their functions in the course of their career.

### 5.5. Political groups/parties

At present seven parties are represented in the Riksdag: the Social Democratic Party (*S*), the Moderate Party (*M*), the Left Party (*V*), the Christian Democrats (*KD*), the Centre Party (*C*), the Liberal Party (*FP*) and the Green Party (*MP*). Members of the Riksdag who belong to the same party make up a parliamentary party group.

All the party groups are headed by a board. The group leader is responsible for current business and also represents the party in discussions about the organisation of work in the Riksdag. The party group and its members are assisted by a secretariat - headed by an administrative director - with experts and assistants who are hired by the party. The size of the secretariats varies with the size of the parties. The Social Democrats' secretariat is the largest, employing approximately 60 persons, while the Green party's secretariat is the smallest with only a dozen employees.

#### 5.5.1 State financial assistance.

The political parties receive financial assistance from the State for their general activities. The size of the contribution is based on the results in the elections to the Riksdag. Parties without seats in the Riksdag also receive assistance, provided that they have obtained at least 2.5 per cent of the votes in the whole country in either of the two latest elections. The contribution is calculated schematically and distributed according to set rules. There is no public supervision of how the means are used.

#### 5.5.2. Financial assistance from the Riksdag

Regarding financial assistance from the Riksdag the party groups in the Riksdag receive financial assistance in the form of basic contributions, contributions for political secretaries and for travel costs. The **basic contribution** consists partly of a base amount to each party group and partly of an additional amount for each member of the Riksdag. The base amount is SEK 1.5 million per year (about € 178 000). The party group representing the government receives one base amount and party groups representing the opposition receive two base amounts. The additional amount is SEK 50 000 (€ 5 925) per year and per member. These amounts cover in particular the costs of staff working for the party groups. Allowances are also provided for members travel (SEK 5 000 p.a. or € 590 for each of the first 20 members and SEK 2 500 or €295 for the remainder). The groups have to submit written accounts for the use of these travel allowances.

Contributions for members' personal assistants are intended to cover costs for "**political secretaries**". The size of the contribution is calculated on the basis of one secretary for every two members (SEK 32,200 per month or € 3 815)). There are currently about 110 political secretaries; other assistants and information secretaries bring up the total employed by the groups to approximately 170, usually all on temporary contracts with conditional tenure. Party groups are not obliged to provide proof of recruitment to receive the contributions from the Riksdag budget. Total contributions to groups from the Riksdag amount to SEK 106 million (€ 12.6 million) in 2000. The groups also receive indirect assistance in the form of free offices and technical equipment. Catering

is contracted out and additional security guards are also recruited from a private firm when necessary (20 guards are permanent employees). About 12 other staff are employed on short-term contracts per month, for example photographers, translators and waiters.

## 6. PROCEDURES

### 6.1. Work cycle

The Parliamentary year is known as the Annual Session of Parliament. It begins in mid-September each year except in election years, when Parliamentary elections are held on the third Sunday of September. A newly-elected Parliament assembles on the fifteenth day after the elections to elect the Speaker, the Deputy Speaker and the members of the Standing Committees and other Parliamentary bodies.

The Annual Session lasts all year, but the Chamber takes a protracted break from its activities during the summer recess and at Christmas and Easter. In addition, its work is suspended during certain weeks evenly distributed throughout the year. The rhythm of work in the Chamber, as far as taking decisions (working plenary sessions) is concerned, is fairly uneven.

In brief the Riksdag Year includes the following:

<i>September</i>	Opening of session Budget Proposal from the Government General motion period (14 days)
<i>October</i>	Party leader debate
<i>November</i>	The Chamber decides on the framework of the Budget
<i>December</i>	The Chamber decides on the State Budget
<i>January</i>	Debate on Home Affairs
<i>February</i>	Debate on the Foreign Policy
<i>April</i>	Spring budget bill
<i>May</i>	Debate on the European Union Debate on Parliamentary Control
<i>June</i>	Party leader debate

### 6.2. Adoption of legislation off the floor of the house (e.g. by grand committees)

All decisions regarding legislation are taken by the Chamber.

### 6.3. Decision-making in committees

When the matter reaches the relevant Committee, all the members of the Committee receive a set of documents relating to it so they can brief themselves. This is followed by informal meetings among party colleagues both within the Committee and in Parliament as a whole to decide what stance to take on the proposal.

While the members of a Committee discuss the matter in hand in various groups, the Committee Secretariat is busy with its formal preparation. The Government Bill and the other Bills are



examined, supplementary information is obtained, likely effects are studied and reactions are obtained from affected sections of the community.

When the preliminary work has been completed, the matter under consideration is presented at a meeting of the Committee by an official from the Secretariat. This meeting is the occasion on which the members discuss the position the Committee is to take on the proposals. When the Committee has reached a preliminary decision the Secretariat drafts a report. The report presents the Government Bill and any other related Bills. After the Committee details its deliberations the report concludes with a proposal for a vote, that is to say the Committee's proposal as to how Parliament should decide. If at least one member of the Committee fails to share the view of the majority, a reservation is made. The reservations are appended to the report.

The draft report is sent to the members of the Committee for checking. At a subsequent meeting of the Committee the report is amended if necessary and then approved. The report is then ready to be printed and thereby enters the public domain.

#### **6.4. Organisation of delegations**

The Chamber elects members for various delegations - for example, those to the Nordic Council, the Council of Europe and the Organisation to the Parliamentary Assembly of the Organisation for Security and Co-operation in Europe.

At the beginning of each Riksdag session twenty members of the Swedish Delegation to the Nordic Council are elected. Furthermore, six members of the Swedish Delegation to the Council of Europe and eight members of the Swedish Delegation to the parliamentary assembly of the Organisation for Security and Co-operation in Europe are elected at the beginning of each electoral period.

The elections are prepared by a Nominations Committee, which is selected from among the members of the Riksdag. Each party group represented in the Riksdag holds one seat on the Nominations Committee. In addition, ten seats are distributed proportionally between the same party groups.

The seats of the delegations are allocated proportionately between the parties. The distribution of seats between the parties are carried out in such a way that the seats are allocated one by one to the party polling the highest "comparison figure" on each occasion. The comparison figure equals the total number of votes obtained by a party as long as it has not been allocated a seat, and is calculated thereafter by dividing the number of votes a party has obtained by the number of seats it has already been allocated, increased by one. When the comparison figures are tied, the seat is allocated by lot.

#### **6.5. Distribution of documents**

All documents - for example, Bills and Committee Reports - are distributed to the Members of Parliament by a special division within the Parliament. The documents are either placed on the desks in the Chamber or in the members' pigeonholes.

### **7. REFERENCES**

[www.Riksdagen.se](http://www.Riksdagen.se)

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**UNITED KINGDOM**

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## 1. NUMBER OF MEMBERS OF THE HOUSE OF COMMONS

The House of Commons currently has 659 Members of Parliament (MPs), each representing an individual constituency [constits.htm](#). Of the 659 seats, 529 are for England, 18 for Northern Ireland, 72 for Scotland and 40 for Wales. The number of Members and the boundaries of the individual constituencies are adapted periodically to take account of demographic changes. This process is overseen by the independent Boundaries commission. MPs are elected using the plurality method of voting, also called "first past the post".

## 2. STRUCTURES

The Commons is responsible for managing its own staff, providing services for MPs and the administration for the House.

### 2.1. Speaker

The Commons is presided over by the Speaker, who is elected at the start of each parliamentary term. The Speaker is deemed to be above party politics and thus a sitting Speaker is not usually challenged at elections. The Speaker has three deputies. In the Commons the Speaker has authority to enforce the rules of the House, must guard against the abuse of procedure and protect minority rights.

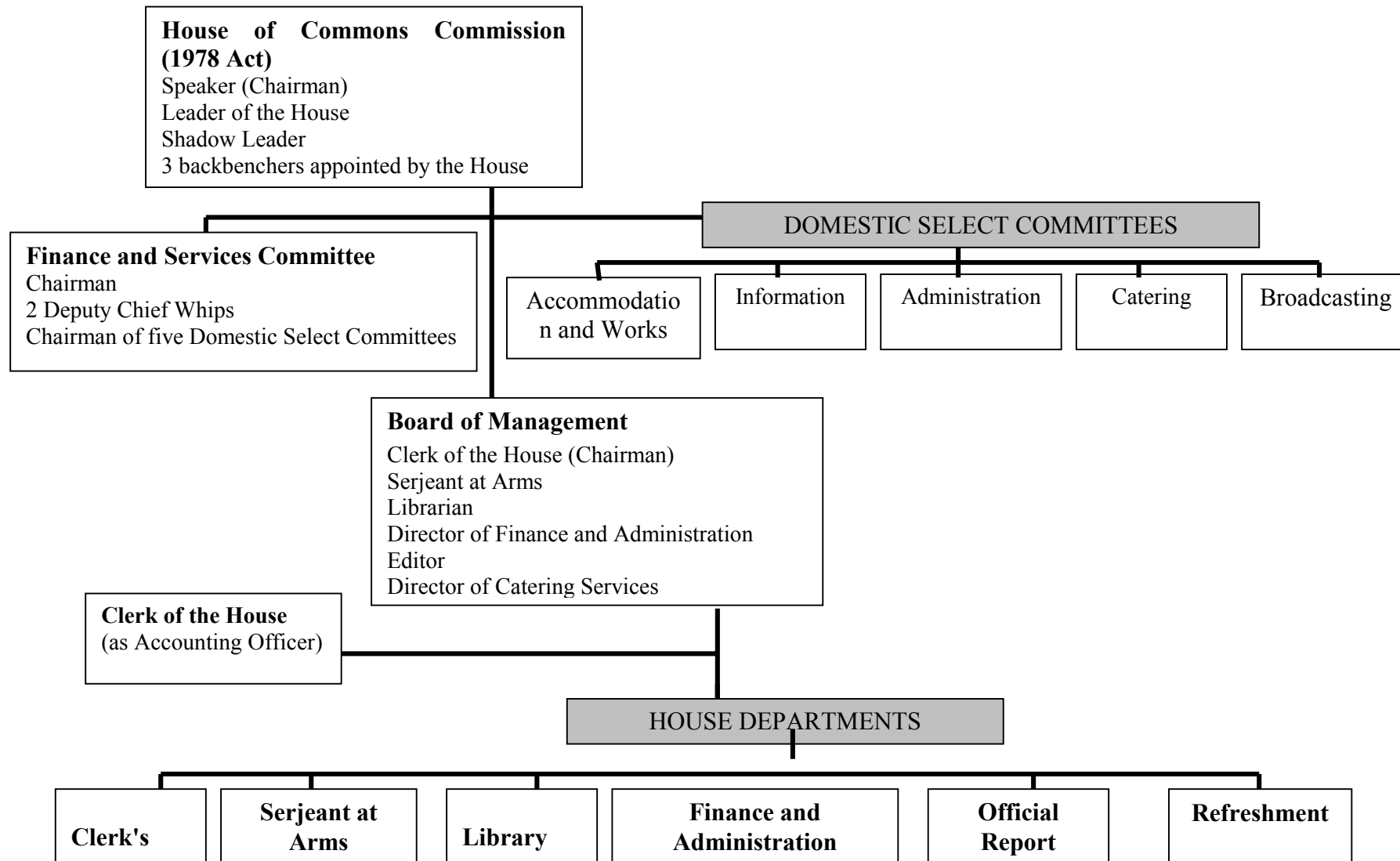
The Speaker supervises voting in the Commons and announces the final results. In a tied vote the Speaker gives a casting vote, strictly in accordance with precedent. The Speaker however does not have the right to speak on behalf of the Commons.

### 2.2. House of Commons Commission

Overall administration is the responsibility of the House of Commons commission. Under the House of Commons (Administration) Act 1978 the commission is responsible for appointing staff in the House Departments, and determining numbers of staff, pay and other terms and conditions of service. It is required to keep grading and pensions "broadly in line" with those in the British Home Civil Service. The commission lays before the House the Estimates for the House of Commons service, and appoints the Accounting Officer. It may reorganise House Departments and their functions. It has extensive powers of delegation, both to the Speaker and to the Accounting Officer or any Head of a House Department. It determines its own procedure.

The commission has six members: the Speaker, who is Chairman of the commission, and a member *ex officio*; the Leader of the House -a Government Minister responsible for organising Government business- also a member *ex officio*; a Member of the House nominated by the Leader of the Opposition; and three other Members of the House, appointed by the House, none of whom may be a Minister. There is no statutory bar to the Government of the day having a majority on the commission, but in practice this has never happened. One member of the commission (at present Archie KIRKWOOD MP) acts as its spokesman in the House.

Overall House Administration 31 March 1999



### 2.3. Finance and Services Committee (*F & S*)

The Finance and Services Committee, whose membership is no higher than eleven, considers expenditure on and the administration of services for the House and, with the assistance of the Board of Management (*see below*), prepares the Estimates for the Votes for House of Commons (Administration) and (Works) for submission to the House of Commons commission. It monitors the financial performance of the Departments of the House and reports to the House of Commons commission or the Speaker on the financial and administrative implications of recommendations made to them by any of the Domestic Committees or Broadcasting Committee.

### 2.4. Domestic Committees

The Domestic Committees in the House of Commons are select committees (*see below*) and assist with the domestic responsibilities of the House, acting as consumer groups for Members' interests. They are:

- Accommodation and Works Committee
- Administration Committee
- Catering Committee
- Information Committee

It has been recommended that the Broadcasting Committee (which supervised the broadcasting of proceedings) should within a few years be transferred to the Administration Committee.

Each committee has nine members (seven until 1997) and has the same powers as other select committees. The job of the domestic committees is to make policy recommendations to the commission or to the Speaker. If those recommendations have financial implications, they are passed to *F & S*, which offers advice to the commission.

### 2.5. Board of Management

The Board of Management was set up at the same time as the Commission. Its members are the Heads of each House Department: the Clerk of the House as Chairman, the Serjeant at Arms, the Librarian, the Director of Finance and Administration (previously the Head of Administration), the Editor of the Official Report and the Director of Catering (previously the General Manager of the Refreshment Department). The Board is intended to co-ordinate matters affecting more than one Department

### 2.6. Clerk of the House

The Clerk of the House acts as Accounting Officer and *primus inter pares* among the Department Heads. He or she in effect fulfils the role of Chief Executive or Secretary General. The Clerk's overall management responsibility is for the execution of policy in relation to services.

After a recent reorganisation of the budget arrangements, the Clerk of the House became the Accounting Officer for the three Parliamentary "Votes" (financial headings: Administration, Works and Members' Salaries etc.) Under the Parliamentary Corporate Bodies Act 1992 the Clerk became the Corporate Officer of the House, able to hold property and perform other functions on the House's behalf.

## 2.7. Committees

There are a number of committees in the House of Commons. The Standing Orders lay down a maximum membership for each committee. Convention states that the field from which membership is drawn is limited. Members of the Government, Parliamentary Private Secretaries and Opposition front bench spokesman do not serve on departmental committees.

Committees can be generally divided into two sorts, standing committees and select committees, although there are a number of other varieties of committees, which also should be mentioned. These include **Committees of the whole House**, which consist of the Members of the House of Commons meeting in their Chamber, but with two main differences from a sitting of the House itself. These are that they are presided over not by the Speaker but by a chairman who sits at the Table (in the chair usually occupied by the Clerk of the House). In these committees, members may speak more than once on the same question. In modern practice, a Committee of the whole House is used only for the committee stage of public bills. Bills which have their committee stage on the floor of the House generally fall into one of the following categories:

- bills of major constitutional importance (ratification of EU treaties, devolution);
- bills requiring unusual speed (when the Courts have found a previous Act defective, or there is a state of emergency);
- bills which are of a very uncontroversial nature (consolidating existing law) of which the committee stage is expected to be very short and where it would not be worthwhile to establish a standing committee;
- private Members' bills which are not opposed and of which all the stages are taken without debate.

Bills may be divided between a standing committee and Committee of the whole House. Generally, some clauses of the annual Finance Bill are taken in Committee of the whole House and the remainder in standing committee. Particularly controversial clauses of other government bills (for example those which raise questions of conscience) are occasionally taken in Committee of the whole House while the remainder of the bill is taken in standing committee.

Standing committees can be divided into four categories. These are: those appointed to consider public bills; those appointed to consider delegated legislation; three appointed to consider European Community documents recommended for debate by the European Scrutiny Select Committee; and the three Grand Committees and the Regional Affairs Committee.

The members of bill committees and delegated legislation committees are appointed afresh for each new bill or statutory instrument. The members of the three European standing committees are appointed for a whole session. The membership of the Grand Committees comprises all Scottish, Welsh and Northern Irish Members respectively, plus (in the case of the Northern Ireland Grand and the Welsh Grand Committees) a number of members appointed by the Committee of Selection. The Regional Affairs Committee, as provided for by a new Standing Order of April 2000, has 13 members, each representing an English constituency.

The rules of procedure in standing committees are the same as in Committee of the whole House, except that divisions are taken by roll call, and a quorum is required to be present for the committee to proceed. The committees are chaired by a member of the Chairmen's Panel (whose members are appointed by the Speaker).

In standing committees the Chairman has much the same function as the Speaker in the House. Like the Speaker, a chairman votes only in the event of a tie, and then usually in accordance with precedent.

Members of bill committees, delegated legislation standing committees and European standing committees are appointed by the Committee of Selection, which is required to take account of the composition of the House (ie. party proportions) as well as the qualification of members to be nominated.

**Select committees** are appointed by the House to perform a variety of tasks on the House's behalf, including scrutinising the work of all Government Departments and advising on the procedures and domestic administration of the House. The findings and recommendations of select committees are submitted to the House as printed reports. Members of committees are nominated by the House; for departmental select committees and domestic committees the necessary motion is made by a member of the Committee of Selection, and for other committees it is usually made by the Government after consultation with the Opposition.

A select committee chooses its own chairman, although there is usually an informal understanding about the party from which each chairman will be chosen. Members speak seated around a horse-shoe shaped table, and refer to each other by name (Members are otherwise referred to as "The Hon. Member for *n*"). Most select committees call witnesses, and usually meet in public whilst hearing evidence, but always sit in private when deliberating.

Most select committees are appointed by standing order, either without a time limit or for the life-time of a Parliament, and the members, once chosen, usually serve for the remainder of the Parliament, unless changes become necessary. In total, the party membership of all the select committees approximately reflects party proportions in the House.

The work of the departmental committees varies greatly but their general operation can be described. The committee selects a topic or series of topics for inquiry. It may begin by having private briefings and taking specialist advice. It then embarks on a process of information gathering, taking oral and written evidence. Normally, government ministers and officials will give evidence at some stage. The oral and written evidence is published (sometimes omitting material on the grounds of confidentiality). In addition, most inquiries lead to the committee making a report to the House and most committees agree several reports each session. These will make recommendations, most of which will be addressed to the Government. The Government is expected to publish a reply to the report within two months. Many reports, if not formally the subject of motions for debate in the House, are referred to by a "tag" on the Order Paper as being relevant to debates. Between 1979-80 and 1987-88 almost a quarter of all select committee reports were the subject of debates on the floor of the House; since 1987 more than a third of reports from departmental select committees have been debated. In 1995, provision was also made for committee reports to be debated on three Wednesday mornings each session. In 1999 these debates were transferred to a parallel sitting of the House in Westminster Hall, where other debates on select committee reports have also taken place.

Select committees have powers to send for persons, papers and records. However, with the exception of the Committee on Standards and Privileges with regard to Members of the Commons, a committee cannot order the attendance of Members of either House of Parliament; but Members may attend voluntarily. While a committee cannot, therefore, insist on Ministers attending one of its hearings, Ministers will normally accept an invitation to give evidence.

Similarly the committees can only request that government departments send papers and records. The Government has frequently reaffirmed that ministers and civil servants will attend committees when requested and provide committees with the information necessary to their inquiries.

There are also committees in the following areas relating to the House and its administration: a Liaison Committee considers inter alia applications by select committees to travel abroad. The Standards and Privileges Committee has since 1995 overseen the work of a new Officer of the House, the Parliamentary Commissioner for Standards, whose responsibilities include the maintenance of the Register of Members' Interests. The Committee considers matters relating to privileges referred to it by the House and matters relating to the conduct of Members. In July 1996 the House adopted the Committee's proposals for a Code of Conduct for Members, which was accompanied by a Guide to the Rules relating to the conduct of Members. The Procedure Committee is appointed to consider the practice and procedure of the House in the conduct of public business, and the Selection Committee is appointed under Private Business Standing Orders to appoint members to standing committees. The Standing Orders Committee determines whether certain requirements specified in Standing Orders (e.g. on notices to be given to those whom the bill would affect) should be dispensed with. The Modernisation of the House of Commons Committee was set up in June 1997 to consider how the practices and procedures of the House should be modernised. Since its establishment in 1997 it has reported on the legislative process and on sitting hours reform, among other matters. A number of its recommendations have been agreed by the House. Other committees are appointed from time to time, for example to revise the standing orders of the House and bring them into conformity with current practice or to examine private bill procedure.

**Scrutiny committees** are concerned with the scrutiny of proposed legislation in areas such as deregulation, EU legislation and delegated legislation. There are also committees considering Public Accounts, Public Administration (considers among others the reports of the Parliamentary Commissioner for Administration (the "Ombudsman"), and the Environmental Audit Committee. Following a recommendation of the Modernisation Committee several ad hoc committees have been established to consider draft bills. Other draft bills have been referred to existing select committees.

Two of the committees, Education and Employment, and Environment, Transport and Regional Affairs, have the power to appoint two sub-committees. Three of the committees, Foreign Affairs, Home Affairs, and Treasury, have the power to appoint one sub-committee each, but they do not all use this power. Other committees have in the past operated informal sub-committee systems. In 1999, the Defence, Foreign Affairs, International Development and Trade and Industry Committees undertook a joint inquiry (using informal sub-committees); each Committee made an identical report to the House.

### 3. OPERATING BUDGETS

The tables listed below show the expenditure for the administration and works services "votes" (items) in the House of Commons for the year 1998-1999. There is also a five-year overview of expenditure including the estimates for 1999-2000. Included in these figures are expenditure on rent, lease or purchase of buildings, information technology, furniture, maintenance and cleaning.



**Table 1: Works services vote, 1998-99**

HOUSE OF COMMONS WORKS SERVICES VOTE				
Estimate 1998-99	Out turn 1998-99	Detail	Estimate 1999-00	
£ 000	£ 000		£ 000	(€ 000)
76,180	67,055	Major acquisitions and new works in excess of £150,000	75,898	(123 391)
65,000	54,893	Of which: <i>Portcullis House</i>	60,000	(97 545)
1,527	1,599	Minor new works costing £150,000 or less	2,351	(3 822)
8,253	8,196	Maintenance and other operating costs	6,492	(10 554)
11,058	10,508	Rents rates and service charges	11,356	(18 462)
5,192	4,647	Administration costs	3,508	(5 703)
		<i>Staff costs</i>	3,020	(4 910)
		<i>Other Running Costs and Capital</i>	488	(793)
102,210	92,005	<b>NET VOTE TOTAL</b>	<b>99,605</b>	<b>(161 933)</b>

**Table 2: Administration vote by department**

<b>HOUSE OF COMMONS ADMINISTRATION VOTE</b>				
<b>Estimate 1998-99</b>	<b>Outturn 1998-99</b>	<b>Detail by Department</b>	<b>Estimate 1999-00</b>	
<i>£ 000</i>	<i>£ 000</i>		<i>£ 000</i>	<i>(€ 000)</i>
701	593	Office of the Speaker	745	(1 211)
24,862	22,235	Department of the Clerk of the House (Includes POST)	23,423	(38 080)
		<i>Running costs</i>	<i>13,228</i>	<i>(21 505)</i>
		<i>Vote Office (including Bookshop Sales)</i>	<i>10,195</i>	<i>(16 575)</i>
31,731	29,923	Department of the Serjeant at Arms	27,422	(44 581)
		<i>Running costs</i>	<i>20,222</i>	<i>(32 876)</i>
		<i>Communications Directorate</i>	<i>7,201</i>	<i>(11 707)</i>
8,607	8,257	Department of the Library	8,151	(13 251)
8,886	9,894	Department of Finance and Administration	8,677	(14 107)
		<i>Running costs</i>	<i>4,086</i>	<i>(6 642)</i>
		<i>Staff superannuation</i>	<i>4,592</i>	<i>(7 465)</i>
8,022	7,029	Department of the Official Report	7,753	(12 604)
4,993	4,902	Refreshment Department	5,155	(8 381)
575	372	Broadcasting Services	1,411	(2 274)
		Central Projects	1,555	(2 528)
88,377	83,205	<b>EXPENDITURE BEFORE VAT</b>	<b>84,292</b>	<b>(137 038)</b>
3,371	3,106	Less: VAT		
85,006	80,099	<b>NET EXPENDITURE</b>	<b>84,292</b>	
1,175	1,058	Grant in Aid: History of Parliament Trust	968	(1 574)
86,181	81,157	<b>NET VOTE TOTAL</b>	<b>85,260</b>	<b>(138 612)</b>

**Table 3: Administration vote by type of expenditure**

HOUSE OF COMMONS ADMINISTRATION VOTE				
Estimate 1998-99	Outturn 1998-99	Detail by Type of Expenditure	Estimate 1999-00	
£ 000	£ 000		£ 000	€ (000)
37,196	36,259	Salaries etc.	38,015	(61 802)
3,863	2,988	Travel	2,860	(4 650)
16,738	14,532	Information	15,353	(24 960)
5,566	5,137	Communication	5,638	(9 166)
3,467	2,781	Computer (Running Costs)	2,191	(3 562)
14,454	13,953	Security	14,002	(22 764)
4,849	5,068	Other Costs	4,948	(8 044)
(4,503)	(4,528)	Receipts <a href="#">notes</a>	(4,559)	((7 412))
81,630	76,190	<b>OPERATING EXPENDITURE</b>	<b>78,448</b>	<b>(127 537)</b>
6,747	7,015	Capital	7,446	(12 105)
88,377	83,205	<b>EXPENDITURE BEFORE VAT</b>	<b>85,894</b>	<b>(139 642)</b>
3,371	3,106	Less: VAT	3,341	(5 432)
85,006	80,099	<b>NET EXPENDITURE</b>	<b>82,553</b>	<b>(134 211)</b>
1,175	1,058	Grant in Aid:History of Parliament Trust	968	(1 574)
		Central Projects Reserve	1,734	(2 819)
86,181	81,157	<b>NET VOTE TOTAL</b>	<b>85,260</b>	<b>(138 612)</b>

**Table 4: 5-year Summary**

<b>HOUSE OF COMMONS 5-YEAR SUMMARY</b>						
Financial Year	<b>1995-96</b>	<b>1996-97</b>	<b>1997-98</b>	<b>1998-99</b>	<b>1999-2000</b>	
<b>COST SUMMARY</b>	<b>Outturn</b>	<b>Outturn</b>	<b>Outturn</b>	<b>Outturn</b>	<b>Estimate</b>	
	<i>in £ 000</i>				<i>£ 000</i>	<i>(€ 000)</i>
Administration Vote	68,190	68,290	72,879	81,157	85,260	(138 612)
Works Services Vote	44,049	61,902	72,349	92,005	99,605	(161 933)
<i>New Parliamentary Building, Phase II</i>	<i>15,633</i>	<i>30,002</i>	<i>35,958</i>	<i>54,893</i>	<i>60,000</i>	<i>(97 545)</i>
Members' Salaries etc Vote	72,125	81,766	95,819	86,175	89,060	(144 789)
Total House of Commons Costs	184,364	211,958	241,047	259,337	273,925	(445 334)

#### **4. ORGANISATION AND REPRESENTATION WITHIN PARLIAMENT OF MAIN PARTIES**

The political parties in the House of Commons have small organisations within Parliament itself. The party in government receives no funding for the organisation of its work in Parliament. The opposition is funded, however, in the form of "Short money", named after the then Leader of the House, Ted Short (Lab), who introduced it in 1974/75. It is an annual payment from the government, not the House, to the other parties in the Commons in order to help them with the costs incurred in performing their parliamentary functions.

The amount payable is worked out according to the number of seats a party has and the amount of votes that the party received at the last election. The staffs of the parties who receive "Short money" are however officially employed by the central party organisation. The numbers of party staff involved are small. (The Parliamentary Labour Party, for example, has a staff of around ten, although this is smaller than the number it employed when the group was last in opposition.) The amount payable to qualifying parties in 2000 was £11 000 (€17 600) for every seat won and £22 (€35) for every 200 votes gained. In addition, a total of £121,000 (€194 000) is divided between opposition parties for travel expenses and £513 000 (€822 000) is available for the running costs of the office of the Leader of the Opposition. Salaries are also paid to the Leader of the Opposition (£61 000, €98 000), the Opposition Chief Whip (£34 000, €54 500) and the Assistant Opposition Whip (£22 000, €35 000), in addition to their parliamentary salaries.

Party discipline is maintained by the whipping system. Whips have an important role in party business within Parliament, particularly when the voting strengths of the main parties are close. For major votes it is imperative to maximise the turnout, and the Whips try to ensure that every member from their party turns out to vote.

The duties of Whips include:

- keeping MPs informed of forthcoming parliamentary business
- maintaining the party's voting strength by ensuring members attend important debates and support their party in parliamentary divisions
- passing on to the party leadership the opinions of backbench members.

Failure by MPs to attend an important vote is usually seen as a rebellion against the party and may eventually result in disciplinary action, such as suspension from the parliamentary party.

In the Commons the party Whips consist of the Chief Whip and, in the two main parties, the Deputy Chief Whip and a varying number of junior Whips. Each of the smaller opposition parties also normally has a Whip.

The Government Chief Whip is directly answerable to the Prime Minister and the Leader of the House of Commons. Under the authority of the Leader of the House, the Government Chief Whip attends the Cabinet and makes the day-to-day arrangements for the Government's business programme.

The Opposition Chief Whip receives advance notice of the Government's business programme each week, and no final decision is taken by the Government until after consultation with him or her.

The main political parties in the Commons organise their members into various committees. This structure is typically twofold, firstly regional groups and secondly subject groups. Regional groups bring together the members from a particular region or nation of the UK, whereas subject committees unite members of a particular party with interests in a certain area. Normally only backbenchers attend the subject "departmental" committees. There have been recent moves among some parties to involve Members of the European Parliament in the regional groups.

5. **SECRETARIAT AND ASSISTANCE TO MEMBERS** - staffing levels, permanent/temporary contracts, division between "administrative" and "secretarial" staff (A, B, C, D)

The permanent staff of the House is expected to act with complete political impartiality; the House of Commons Service is not part of the Civil Service of the Crown.

There are six House Departments which, for most day-to-day purposes, operate independently of one another under the direction of their own Heads of Department. The six Departments, and their respective Heads, are as follows: Department of the Clerk of the House, Department of the Serjeant at Arms, Department of the Library, Department of Finance and Administration, Department of the Official Report and Refreshment Department.

Members' personal secretarial and support staff are paid from Member's Office Costs Allowance. Such staff are employed individually by the Member in question and are not House employees.

House staff grades are divided as follows: Clerk of the House (1 post), Bands 1 to 6 (Executive posts), Grade A (e.g. "fast stream" graduate entry), and then Grades B to E. Educational qualifications are not the only prerequisite to promotion or appointment. Skills and performance are also being increasingly taken into account. The Works and Catering Departments have their own craft and catering grades.

Staff appointed to one of the Departments on the whole stay in that Department throughout their career, though opportunities do exist for promotion to other Departments, and transfers between Departments are also possible. Such movement commonly takes place at the more junior grades.

**The Department of the Clerk of the House** (currently 272 posts: 86 at A grade and above, 59 at B grade, 46 at C grade, 74 at D grade and 7 at E grade) consists of The Table Office, a general procedural advice office for Members. It prepares the Order Paper and Notice Paper and receives Questions and Motions for inclusion in them. The Public Bill Office examines the drafts of Government and private Members' bills to ensure that they conform to the rules of the House and helps Members to draft bills and amendments. Its Clerks staff the Standing Committees, which undertake the detailed consideration of most public bills. The Office is also responsible for all other necessary tasks in connection with the passage of public legislation and for advice on the House's financial business. Together these two offices comprise the legislation service. The Private Bill Office is concerned with bills promoted by outside individuals and bodies such as companies and local authorities. The Journal Office compiles the minutes of the House, in daily parts as the "Votes and Proceedings" and in sessional form as the "Journal of the House" (the official formal record of proceedings). It keeps procedural records and indices and is responsible for research and advice on procedure and precedent and drafts procedural motions for both the Government and private Members. It also deals with the presentation of public petitions. The Committee Office provides the Clerks and support staff for most of the House's Select Committees, including the committees appointed by the House to examine the expenditure, administration and policy of the principal government departments. The Overseas Office maintains contact with Commonwealth and foreign Parliaments at official level and provides information and instruction for official visitors on the rules and practice of the United Kingdom Parliament. It provides the secretariat to the UK delegations to international parliamentary assemblies, and also provides the staff of the Select Committee on European Legislation. The Vote Office holds and issues official publications required for the conduct of business of the House. It also operates the Parliamentary Bookshop for the use of Parliamentary Agents and the public. To these traditional functions is being added a wider role in the management of the printing and publishing requirements of the House.

The staff of each select committee is led by the committee clerk. The number of other staff varies. The average departmental select committee has three or four other staff: typically, another clerk in a training grade and/or a specialist assistant on a short term contract of up to four years, a committee assistant and a secretary. Under the committee's direction the committee staff make all administrative arrangements for meetings and visits, prepare briefing material for the committee and draft the committee's reports and other papers (with the assistance, where appropriate, of specialist advisers).

**The Department of the Serjeant at Arms** (currently 307 posts: 24 at A grade and above, 66 at B grade, 71 at C grade, 108 at D grade and 38 at E or below) has two main groups of functions: order, security and ceremonial; and housekeeping and works. The order and security duties are primarily concerned with the maintenance of order in the Chamber, Galleries, Committee Rooms and in the Precincts of the House, and the control of admission or access to them. The housekeeping duties include the allocation and booking of accommodation; cleaning of the House; attendance on Committee and other rooms; the supply of stationery, laundry and other stores. The Parliamentary Works Directorate was set up on 1 April 1992. Unlike its predecessor, the Parliamentary Works Office the staff of the Directorate are staff of the House of Commons, not Department of the Environment civil servants. The PWD has on behalf of the House assumed full responsibility for the cleaning, maintenance, renewal, conservation etc of the Parliamentary Estate, and for major new building projects. Responsibility for the parliamentary works budget has been transferred to the Commission. The Serjeant and his/her four Deputy and Assistant Serjeants divide supervisory responsibility for these functions among themselves. In addition to their immediate office staff, the Department comprises office keepers and attendants in various locations, part-time cleaners, and the Doorkeepers who supervise entry to the Chamber and the Galleries and provide a messenger service for Members. The Admission Order Office, which is responsible for issuing gallery tickets, is also part of the Serjeant's Department. The Parliamentary Communications Directorate is responsible for providing common services for information systems and communications throughout the House, including the Parliamentary Video Network, which delivers services such as e-mail, electronic fax and the Internet.

**The Department of the Library** (currently 231 posts: 59 at A grade or above, 46 at B grade, 57 at C grade, 64 at D grade and 5 at E grade or below) is responsible for the management of the Members' Library and reading rooms in the Derby Gate Library; and for the provision of research, analysis and information services to the House of Commons. It is organised into the following areas: The Parliamentary Division provides Members with a full parliamentary information service and other library services including booklending, reference information, the provision of newspapers and periodicals and a press cuttings service. The International Affairs & Defence Section handles international, foreign and European Communities matters; and the Computer and Technical Services Section oversees the preparation of data for POLIS (the Parliamentary On Line Information System) - a database of references to current and recent parliamentary information and certain other categories of material. The Public Information Office (part of the Parliamentary Division) answers inquiries from the general public on parliamentary matters and compiles a Weekly Information Bulletin, Sessional Information Digest and the Factsheets. Also attached to the Public Information Office are the Derby Gate Library, which provides a service to Members and their staff with offices in the outbuildings, and the Education Unit for schools.

The Research Division, which is organised in six specialist sections, provides politically objective research and advice for individual Members. It also prepares background papers, reference sheets and research notes dealing with legislation and other subjects of topical importance in Parliament, which are made generally available to Members.

**The Department of Finance and Administration** (currently 130 posts: 17 at A grade or above, 32 at B grade, 37 at C grade, 43 at D grade, 1 at E grade or below) has responsibility to provide an effective financial service, and to advise on information technology to Members of Parliament and Departments of the House and provides a personnel service to the Departments of the House. Within the Department there are four main sections: The Fees Office deals with salaries, expenses and allowances for Members of Parliament and their staff. It submits draft Estimates and Public Expenditure Survey (*PES*) bids to the Treasury and acts as the secretariat to the Trustees of the Parliamentary Contributory Pension Fund and the Members' Fund. The Finance Office deals with the salaries and wages of the staff of the Departments of the House. It accounts for the House of Commons Administration and Works Service Votes and submits draft estimates and Public Expenditure Survey bids to the Finance and Services Committee and the House of Commons Commission. The Establishments Office assists all House Departments with personnel management and staff matters, including the application of employment and other relevant legislation. It also deals with staff pensions and has a special responsibility for relations and negotiations with the relevant trade unions. It also includes the Internal Auditor, Staff Inspector, and Welfare Officer.

**The Department of the Official Report** (currently 110 posts: 28 at A grade, 33 at B grade (including reporters), 36 at C grade at 13 at D grade) is responsible for producing the verbatim report (Hansard) of the sittings of the House, sittings in Westminster Hall and Standing Committees and the processing and printing of written answers. (Select Committee evidence sessions and Private Bill Committees are covered separately by a private firm.)

**The Refreshment Department** (currently 313 posts: 35 non-industrial grades [4 at A grade and above, 12 at B grade, 10 at C grade, 9 at D grade] and 278 industrial grades) is responsible for the catering and refreshment service in the various dining rooms, cafeterias and bars provided for Members, staff and guests. Although the costs of the Department's staff are borne on the House's Administration Vote, its catering and ancillary activities are accounted for in a separate Trading Account, the surpluses on which are currently employed to offset relevant capital expenditure.

In addition there is the **Speaker's Office** (currently 9 posts) headed by the Speaker's Secretary. The Office provides a direct secretarial and personal service to the Speaker in connection with official duties, which includes handling approaches and inquiries made to the Speaker by Members and others on a wide range of activities of the House. The Speaker's Secretary is a personal appointment made by the Speaker, and has recently generally been recruited from the senior ranks of the Civil Service. Included in the total complement of the Speaker's Office are the three Speaker's Counsel who provide legal advice in connection with a variety of House business (principally delegated legislation, European legislation and Private Bills).

Further assistance available to individual members includes:

- Office Costs Allowance: This includes all of the expenses of running an office in Parliament such as employing a secretary or research assistants.
- Temporary Assistance: If an MP's secretary or research assistant is absent from work for four weeks or more through illness then the MP can claim the additional costs of replacement staff.



- Supplementary London Allowance: MPs who have constituencies in Inner London can claim a London Supplement payment.
- Additional Costs Allowance: MPs who have constituencies outside Inner London can claim additional expenses for staying away from home overnight when they are at Parliament.
- Travel Concessions: MPs can claim for motor mileage. Travel warrants are provided which may be exchanged for rail, sea or air journeys whilst on parliamentary business. From January 1998 there has also been a bicycle allowance. Travel warrants are available for an MP's spouse and children under 18. These allow them to travel between the constituency and London up to 15 times a year.
- Postage and Telephone Calls: Members are currently entitled to free stationery, free inland telephone calls and postal services from Parliament for the pursuit of their parliamentary duties only.
- Resettlement Grant: This is to assist with the costs of adjusting to non-parliamentary life and is payable to MPs who lose their seat at a General Election.

Total staff (1422) by category is as follows:

A and above:	222
B	237
C	262
D	301
E	68
Industrial	332

Of these, 98% are permanent staff. Only 26 have temporary contracts. There is no policy of compulsory mobility.

1812 assistants of members were also on the payroll in April 2000, but paid for from MP's office costs allowance. Before any payments are made a written authorisation is required to appoint a named individual at a specific rate of pay from a specific date. A contract of employment has to be supplied within two months or else salary payments are suspended.

Some limited contracting out has been undertaken in regard to the switchboard and the government printing service (HMSO), used by the House of Commons.

## 6. PROCEDURES

### 6.1. Work cycle

The normal sitting time for the House of Commons is nowadays 2.30 pm on Mondays, Tuesdays, and Wednesdays; 11.30 am on Thursdays and 9.30am on Friday. The hour for rising is 10.30 pm from Monday - Wednesday and 7.30 pm on Thursday. On Fridays it is 3 pm: this is generally adhered to, though later sittings are not unknown.

In the 80s and 90s the House could be reckoned to be likely to sit after the 10.30 pm cut-off on about eight out of ten sitting days (Fridays excluded). The average time of rising on Mondays to Thursdays varied little over those decades with sessional averages ranging from 11.51 pm to 12.35 am. The average sitting length varied between eight and a half and nine hours: it has not changed very much from the 1920s (eight to eight and a half hours).

It was an aim of the sittings hours reforms of December 1994 to reduce the overall length of time sitting and in particular to minimise the occurrence of very late nights. The House sits at weekends only under exceptional circumstances.

The pattern of the year's business is usually as follows:

<b>November</b>	<i>Queen's Speech</i>	
<b>Late December /Early January</b>	<i>Christmas recess</i>	commonly about 2 or 3 weeks
<b>Spring</b>	<i>Easter recess</i>	usually the Bank Holiday and following week except if Easter is late in April, when the week before Good Friday is common
<b>May</b>	<i>Day Bank holiday</i>	one day recess only
<b>May</b>	<i>Recess Late Spring Bank Holiday</i>	and following week (rarely, two weeks)
<b>Summer</b>	<i>Recess</i>	from the third or fourth week of July (occasionally into August) usually until mid-October
<b>Autumn</b>	<i>Recess Autumn</i>	Most often a spill-over sitting generally of 1-2 weeks, followed by <i>Prorogation</i> .

Parliament can be recalled during recess if Ministers represent to the Speaker that the public interest requires an earlier meeting. This has happened only 18 times since 1945, the last in September 1998 to discuss a bomb attack in Omagh, Northern Ireland.

On average, the Commons sits 159 days a year, and the average length of each sitting is 8 and a half hours. The agenda and timetable are officially set by the Leader of the House, who is a Government minister. The Chief Whip is then responsible for its execution. The Official Opposition has the opportunity to set the agenda on 17 of the 20 Opposition Days per year. The second largest Opposition party can set the agenda on the remaining three. Private Members Bills are debated on Fridays.

## 6.2. Adoption of legislation, including decisions made off the "floor of the house" and decision-making in committee

### 6.2.1. Government bills

**The substantive discussion of bills takes place at second reading.** Bills relating exclusively to Scotland or Wales may be referred for consideration in principle by the Scottish or Welsh Grand Committees respectively. Welsh bills are rare. Other, usually uncontroversial, bills may be considered in a similar way by a Second Reading Committee appointed for the purpose. The Second Reading Committee does not however take the decisive vote on the matter, this being taken formally in the House, without further debate. A bill which is referred before second reading to a second reading committee (or to the Scottish Grand Committee) may be referred, after its committee stage, to a Report Stage Standing Committee (or to the Scottish Grand Committee) for the report stage, which is otherwise taken in the House.

There is now also provision for bills relating exclusively to Scotland to be referred to the Scottish Grand Committee for the equivalent of a third reading debate; this procedure has not so far been used, and will now be affected by the creation of the Scottish Parliament in Edinburgh.

In 1997, the House Modernisation Committee recommended that Second Reading Committees be used more often. After 2<sup>nd</sup> reading Bills have a Committee stage, which involves clause by clause consideration of the measure. The Committee may amend the Bill as it thinks fit, with amendments being moved by the Minister, the Opposition spokesmen, or by any Member of the Committee. Most routine Bills go to a Standing Committee, which reflect party strength in the House. They have about 18 members, though especially on complex or contentious bills, larger Committees are common.

Standing Committees on Government Bills meet commonly on Tuesdays and Thursdays, and either only in the mornings or, nowadays, in the afternoons as well often from the start.

The whole House may consider certain Bills at Committee stage. In general, these consist of Bills of constitutional importance - such as the European Communities (Amendment) Bill 1992-93, those requiring a very rapid passage, and certain financial measures, including at least part of each year's Finance Bill. Debates in Committee of the Whole House are published in Commons Hansard.

Bills can sometimes be referred to a Select Committee or Special Standing Committee, in which case evidence may be taken and a report made, but this is an exceptional occurrence.

The next stage is known as the Report, or Consideration stage, which constitutes a detailed review of the Bill as amended in Committee. Further amendments, and alteration of amendments made by the Committee, may be made at this stage and new Clauses added. All Members may speak and vote at this stage, unlike in Standing Committee. Although there is provision for Report to be taken in Committee, this practice has been followed only once (in 1968). If a Bill has been dealt with by a Committee of the Whole House, and has not been amended, it progresses straight to Third Reading - there is no Report Stage.

The final Commons stage of the Bill before progress to the House of Lords is the **Third Reading**, often taken directly after the conclusion of Report. This enables the House to take an overview of the Bill, as amended in Committee or on Report, and to permit it to proceed, or otherwise, as might seem appropriate. Substantive amendments cannot be made at this stage.

Except for Bills of major political or constitutional importance the Third Reading is usually very short. Some Bills may be "guillotined" or be subject to a Programme Motion - that is, have debate on them restricted or timetabled.

Generally an approximate timetable for Government legislation is agreed informally by the party leaders and the Whips. The new form, as proposed in the 1997/98 Session by the Modernisation Committee and approved by the House of Commons, of a Programme Motion can be regarded as a formalisation of previous consensual agreement (or, in effect, an "agreed guillotine"). Occasionally agreement proves impossible, and so in order to ensure the passage of legislation within a realistic time, the Government introduces a guillotine motion.

Each "guillotine motion" is devised by the Government for the Bill (or Bills) to which it is to be applied. Over the years, there have been various changes in the procedure involved, but the guillotine motion nowadays provides usually that a Bill be reported from the Standing Committee (or read a third time, etc) by a certain date.

If a Government bill has not passed the third reading stage by the prorogation, it falls and must be reintroduced in the next parliamentary year. However, the Modernisation Committee has recommended that Government Bills should be able to be carried over from one session to the next. The Financial Services and Markets Bill, introduced in session 1998-99 and carried over to session 1999-2000 became the first bill to which this new procedure was applied.

### 6.3. Organisation of delegations

Members of interparliamentary delegations are nominated by the parties. In addition to these, there are also some All Party Groups which deal with relations to foreign parliaments. The organisation is dealt with by the Overseas Office of the Clerks Department. The Overseas Office and specially appointed liaison officers within the Department co-ordinate the contacts with individual Offices which include reciprocal visits by officers from related services. Inward visits by official visitors are co-ordinated by the Inward Visits Manager with the assistance of other members of the International Relations Group. The European Section provides support to the UK Delegations to the OSCE Assembly, the Council of Europe Assembly and the NATO Assembly (formerly *North Atlantic Assembly*). The office assists Members who attend separate committee meetings and Assembly plenary sessions overseas. The Office organises the visits of committees of the International Assemblies or EP committees to the UK. It also arranges the organisation of the Conference of European Affairs Committees (*COSAC*) during the British Presidency of the EU.

### 6.4. Distribution of documents

House of Commons documents can be divided into Bills, House of Commons Papers (committee minutes, reports and evidence, accounts) and Command Papers (government documents and communiqués, treaties, green and white papers, annual reports etc.), all of which are placed in the library. Other documents, which a Minister or the Speaker requires to be placed in the library, are known as Deposited Papers.

All papers are placed in the library and must be made available to any Member who asks for them: a Department cannot restrict papers to Members from only one party or from only one area. Departments may wish to deposit material on the understanding that it be released by the Library only to Members (that is, **not** released to secretaries, research assistants, other parliamentary staff, etc, who are also users of the Library). Provision therefore exists for such material to be identified and kept apart, but in fact this category is seldom used. Papers outside this category - which are the vast majority - may be consulted in the House of Commons Library by Members, their staff, and officers and staff of the House.

Members of the public have no access to the House of Commons Library, and outside enquirers who ask for a recent deposited paper are routinely referred to the Department concerned.

### 6.5. Relations with executive - question time and other channels

There are three categories of Question: the **Question for oral answer** which is tabled with the intention that it be given an oral answer in the House during Question Time; the **Private Notice Question** which can only be asked if its subject matter is judged by the Speaker to be urgent and important and which is taken orally in the House at the end of Question Time; and the **Question for written answer** to which the answer is not given orally in the House but is printed in the Official Report (Hansard).

#### 6.5.1. Questions for oral answer

Question Time is held every day except Friday for about one hour. Members who want to ask questions will normally have tabled a question about two weeks in advance at the Table Office. The Member whose Question stands first on the Order of Business will be asked by the Speaker to state the number (the text is printed) and the Minister then reads out the answer which he or she has had prepared.

From that point further exchanges are unscripted. The Member who asked the original Question is normally the first to be called to ask a follow-up question, or supplementary. When that supplementary has been answered by the Minister, the Speaker may call other Members to put supplementaries, usually alternating between the Government and Opposition sides of the House. Sometimes a Minister chooses to give a single reply to several Questions on the Order Paper relating to the same topic. In that event the Speaker will usually call first and successively for supplementaries those Members whose Questions have been answered together.

When the Speaker decides that enough supplementaries have been asked, he/ she calls the Member who has Question number two on the Order of Business. The process begins again and continues to the end of Question Time.

### 6.5.2. Content of Questions

Before a Question can be placed on the Order of Business it must satisfy a comprehensive set of rules governing its content. A Question should either seek information or press for action; it should not offer or seek expressions of opinion. Above all it must relate to a matter for which the Minister to whom it is addressed is responsible **as a Minister**. It may not, for example, touch any activities in his/her capacity as a party leader or Member. Nor may he/she be asked to confirm or comment upon a report or rumour, for which he/she can have no responsibility. Ministers are not responsible for the activities of local authorities or nationalised industries, although they do answer questions on national statistics. Questions seeking an expression of opinion on a question of law are not in order, since this is for the courts to decide. Nor is it permissible to require information readily available elsewhere. A question may not touch any matter, which is currently the subject of legal proceedings.

### 6.5.3. Prime Minister's Questions

The Prime Minister answers Questions every Wednesday from 3.00pm to 3.30pm. Thus the Prime Minister answers Questions for about two hours a month, compared with about one hour's questioning of each of his/her chief colleagues.

A glance at Prime Minister's Questions on any day shows that one Question predominates, namely if the Prime Minister will list his/her official engagements for the day. It is a standard form of Question and it receives a standard form of answer: the Prime Minister lists the main engagements for the day. At that point the questioning Member can put as a supplementary almost any Question which relates to Prime Ministerial responsibilities or to almost any aspect of Government policy. In other words the original, indirect Question is simply a peg on which to hang a supplementary. As with other oral question sessions, other members then have the opportunity to ask supplementary questions on whatever they want. To do this, they must catch the Speaker's eye. The Prime Minister does not know what will be asked in these supplementaries. As with other questions, Members have to table the official questions about appointments a fortnight ahead in order to stand a chance of an oral answer; the supplementary must not be formulated beforehand.

The Leader of the Opposition is permitted three or four supplementaries in succession to follow up his/her first supplementary and the leader of the next biggest opposition party two. But more often than not, the discussion becomes diffuse because such a variety of points are raised. The Prime Minister is not without weapons to combat the surprise attacks of questioners. The Prime Minister's Office seek briefings from other departments on all possible supplementaries which may arise; and since they usually touch on highly topical matters, the Prime Minister may welcome the opportunity to make a statement of Government policy or to give an official reaction.

#### 6.5.4. Number of Questions for oral answer

In order to give all members a fair chance of asking questions and avoid multiple questioning, thus raising efficiency, the House decided in 1990 to adopt a number of recommendations that Members should in future hand in all Oral Questions personally at the Table Office (save that a colleague might act for a Member away on a parliamentary delegation, for instance); and that no Member should be permitted to table more than two Oral Questions on one day - one for him/herself and one for a colleague - to any Department.

Since only fifteen to twenty Questions are answered orally, as compared with the seventy or eighty which are invariably tabled to a major Department of State, the order in which Questions appear on the Order of Business and are called is of great importance. Priority is decided in a formal ballot, known as the Five o'clock shuffle.

#### 6.5.5. Publication of questions

The first warning of an oral Question, which the answering Department usually receives is when the Question appears on the Notice Paper of the House published on the morning after the Question has been tabled. The officials who are responsible for the Department's Parliamentary business extract their own Questions from the Notice Paper and send them, in specially marked folders, to the officials within their Departments who deal with the subject-matter of the Questions. The answers are then drafted for Ministers.

#### 6.5.6. Private notice questions

A problem may sometimes need to be raised at once with the Minister concerned. To provide for this contingency, there is a special procedure for questioning Ministers, namely, the Private Notice Question. A Member is not required to give advance notice of this kind of Question as he/she has to for an ordinary Question: indeed, he/she cannot do so because the matter has arisen suddenly and urgently. Instead private notice is given to the Minister concerned. In order to ask a Question by private notice, a Member must apply to the Speaker before noon on the day on which an answer is wanted. The Department concerned is at once informed.

Besides being subject to the same rules as to form and content as for ordinary Questions, a Private Notice Question is judged against two additional and special criteria laid down in the rules of the House: it must be urgent, and it must be of public importance. Important though these Questions are, however, the Speaker must bear in mind that if he/she allows them they will become a climax to the Question hour, but also take time out of the main business to be discussed that day. In practice only four or five Private Notice Questions a month on average have been asked and answered in recent sessions.

That figure does not include the Questions asked weekly of the Leader of the House by the Leader of the Opposition, asking for a statement of business for the following week, which is traditionally allowed as a Private Notice Question.

#### 6.5.7. Questions for written answer

Although the number of Questions for oral answer that may be tabled by a Member is restricted, there is no limit to the number of Questions for written answer, which may be tabled. Full advantage is taken of this facility, which Members find invaluable for extracting every kind of information from Government Departments. Often as many as 250 written Questions are tabled in a single day. In fact the vast majority of Questions answered in each session are Questions of this kind. In an average session, around 35 - 40,000 Questions are tabled and answered; fewer than 2,500 are answered orally in the House. Written Questions are subject to the same rules of order as oral Questions.

A Member usually dates a written Question for two days after he or she has tabled it: and can expect the Question to be answered within seven days of that date. If, however, the Member desires an answer on a specified day he/she may indicate this when he/she tables it. This gives his/her Question priority, though to obtain it, he/she must give the same minimum notice as is required for an oral Question and specify the date on which the answer is wanted.

Occasionally, Questions may be answered "I will write to the Hon. Member ....". Such replies are not published in the verbatim proceedings Hansard, but placed in the Library for Members' use.

#### 6.5.8. Private members Bills

There are a number of procedures by which Members may initiate Bills, but the time allowed for the consideration of Private Members' legislation is limited. Priority in the use of this time is established by a Ballot held shortly after the beginning of each Session. The 20 Members who are successful in this enjoy a crucial advantage over all other aspirants. Private Members who have gained a place in the Ballot put their Bills down for discussion on Fridays. Bills which are brought in under the Ballot procedure - and especially those whose sponsoring Member was placed high in the Ballot - are generally serious attempts at legislation in a well circumscribed field.

Some Bills introduced thus tend to be upon controversial subjects, upon which a Member or group of Members feel strongly and where UK governments do not normally legislate. For example, much of UK legislation on abortion and homosexuality stems from Private Members Bills.

#### 6.5.9. Ten Minute Rule Bills

On the other hand, Bills can also be introduced under the Ten Minute Rule, but these are frequently not serious attempts at legislation. The process is used much more as a means of making a point on the need to change the law on a particular subject. Motions under this rule may also provide the opportunity for a Member to test Parliamentary opinion on a subject upon which he/she or other Members may seek to legislate in later sessions. The Ten Minute Rule allows a brief advocatory speech - and one opposing the motion - to be made in the House after Question Time (at or shortly after 3.30 pm - though often delayed by Statements etc.) on Tuesdays and Wednesdays, when both Members' benches and the Press Gallery are likely to be full.

Upon occasions such Bills do become law through general consent - though there is rarely time for debate after their introduction - but no more than about 25 have progressed to Royal Assent since 1945.

#### 6.5.10. Early Day Motions

An Early Day Motion (or *EDM*) is a motion put down on the Order Paper by a group of Members of Parliament calling for a debate on a particular subject. In recent years the increasing number of *EDMs* has meant that time is very rarely found for them to be debated. The modern-day purpose of *EDMs* is to allow MPs to express their opinion on a subject and to canvass support for their views by inviting other members to add their signatures in support of the motion.

As a general rule, *EDMs* will only be debated if they can gain the support of over half the MPs in the House. One of the best-supported *EDMs* in recent years was introduced to support Civil Rights for Disabled Persons. Although it attracted more than 300 (of 659) signatures, it still did not gain enough to be given time for a debate.

### 6.6. Allocation of speaking time

In order to be able to speak, members must catch the Speaker's eye. If the list of Speakers is not provided for on the order paper, the Speaker alone decides who will speak in debates and who at question time can ask supplementary questions. The Speaker will use his/her discretion to facilitate an even debate, ensuring that the government, official opposition, minority party spokesman, Members from affected constituencies and specialists are given the opportunity to voice their opinion. As the estimated time for debate is laid down in the order paper, the Speaker has the right to rule that speeches should last a maximum of ten minutes only. The Speaker also has the power to stop a speech if it contravenes the rules of the House.

The Speaker has discretion on whether to allow a motion to end discussion so that a matter may be put to the vote and has powers to put a stop to irrelevance and repetition in debate, and to save time in other ways. In cases of serious disorder the Speaker can adjourn or suspend the sitting. The Speaker can order members who have broken the rules of behaviour of the House to leave the Chamber or can initiate their suspension for a period of days.

### 6.7. Possibility of individual members to speak in plenary (without prior approval of political parties)

Members are elected officially as persons representing constituencies and not foremost as members of parties. This fact means they have an independent mandate and are free to speak on whatever subject they choose as long as it falls within the rules of the House governing etiquette and decorum and as long as the Speaker allows them. No approval is needed from the whips or the party offices before speaking in plenary. In plenary, members are normally only allowed to speak once per debate. They can intervene to make points of order, in which case the Speaker decides whether to allow them to speak, or to ask the Member making a speech a question, in which case the speaking Member can decide to "give way". It is however rare that, Members will say anything which may be injurious to their own party, and the party groups have their own codes of conduct to prevent such action being taken.

## 7. REFERENCES

[www.parliament.uk/Commons/hsecom.htm](http://www.parliament.uk/Commons/hsecom.htm)

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## 1. INTRODUCTION

Although the US Congress is often referred to as if it were a single entity, Congress is divided internally into two different and virtually autonomous chambers: the House of Representatives, representing the nation, and the Senate, representing the states. This comparison between the US Congress and the European Parliament (*EP*) has to take this organisational feature of bicameralism into account. It concentrates on organisational aspects rather than procedure, paying especial attention to staffing and budgetary matters.

On 1 January 1995, after the fourth enlargement of the European Union (*EU*), the number of the EP Members was increased to 626. In Congress, 435 Members serve at present in the House of Representatives, representing population-based districts within the States, while the Senate is composed of two Senators from each State and has therefore currently 100 Members.

In 1999 the EP employed 4102 officials, many of whom are involved in translation.<sup>1</sup> With over 23000 employees<sup>2</sup> in the same year the Congress is the most heavily staffed legislative branch in the world. However, these figures are not strictly comparable: as explained below, the EP employs many translators, while the total number of employees for Congress includes agencies, which in the European context would not depend from the European Parliament.

## 2. STRUCTURES

### 2.1. Management bodies - elected officers

The U.S. Constitution empowers the House to choose its speaker, who presides over the House and other officers. The constitution does not specifically identify other officers, who are currently the Clerk, Sergeant-at-Arms, Chief Administrative Officer and Chaplain<sup>3</sup>. The clerk, as chief legislative officer, directs administrative activities that support the legislative process. The sergeant-at-arms, as the chief House law enforcement officer, is responsible for maintaining security, order and *decorum* in the chamber of the House. The chief administrative officer is responsible for certain administrative and financial activities that support the operation of the House. The chaplain of the House opens each legislative session with a formal prayer, a custom since the First Congress.

In the same context, the Senate elects its Vice President (and president *pro tempore*), who chairs, the Secretary of the Senate, who is responsible for management of many legislative and administrative services, its Sergeant-at-Arms and its chaplain.

In the EP a totally different system is used. The President presides over the plenary sittings, with the Presidency comprising also 14 Vice-Presidents. The Bureau, the regulatory body for Parliament's budget and for administrative, organisational and staff matters, includes -in addition to the President and Vice-Presidents- 5 Quaestors who deal in a consultative capacity with administrative and financial matters relating to Members.

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<sup>1</sup> The number reflects the staff authorised for the year 1999, *European Parliament* Final adoption of the general budget of the European Union for the financial year 2000, OJ L 40, 14.02.00, p.136.

<sup>2</sup> Fully-paid employees as defined by Ornstein N, Mann T and Malbin M, "Congressional Staff and operating Expenses", in *Vital Statistics on Congress 1999-2000*, 2000, p.129.

<sup>3</sup> Rule II, Rules of the House of Representatives - 106th Congress.

It is also appropriate to mention here the Conference of Presidents, which comprises the President and the political group chairs. It is the political governing body of the Parliament drawing up the agenda for plenary sessions and fixing the timetable for the work of parliamentary bodies.

## 2.2. The committees

### 2.2.1. Types and roles

In order to prepare the work of plenary sessions both Congress and EP divide their legislative and oversight tasks among committees. Although with regard to subject areas covered by committees there is little difference between EP and Congress, the latter has a much larger number of committees: 198 committees and subcommittees exist in Congress. (At the outset of the 105th Congress, the House created 19 standing committees with 84 subcommittees, and one select committee with 2 subcommittees, while the Senate formed 16 standing committees with 68 subcommittees, as well as four non-standing committees.) EP Members are assigned to 20 committees, 3 subcommittees, 21 interparliamentary delegations and 10 delegations to joint parliamentary committees.

**The 1946 Legislative Reorganisation Act** sets the framework of the Congressional committee system. Today, the House and Senate have similar committee systems and related rules of procedures. Within the guidelines of chamber rules, each committee adopts its own rules addressing organisational, structural and procedural issues. As a consequence, there is a considerable variation. Regarding the EP, each committee elects its own "bureau" comprising a chairman and 2 or 3 vice chairmen. Rules of Procedure of the EP as a whole also govern work in the committees<sup>1</sup>.

In the Congress three main types of committees exist:

- a) **standing**, which are permanent panels identified in chamber rules,
- b) **select**, established generally by a separate resolution of the chamber, sometimes to conduct investigations and studies and on other occasions to consider measures,
- c) **joint**, made up of Members both of the House and the Senate.

This distinction among different kind of committees is reflected in the EP, where there are also **standing committees**, **committees of inquiry** and **temporary committees**, and **joint parliamentary committees**<sup>2</sup> and **interparliamentary delegations**<sup>3</sup>.

### 2.2.2. Staff of Committees

The Senate authorises funds for two years for each of its committees through a resolution adopted near the beginning of each Congress. If a committee requires additional funds after the omnibus resolution has been agreed to, it may request them essentially in the same way as it requested its two-year budget. Concerning the House, in general standing committees receive a rule-guaranteed authorisation for thirty "statutory" staff. Funds to hire additional staff are provided from "inquiries and investigations" funding resolutions recommended annually by the House Administration Committee, subject to House approval. Each subcommittee chairman and ranking member can appoint one staff member each paid from statutory or investigative funds.

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<sup>1</sup> Chapter XX Committees, Rule 150-167, Rules of Procedure of the European Parliament, June 1999.

<sup>2</sup> Maintaining relations with parliaments of states linked to the European Union by association agreements.

<sup>3</sup> Maintaining relations with parliaments of many other countries and with international organisations.

In fact most Congressional committees employ between forty and seventy persons, with only a few powerful committees having relatively large staffs<sup>1</sup>. In totals, in year 1999 the House employed 1267 persons assigned to its committees, the Senate 910 persons.

Each committee sets its own hiring policies. Most have a professional staff and a clerical staff, with staff director, legislative counsel and chief clerk among the top posts. Reporting to them are legislative aides, researchers, investigators and secretaries. Contrary to the legislator's personal staff, which focus on re-election efforts and casework, committee staff concentrate on legislation and can be very influential. The House since 1946 has restricted committee staff to handling committee business.

The budget for individual committees varies widely, depending not only on the size and salaries of the committee's staff, but also on the number of its members, their workload and on the goals of Congress and its priorities. In general staff salaries compose the largest portion of committee budgets and, surprisingly, the size of a committee staff does not appear to be related uniformly to the supposed power of committees. The powerful Senate Finance Committee, for example, is modestly staffed compared with the less influential Labor and Human Resources and Governmental Affairs Committees. Some committees that are generally considered less desirable assignments expand their staffs partly in order to attract new Members<sup>2</sup>.

In the EP, committee staffing is arranged centrally. Committees and Delegations (DG II) form one of 8 Directorates General of the European Parliament's secretariat. Each committee has between 12 and 18 staff members, of whom slightly less than half are usually A-grades. Together with support staff and those serving delegations the total permanent staff of DG II amounts to 330 officials of whom 129 are A-grades, 48 are B-grades and 137 are C-grades. There is an obvious requirement to cover the languages of the Chair and Vice-Chairmen, as far as possible. These staff are now required to move every five years (7 in the case of Heads of Division) to another post, often outside the Directorate General. Given the numerical dominance of A-grades in committees and the prestige of DG II within the EP this group of officials has a major influence on the running of Parliament's secretariat.

### 2.3. The political groups

Because of the two-party system<sup>3</sup> that has emerged in the USA, a comparison in this field with the EP leads to questionable results.

Nevertheless, it is worth mentioning the following: all formal authority in Congress is arranged according to party. The party that holds a majority in each chamber has the votes to select leaders, such as the Speaker of the House and the president pro tempore and the majority leader in the Senate. Majority party leaders control the legislative agendas. All committee and subcommittee chairmen are members of the majority party. On the other hand, in the EP no such winner-take-all principle dominates.

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<sup>1</sup> House standing committee-appropriations with 158 persons, House standing committee-Government reform and oversight with 129 persons, Senate standing committee-judiciary with 122 persons. Ornstein/Mann/Malbin pp.137-138.

<sup>2</sup> See footnote 2, p.237.

<sup>3</sup> Currently 55 Republicans and 45 Democrats are serving in the Senate, 222 Republicans, 211 Democrats and 2 Independents in the House.

Rule 13 of the EP's rules of procedure (Nominations and general provisions) provides that, in the election of the President, Vice-Presidents and Quaestors, account should be taken of the need to ensure an overall fair representation of Member States and political views. Similar considerations apply also to committee chairmanships.

The political groups of the EP hold regular meetings during the week before the part-session and during the part-session week, as well as seminars to determine the main principles of their Community activity. In Congress within each party there is a whip system, which enables party leaders to bring pressure on party members to vote in support of the party position on key issues. However, it is important to keep in mind the relative weakness of the current congressional parties. Although the parties choose candidates for election to Congress, those candidates frequently campaign on their own, often seeking to appeal to voters without reference to party labels. Once in Congress, Members are under no obligation to support party positions or obey party leaders. Other than a few procedural questions, votes in Congress are rarely on a party-line basis.

Staffing of political groups is another major difference between Congress and the European Parliament. The EP's annual budget made provision for 532 temporary officials for groups in 1999; these posts are divided between groups on the basis of a formula which provides for the secretariat of a group to fluctuate in size according to the number of members elected or changing allegiance in the course of a legislature. In Congress, employees of the Republican and Democrat parties do not appear on the payroll of Congress itself at all, although many officials employed by committees or in other parts of Congress hold strong political affiliation and individual members have much larger "private offices" - *see below*.

Although senior posts in the non-legislative parts of the administration of Congress appear to be filled by competent people, the problem of political pressure on the system for senior appointments seems similar to that in the EP.

### 3. SECRETARIAT – ADMINISTRATION

#### 3.1. Organisation

The EP's work is organised by a secretariat, headed by a Secretary-General appointed by the Bureau. It is divided into 8 Directorates-General, as follows: DG 1 - Presidency<sup>1</sup>, DG 2 - Committees and Delegations, DG 3 - Information and Public Relations, DG 4 - Research, DG 5 - Personnel, DG 6 - Administration, DG 7 - Translation and General Services and DG 8 - Finance and Financial Control.

Congress does not have the same strong central administration as the EP; its duties are more decentralised and administrative work is often undertaken by personal and committee staff. The numbers manifestly support this: while the majority of over 9600 House employees work in a legislative capacity (for Members and committees), less than 1000 work for Officers of the House. These 1000 staff are all non-legislative employees providing administrative services required for day-to-day House operation. But in addition, a part of the large committee and personal staff – as already mentioned – serve as non-legislative employees, to handle the administrative work of the House and its large staff. The same considerations apply to the Senate<sup>2</sup>.

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<sup>1</sup> See above 2.1. This DG is responsible for the management of plenary sessions.

<sup>2</sup> The majority of the 6400 Senate employees work for Members and committees in legislative capacities, while less than 1000 work for Officers of the Senate.

On the other hand, the EP Secretariat has a permanent staff of about 3500, in addition to which there are political group staff and Members' assistants, but making altogether a comparatively much smaller total number of persons.

Although a strict division between separate entities - like that between different DGs in the EP - does not exist in the House, three predominant employing Officers are to be found there, who together employ most of the non-legislative officials: the Clerk of the House, the Chief Administrative Officer and the Sergeant-at-Arms.<sup>1</sup>

The functions, and in this context the administrative duties, of the Clerk of the House and the Sergeant at Arms seems to be similar with those of the Presidency in the EP. As far as the Chief Administrative Officer (*CAO*) is concerned, these responsibilities are organised within six divisions: the Office of Finance, House Information Resources, Office of Human Resources, Media and Support Services, Office of Procurement and Purchasing and the immediate office of the *CAO*. These responsibilities correspond roughly to those of DG 3, DG 5, DG 6 and DG 8.

The Committee on House Administration (formerly Committee on House Oversight) is the governing body for non-legislative aspects of House activity. Its duties and functions can be compared partly to the Committee on Budgetary Control and partly - insofar as co-ordination is concerned - with the office of the Secretary-General of the EP<sup>2</sup>. There is, however, no central entity in the Congress corresponding to DG 2 – Committees and Delegations of the EP. Obviously the heavily staffed Congress committees undertake this administrative work themselves. Also, a division similar to DG 7 of the EP – Translation - would have no reason for existence in the Congress, which works in only one language. Evidently, this fact is of major importance for staffing in the EP, since Parliament's 11 working languages mean that one third of the staff (1006 persons) work in the language service (translation and interpretation). The failure to decide on a single seat for the European Parliament is another notorious factor, which requires a larger secretariat than would otherwise be the case (and also consumes a rather large part of the budget in travel expenses).

### 3.2. Research Agencies

In the EP, DG 4 (Research) carries out the research programme of Parliament and provides parliamentary bodies -mainly the committees- with information when requested and furthermore supplies the main documentation and library services to the Institution. As has been shown, DG 4 is integrated in the structure of the EP Secretariat, with a relatively small staff of 171 persons. The unit for Scientific and Technological Options Assessment (*STOA*), which has a separate work-plan, has only two permanent A-grade staff.

In contrast, four major research agencies exist in the United States Congress: the Congressional Research Service (*CRS*), the General Accounting Office (*GAO*), the Congressional Budget Office (*CBO*) and, until recently, the Office of Technology Assessment (*OTA*).

A significant part of the Congressional staff works for these support agencies: over 4250 of the total of about 23000 (*CRS*=747, *GAO*=3227, *CBO*=232, *OTA*=139)<sup>3</sup>. They provide a comprehensive array of reference, research, evaluation and audit services to committees, Members and staff.

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<sup>1</sup> Similar structures exist in the Senate too, so only the state in the frame of the House will be given.

<sup>2</sup> See Rule X – Organisation of Committees, Rules of the House of Representatives - 106th Congress.

<sup>3</sup> Universität Heidelberg, Institut für politische Wissenschaft, *Der U.S.-Kongress*, in: <http://rzuser.uni-heidelberg.de/~alucas/uni/congress.htm> (25.06.00).

The *CRS* and *GAO* were established respectively in 1914 and 1921. *OTA* and *CBO* were additional creations of Congress in the 1970s (*OTA* has since been abolished). Their creation reflected a basic factor underlying the growth of Congressional staff. The expanded role of the government in domestic and international affairs had made Congress increasingly dependent on the executive branch for information. A growing distrust of the executive branch convinced the Congress of the necessity for Congressionally controlled sources of information. Congress thus authorised new agencies and simultaneously expanded the roles of the *CRS* and *GAO*. The *GAO*, with the largest staff of all the agencies, has multiple functions, but its primary job is to review federal spending and budget management on behalf of Congress. In addition, it provides legal opinions to government agencies, settles disputes in regard to claims by or against the United States and prescribes accounting standards for government-wide use. While a majority of *GAO*'s resources was devoted to the latter functions during the 1970s, the balance has since shifted and today roughly 80% of the *GAO*'s work is directly related to Congress<sup>1</sup>.

### 3.3. Recruitment

The great majority of the Secretariat's staff in the EP are permanent officials. Recruitment takes place after an open competition or by promotion or transfer within the institutions. Personnel employed on the basis of temporary contracts are the exception, although the staff of the political groups constitute a large body of temporary employees.

In contrast, employees of the Congress generally are not career employees. They are appointed by a Member of Congress, a committee or an officer of the Congress and can be removed from their posts generally without the need for justification. It is not unusual for non-legislative posts to be patronage jobs. The jobs of chauffeur, elevator operator, parking garage attendant and many others were controlled by party leaders and by their top aides. Since the 1960s the number of patronage jobs has been drastically reduced, although not eliminated.

The administrative officers of the House and Senate have begun to take steps to end purely patronage employment in positions under their control, but attempts to establish a formal personnel system with fixed hours of work, predictable salary ranges for positions and reasonable guarantees of continued employment regardless of political circumstances are viewed with caution. It is argued in some quarters that, as a political institution, Congress cannot and should not employ on a basis totally separated from political considerations. The House Administrative Reform Resolution of 1992 gives the Director of Non-Legislative and Financial Services (currently the *CAO*) authority to establish a personnel system removed from politics for employees under his office's jurisdiction, but such a system remains in the planning stages.<sup>2</sup>

In regard to support agencies, each of them has its own personnel system based to varying degrees on civil service practices in the executive branch. Employment in such agencies is permanent. Moreover, the agencies seek to encourage staff retention by providing employees with substantially greater salary flexibility than is generally found in personnel systems in the executive branch. As a consequence, the higher education levels, the higher staff tenure and the higher average staff salaries tend to be found more in the support agencies than in civil service departments. The EP employs in its Secretariat 384 'A'-grade staff (excluding translators and interpreters who are classified 'LA') out of a staff total of 2497 (year 2000 figures).

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<sup>1</sup> See footnote 2.

<sup>2</sup> Congressional staff and management - *historical Overview*, in: <http://www.house.gov/rules/jcoc2s.htm> (25.06.00).

Other categories are B (administrative assistants), C (secretarial and clerical) and D (skilled and unskilled employees). Within categories staff are graded according to their responsibilities and experience.

A similar system distinguishing staff in various categories and grades does not apply in the Congress, but it is true that the vast majority of Congressional staff are assigned to legislative and not administrative tasks.

#### 4. MEMBERS' PERSONAL STAFF

Significant differences exist with regard to personal staffing of the Congress and the EP Members. EP Members are granted an appropriation for so called "secretarial expenses", which is intended to cover expenses incurred by Members in recruiting secretarial, research and other assistants on the basis of a private law contract between the Member and the assistant. So in the EP Members' personal staff comprise a small number of assistants (usually one or two only).

Officials of the political groups in the EP are appointed by the group leader and are often responsible for co-ordinating the group's position in the various subject areas of parliamentary activity. They do not form part of the personal staff of Members.

Members of Congress control the hiring of their own personal staff as well as the assignment of tasks in their offices. While the staff of a Member's office in the House may not exceed 18 full-time employees and four part-time employees, the average number of staff in an office is 14<sup>1</sup>. A Senator has no limit on number of employees that can be hired, as long as the Senator stays within the combined allowances available for staff and office expenses. A *CMF* 1999 Senate Staff Employment survey found that the average number of employees in a Senate office is 34. Senate staff size varies according to the population of a state. Approximately one-third of personal staff works in district or state offices, according to *CMF*. A staffer performs one or more of six common activities: legislative issues, administration issues, office management, press and public relations, projects and casework and scheduling and reception matters.

Additionally, four House committees (Appropriations, budget, rules and ways and means) permit committee Members to appoint "personal committee staff" paid from committee funds. These staffs are housed in Member offices and are ultimately accountable to the appointing Member. Also the trend in House and Senate allowance regulations has been to give Members of both Chambers greater flexibility in using funds. Members may transfer a limited amount of funds between their staffing and expenses allowances, as circumstances require.

In 1999 Members' personal staff in the House numbered over 7000 persons out of the total of 9600. In the Senate 4300 persons out of 6400 were personal staff of senators. In contrast to the structure in EP, it is clear that the largest part of the Congressional staff is allocated in a way that it is more directly responsible to Members. The proportion of staff devoted to administration and organisation of Congressional activities, as opposed to "legislative workers", seems to be in decline.

#### 5. BUDGETS

In the context of the EP, the Bureau is the higher authority responsible for implementation of the budget of Parliament, although the Committee on Budgets plays a major role in establishing that budget, as well as those for the other institutions of the Union. The Committee on Budgetary

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<sup>1</sup> 1998 House Staff Employment survey by the Congressional Management Foundation (*CFM*).



Control approves implementation of the budget *post facto* through an annual discharge procedure.<sup>1</sup> The Secretary-General, acting as principal authorising officer, delegates his power to implement the budget to officials of the EP. The Budget Division is responsible for drawing up the draft acts whereby such delegations shall be granted. The Committee on Budgetary Control, which exercises parliamentary supervision of the implementation of the EP budget, is also the body deciding on proposals for transfers of appropriations between different chapters in the budget (other than those from the reserves).

In the Congress, the budget of Congress itself is administered in a decentralised fashion by a range of different bodies. Salaries and much administrative expenditure for the House of Representatives are the responsibility of the Chief Administrative Officer. At the beginning of each year the Director of the Congressional Budget Office submits to the Committee on the Budget of the House and the Senate a report for the fiscal year commencing in October of that year, but this has nothing to do with the budget of Congress itself.

The internal administrative entities of the House and Senate each prepare their annual budget request and submit it to the Office of Management and Budget for inclusion in the President's Budget *via* the chief financial officer of the House and Senate. In the Senate that co-ordinating responsibility falls to the Secretary of the Senate; in the House it is again the Chief Administrative Officer. Information concerning appropriations for the Senate was not found for this project but bill HR4516 concerning expenditure by the legislative branch in 2000 provides for \$1.923 billion (€ 2.26 billion), excluding the Senate.

The main budget headings of the European Parliament for the year 2000 budget are described in Annex 1. A direct comparison with the budget of the two Houses of Congress is not possible, but information is also enclosed concerning the main areas of House legislative branch expenditure (*Annexes 2 and 3*).

## 6. REFERENCES

[www.house.gov](http://www.house.gov)

[www.senate.gov](http://www.senate.gov)

### ANNEX 1

Pages 182 and 183 of the general budget of the European Union for the financial year 2000, OJ L40 of 14 February 2000: *General summary of appropriations for the European Parliament*.

### ANNEX 2

Attached - US House of Representatives - *main categories of legislative branch funding*.

### ANNEX 3

Attached – US House of Representatives - *appropriations for Financial Year 2001*.

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<sup>1</sup> European Parliament -*Internal Rules on the implementation of the European Parliament's budget*, 16.10.98 (Article 2).

PARLIAMENT

**EXPENDITURE**

General summary of appropriations (2000 and 1999) and outturn (1998)

Title Chapter	Heading	Appropriations 2000	Appropriations 1999	Outturn 1998
<b>1</b>	<b>EXPENDITURE RELATING TO PERSONS WORKING WITH THE INSTITUTION</b>			
10	MEMBERS OF THE INSTITUTION	171 862 300	185 813 600	161 380 188,-
11	STAFF IN ACTIVE EMPLOYMENT	322 052 874	306 900 977	287 657 558,-
12	ALLOWANCES AND VARIOUS CONTRIBUTIONS IN CONNECTION WITH THE TERMINATION OF SERVICE	8 209 800	7 421 130	6 336 222,-
13	MISSIONS AND DUTY TRAVEL	17 006 000	17 280 000	17 445 979,-
14	SOCIOMEDICAL INFRASTRUCTURE	480 000	430 000	450 833,-
15	GRADUATE TRAINEESHIPS AND EXCHANGES OF OFFICIALS	1 446 300	1 429 000	999 483,-
16	SOCIAL WELFARE	197 000	190 000	123 768,-
17	ENTERTAINMENT AND REPRESENTATION EXPENSES	722 000	697 000	559 392,-
18	INTERINSTITUTIONAL COOPERATION	41 323 000	38 162 000	36 585 930,-
	<b>Title 1 – Total</b>	<b>563 299 274</b>	<b>558 323 707</b>	<b>511 539 353,-</b>
<b>2</b>	<b>BUILDINGS, EQUIPMENT AND MISCELLANEOUS OPERATING EXPENDITURE</b>			
20	INVESTMENTS IN IMMOVABLE PROPERTY, RENTAL OF BUILDINGS AND ASSOCIATED COSTS	178 388 705	210 597 807	255 475 146,-
21	DATA PROCESSING AND TELECOMMUNICATIONS	33 251 000	36 429 000	28 394 742,-
22	MOVABLE PROPERTY AND ASSOCIATED COSTS	15 116 985	15 195 130	13 101 505,-
23	CURRENT ADMINISTRATIVE EXPENDITURE	17 988 417	17 885 792	15 875 176,-
25	EXPENDITURE ON FORMAL AND OTHER MEETINGS	905 000	1 010 000	740 837,-
26	EXPENDITURE ON STUDIES, SURVEYS AND CONSULTATIONS	2 070 000	1 700 000	1 934 560,-
27	EXPENDITURE ON PUBLISHING AND INFORMATION	27 210 000	33 258 000	27 317 211,-
28	MOVABLE AND IMMOVABLE PROPERTY AND INTERINSTITUTIONAL SERVICES	12 071 000	11 976 400	12 737 163,-

PARLIAMENT

**EXPENDITURE**

General summary of appropriations (2000 and 1999) and outturn (1998)

Title Chapter	Heading	Appropriations 2000	Appropriations 1999	Outturn 1998
29	SUBSIDIES AND FINANCIAL CONTRIBUTIONS	1 422 500	1 425 000	757 612,-
	<b>Title 2 – Total</b>	<b>288 423 607</b>	<b>329 477 099</b>	<b>356 333 952,-</b>
<b>3</b>	<b>EXPENDITURE RESULTING FROM SPECIAL FUNCTIONS CARRIED OUT BY THE INSTITUTION</b>			
37	EXPENDITURE RELATING TO CERTAIN INSTITUTIONS AND BODIES	34 566 000	25 819 000	34 605 314,-
38	OMBUDSMAN	-	3 474 797	2 726 989,-
39	EXPENDITURE RELATING TO PARLIAMENTARY ASSISTANTS	p.m.	p.m.	
	<b>Title 3 – Total</b>	<b>34 566 000</b>	<b>29 293 797</b>	<b>37 332 303,-</b>
<b>10</b>	<b>OTHER EXPENDITURE</b>			
100	PROVISIONAL APPROPRIATIONS	8 985 516	1 160 000	0,-
101	CONTINGENCY RESERVE	9 700 000	8 795 836	0,-
102	RESERVE FOR THE STATUTE FOR MEMBERS	59 950 000		
	<b>Title 10 – Total</b>	<b>78 635 516</b>	<b>9 955 836</b>	<b>0,-</b>
	<b>GRAND TOTAL</b>	<b>964 924 397</b>	<b>927 050 439</b>	<b>905 205 608,-</b>

**US House of Representatives**

Legislative Branch Funding

<i>Agency</i>	<b>Financial Year 2000</b>	
	<i>\$ million</i>	<i>€ thousands</i>
House of Representatives	758.0	894.4
Capitol Police	86.8	102.4
All other Joint Items (i.e. bodies also serving Senate)	13.8	16.3
Office Compliance	2.0	2.4
Congressional Budget Office	26.1	30.8
Architect of Capitol	161.7	190.8
Library of Congress	394.4	465.4
Government Printing Office	103.2	121.8
General Accounting Office	377.6	445.6
<b>Total House Bill</b>	<b>1 923.0</b>	<b>2 269.1</b>

Source: <http://www.house.gov/appropriations/pr01lefl.html>

## ANNEX 3

## US House of Representatives

*Appropriations for Financial Year 2001 as laid down in Bill HR 4516, Union Calendar No.350, 106<sup>th</sup> Congress, May 23, 2000*

	\$ million	€ thousands
Salaries and expenses <i>(of which: house leadership offices (eg Speaker) 14)</i>	749	884
Members representational allowances <i>(including clerk hire, official expenses and official mail)</i>	401	473
Committee employees	90	106
Committee on appropriations	20	24
Other salaries (Offices of Clerk, Sergeant at Arms, Chief Administrative Officer)	86	101
Allowances and expenses <i>(including supplies and materials)</i>	138	167
Joint economic committee	3	4
Joint committee on taxation	6	8
Capitol police <i>(salaries and expenses)</i>	77	91
Congressional Budget Office	25	29
Architect of the Capitol <i>(salaries and expenses)</i>	42	50
Office buildings <i>(maintenance)</i>	30	35
Capitol power plant	39	46
Congressional Research Service <i>(salaries and expenses)</i>	66	78
Government Printing Office <i>(information for Congress)</i>	65	77
Office of Superintendent of Documents	11	13
Botanic garden	3	4
Library of Congress	270	319
Buildings of Library of Congress	15	18
Copyright office	39	46
Furniture	5	6
General Accounting Office	352	415

## APPENDIX 1

### Analytical table of organisation in national parliaments

*Rows as follows:*

Name of Chamber  
Number of members  
Governing bodies  
Total budget  
Main parties  
Organisation of secretariat  
Recesses  
Grand committee(s)

*Nota Bene:*

*The information in this table and in the subsequent annexes must be used with care. Figures for budgets and size of secretariats may incorporate widely diverging items. Please see the text for explanations.*

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**APPENDIX 1**

	<b>Austria</b>	<b>Belgium</b>	<b>Denmark</b>	<b>Germany</b>	<b>Finland</b>
<b>Name of chamber</b>	Nationalrat/Bundesrat	<u>Chambre des représentants/Sénat</u>	Folketing	Bundestag	Eduskunta
<b>Number of deputies</b>	183 (NR)	150/71	179	669 (328 elected in constituencies; 328 via party list)	200
<b>Number of committees</b>	35	9	24 (17 members)	23 (15 to 42 members)	13 (17 members + 9 alt) exc. Finance 21+19 and Grand committee 25+13
<b>Governing body (size)</b>	President (+ 2nd and 3rd presidents) Main committee	Presidency/Bureau	Presidency: President (Speakers), 4 VPs (+4 tellers)	Presidium: President and VP, 12 Secretaries; Council of Elders: Pres., VPs and 23 members	Chancellery Commission: Speaker, 2 Deputy Speakers and 4 MPs
<b>Total budget (€ mill)</b>	115 : of which Members 41.6 NR, 5.9 BR, 2.5 EP; 10.9 fund for NAZI victims; 14.4 administration	(2000, CdR only) 86.5 of which: Members 28.4 Personnel 25.8, Polit.groups 21.1, Buildings 6.1, IT 2.7, Equip. and maintenance 1.2, Printing 1.1	(1999) 60.3, of which members salaries: 14.2, Admin salaries: 17.1, Groups: 12.6 , Buildings maintenance: 9.0 but purchase, rent not included	496 (1998) of which: Members' salaries 51, allowances 27.6, staff 245.4, buildings 21, maintenance 7.2, equipment 25,1 and political groups 57.8	(2000) : 60, of which (MPs: 15, Admin: 35 (staff 14, buildings 3), Parl State Audit: 1.3, Ombudsman 2.5, Library 3, Groups: 3

**APPENDIX 1**

<b>Main parties</b>	Social Democrats 65, People's Party 52, Freedom 52, Green 14 Group must have min. 5	VLD, CVP, Agalev-Ecolo, PS PRL, MDF, MCC, Vlaams Blok, SP PSC, VU&ID21	Social Dems 64, Liberals, 43, Conserv 16, Soc People 13, Centre Dems 8, Danish People 13, Soc Libs 7, Unity List 5, Others 10	SDP 297, CDU/CSU 245 (CSU=47), PDS 37, Greens 47, FDP 43	Social Democratic Party: 51, Centre: 47, National Coalition: 46, Left Alliance: 20, Swedish People: 12, Green: 11, Christian Union: 10, Others 3
<b>Organisation of secretariat</b>	<u>Legislative branch: NR Dienst + BR Dienst + Research Administrative branch: Admin. International Legal and Legislative Service Personnel.</u>	519: legislative services 87 (committees, plenary, general secretariat and research), translation 36, admin services ('questure', personnel, buildings, print shop, IT, accounts) 270, library 48, public/internat. Relations 12, accounts 10. 25% graduates, all recruited by competition and with status of civil servants. Each member can recruit one assistant, paid by Parl; each group leader can recruit own graduate and administrative staff.	General management 11 Administration 105 Communications and IT 31 Members 97 Committees 34 International 30 Legal /parliamentary dept. 33 Total 363, of which 79 managers and graduates (1999)	(2000) 2354 : Presidium 12, Press 6, Vice-Presidents 19, Parliamentary Services 246, Research 442, Central Services 1478. 140 work in policy advice jobs (research, committees and petitions)	Parliamentary Office (Ombudsman, Library, State Auditors indepen), Committees: 48, Central office: 70, Research 8, Library: 55, Information: 8, Admin: 171, Groups: 50, Assistants on temporary contracts.
<b>Recesses</b>			usually June 6 to early October	Two weeks on; 1/2 weeks off; 22-24 weeks p.a. Recess: end July to mid-Sept	260 working days; 1st term Feb to end June, 2nd term Sept to Christmas; Mondays work in election districts, Tuesday to Friday: committees am, plenary pm
<b>Grand committee with legislative powers?</b>	No	No	No	No but EU committee has special rights allowing adoption of EU legislation via "binding opinion"	A few bills each year are referred to Grand Committee BUT final decision with plenary
	<b>Austria</b>	<b>Belgium</b>	<b>Denmark</b>	<b>Germany</b>	<b>Finland</b>



APPENDIX 1

	France	Greece	Ireland	Italy	Luxembourg
<b>Name of chamber</b>	Assemblée Nationale/Sénat	Hellenic Parliament	Oireachtas (Dail/Seanad)	Camera dei Deputati/Senato	Chambre des Députés
<b>Number of deputies</b>	577/321	300	166/60	630/315	60
<b>Number of committees</b>	6 permanent (2 with 145 members, 4 with 75 members) Special: 57 members	15	19	14	Permanent 5 , each with 13 members Special committees possible
<b>Governing body (size)</b>	Bureau: 22 (President, 6 Vice-Presidents, 3 Quaestors, 12 Secretaries)	Standing committee (Bureau): 15 (President, 5 Deputy Presidents, 3 Deans, 6 Secretaries)	Committee on Procedure and Privileges; Joint House Services Committee	Bureau: President, 4 VPs, 3 Quaestors, 8 Secretaries (and currently 6 delegations with special tasks)	Bureau: President, 3 Vice-President + 7 members Commission du Travail: Pres+1 rep each group
<b>Total budget (€ mill)</b>	(2000): 440 (Senat 246) Of which 85% =salaries + allowances (55%=Members), NO buildings	(2000) 99.3 of which: MPs - salaries 20.3, office allowances 3.8, post and transport 2.8 Staff salaries 31.5, Buildings 14.5, Rent 1.4, Supplies 6.4, IT 3.0	Dail and Seanad - (2000) 33.3 of which: members' salaries 5.5, members' expenses 5.9, assistants 4.2, staff salaries 5.4, office machinery and supplies 2.8-+-+-----	736 (1999) of which: Members' salaries 140, Mem. pensions 96, staff 172, staff pensions 105, purchases 110, building investment 22, furniture 13	Total 17.3 - for members: 7.5, political groups: 1.5, staff: 2.9, administration: 5.4

**APPENDIX 1**

<b>Main parties</b>	Soc 242, RPR 130, UDF 64, Liberals 42, Communists 33 Radicals 32, others 34 (minimum 20 seats for group)	Old parliament: Pasok 159, Nea Demok 102, Communist 11, Synaspismos 10, Dem&Soc 8, Others 6 At least 10 members to form a group	Fianna Fail 76, Fine Gael 54, Labour 22, Prog Dems 4, Greens 2, Sinn Fein 1, Soc 1, others 6	Democrat. sinistra 165, Forza Italia 110, Misto 97, Alleanza Naz 91, Pop dem 58, Lega Nord 46, Comunista 21, Democrat. Ulivo 21, Unione Dem. Europa 21	CSV 19, PDemo (Lib) 15, Soc 13, ADR 7, Greens 5, Die Lenk 1 At least 5 members to form group
<b>Organisation of secretariat</b>	Civil Servants but separate recruitment Total 1279 plus Groups: 100 +/- and Assistants: 2130 (many part-time, 91% unlimited contract) Of total 25% secretariat, 13% policy ("conception"), 4% session, about 50% reception, surveillance, maintenance, ushers, drivers. Sénat 1000 Mobility for administrators	598 officials and 84 contract staff: legislative work 22, committees 43, parl. control 21, stenography 82, int'l relations 6, European relations 24, communication 53, personnel 45, finance 32, technical services 76, members and parties 5, studies 24, IT 20, Library 49 (+1200 assistants to MPs)	Total 69 of which: Committees 43, Research 2, Library 5, Administration 19 (Members'assistants, mostly on fixed term contracts: 202 - 1 per 3 senators; 1 per 1 deputy)	Total 1900 of which 250 permanent officials (150 generalists, 60 stenographers, 15 librarians, 20 IT specialists)	40 officials, (presidency and secretariat 18, committees 11, minutes 9) also 3 employees, 1 manual worker
<b>Recesses</b>	3 months - July, August, September. Maximum 120 days in session p.a. but special sessions possible		mid-July to end-September Dáil meets Tuesday to Thursday	August - 1st week of September; 2 weeks at Christmas	
<b>Grand committee with legislative powers?</b>	No	Two committees, each with one half of members following legislation in regard to ministries One third section available during recess	No	No	No
	<b>France</b>	<b>Greece</b>	<b>Ireland</b>	<b>Italy</b>	<b>Luxembourg</b>

**APPENDIX 1**

	<b>Netherlands</b>	<b>Portugal</b>	<b>Spain</b>	<b>Sweden</b>	<b>United Kingdom</b>
<b>Name of chamber</b>	Staten-General (Tweede Kamer, Eerste Kamer)	Assembleia della Republica	Cortes Generales: Congreso de Diputados/ Senado	Riksdag	House of Commons (Lords not considered here because being reformed)
<b>Number of deputies</b>	150	230	348/ Senado: 259	349	659 (England 529, Scotland 72, Wales 40, Northern Ireland 18)
<b>Number of committees</b>	4 types: standing, general, Temporary, Other (incl. Public Expenditures)	13 + 5 Temporaries	15 (Congreso) + 4 Joint with Senado	16, each with 17 members	Finance and Services 4 domestic committees Standing/select committees
<b>Governing body (size)</b>	Speaker (Presidium, including several deputies)	Bureau: President, 4 Vice-Pres., 4 Secs, 4 Vice-Secs + Conference of Chairmen of Groups	Presidency: Pres., 4 VPs and 4 Secretaries 'Permanent Deputation' of 21 members representing parties	<u>Parliamentary Board:</u> (from 19 Sept 2000) <u>speaker + 10 elected members</u>	<u>House of Commons Commission:</u> <u>Speaker, Govt Minister Responsible for business, MP nominated by Opposition + 3 other MPs</u>
<b>Total budget (€ mill)</b>	Tweede Kamer (1999): 71.8 of which parl indemnities 11.5, expenses 6.5, groups 13, building maintenance 0.5, permanent staff 17.1, auxiliary staff 1.8	(1999) 85 of which Cabinets 5, Members 10, Staff 10, buildings 15	(2000) 132 of which 38 for Senado. Of which 38 Senators'allowances 12.9, staff salaries 3.7, buildings & administration 17.3	135 of which members and parties: 58, committees: 1, admin, incl. staff: 50	274 (1999-2000) of which : Members' salaries 89, Works 100, Admin 85 (38 salaries)

**APPENDIX 1**

<b>Main parties</b>	Labour (PvdA) 45, VVD 38, Christian Dems 29, D66 14, Greens 11, Soc 5, Others 8	Socialist 115, PPD/PSD 81, CDS/PP 15, Communists 15, Others 4	PP 155; Soc 141; Federal United Left 16; Catalan (CiU) 16; Basque (EAJ-PNV) 5, Coalition Canaries 4, Mixed 11	Soc Dem 131, Moderate 82, Left 43, Christ. Dem 42, Centre 18, Liberal 17, Green 16	Labour 417, Conservative 161, Lib Dems 46, Ulster Union 10, SNP 6, Plaid Cymru 4, Others 15
<b>Organisation of secretariat</b>	564 of which: Griffier 7, Personnel 16, Communications 20, Finance 14, Constitutional process 4, Committees 58, Documentation 39, Library 8, Security 46, Mail 27, Cleaning 64, Restaurant 70, Stenography 61 (also 150 members' assistants and 150 parliamentary group staff)	387, of which support and secretariat 104, documentation/info 64, admin/finance 99, IT 21, public+international relations 28 All staff civil servants on permanent contract	326 of which: Research 62; Plenary 44; Committees 28; Internal affairs 69; Economic affairs 43, Budgetary Control 4, Computers and technology 30; Sec. Gen. 14; Political assistants 36	587 (1998) of which: 119 secretariat of chamber, 114 committees, 354 administrative (incl. Research, Personnel, IP)  Classed as policy staff (Committees +Research): 125	Total 1421 of which: Clerk of the House 261 (86A), Library 198 (59A), Finance+Admin 137 (17A), Official Report 104 (27A), Refreshment 291 (4A), Speaker's Office 12 (2A), Serjeant at Arms 385 (23A), (+1812 Members' assistants)
<b>Recesses</b>	Late June until end August			mid-June to mid-Sept	Sittings 168 days pa (for 8 3/4 hours)
<b>Grand committee with legislative powers?</b>	No	No	No	No	No
	<b>Netherlands</b>	<b>Portugal</b>	<b>Spain</b>	<b>Sweden</b>	<b>United Kingdom</b>

**APPENDIX 2**

**Budgets of national parliaments - totals**

€ million (2000 - but \*=1999)

	<b>Total</b>	of which:	MPs' salaries & pensions	MPs' allowances <sup>1</sup>	Staff salaries	Buildings (rent, purchase)	Maintenance & cleaning	Equipment (incl. IT)	Political groups
Austria	<b>107<sup>2</sup></b>		5		14.4				
Belgium*	<b>86.5</b>		28.4		25.8	6.1	1.2	2.7	
Denmark	<b>60.3</b>		14.2		17.1	-	9.0		
Finland*	<b>60</b>		15		14	3			3
France*	<b>440<sup>3</sup></b>								
Germany	<b>496</b>		51	27.6	245.4	21	7.2	25.1	57.8
Greece	<b>99.3</b>		20.3	3.8	31.5	14.5			
Ireland	<b>33.3</b>		6.8	12.2	3.5	0.6		2.8	
Italy*	<b>736</b>		236		172	22			
Luxembourg	<b>17.3</b>		7.5		1.5				1.5
Netherlands*	<b>71.8</b>		11.5	6.5	18.9	-	0.5		13
Portugal*	<b>85</b>		10		10	15			
Spain									
Sweden*	<b>135</b>		58 <sup>4</sup>		50 <sup>5</sup>				
United Kingdom	<b>274</b>		89		38 <sup>6</sup>	100			
USA <sup>7</sup>	<b>1 415<sup>8</sup></b>		840	444	462 <sup>9</sup>		32		
European Parliament	<b>964</b>		-	172	322 <sup>10</sup>	178		33	20

Sources: Annex 1, Annexes to paper on Congress, EU budget 2000

### APPENDIX 3

#### Budgets of national parliaments - totals

	<i>€ thousand per MP</i>	<i>€ per capita of population</i>
Austria <sup>1</sup>	580	13.2
Belgium <sup>2</sup>	576	8.51
Denmark	337	11.51
Finland	300	11.70
France <sup>3</sup>	763	7.54
Germany	741	6.05
Greece	331	9.46
Ireland	147	9.0
Italy	1168	12.86
Luxembourg	288	42.20
Netherlands <sup>4</sup>	479	4.54
Portugal	370	8.66
Spain	217	3.59
Sweden	387	15.31
United Kingdom <sup>5</sup>	416	4.71
USA <sup>6</sup>	3253	5.31
European Parliament	1540	2.57

Source: Annexes 1, 2 and Eurostat

- 
- <sup>1</sup> Nationalrat only  
<sup>2</sup> Chambre des Représentants only  
<sup>3</sup> Assemblée nationale only  
<sup>4</sup> Tweede Kamer only  
<sup>5</sup> House of Commons only  
<sup>6</sup> Excluding the Senate

ANNEX 4

Staffing<sup>1</sup>

1999

	Total	of which: Administration <sup>2</sup>
Austria <sup>3</sup>	385	?
Belgium <sup>4</sup>	519	370
Denmark	363	105
Finland	360	171
France <sup>5</sup>	1 279	Approx 600
Germany	2 354	1 478
Greece	598	153
Ireland	69	19
Italy	1 900	?
Luxembourg	40	18
Netherlands <sup>6</sup>	564	30
Portugal	387	99
Spain	326	69
Sweden	587	354 <sup>7</sup>
United Kingdom <sup>8</sup>	1 421	137
USA <sup>9</sup>	9 636	-
European Parliament	3 570 <sup>10</sup>	961 <sup>11</sup>

Source: Annex 1 and *Vital statistics on Congress, 1999-2000*, AEI press, Washington DC, Table 5-1.

\* \* \*

- <sup>1</sup> Not including political groups and members' assistants; but the division is not always clear and the nature of employment contracts also varies widely.
- <sup>2</sup> But this is defined differently in the Member States. Here it has been attempted to identify those departments connected with personnel, finance, security and general administration.
- <sup>3</sup> Nationalrat only.
- <sup>4</sup> Chambre des Représentants only.
- <sup>5</sup> Assemblée nationale only.
- <sup>6</sup> Tweede Kamer only.
- <sup>7</sup> Includes research.
- <sup>8</sup> House of Commons only.
- <sup>9</sup> Includes Committee staff (1267), personal staff (7216), leadership staff (179) and officers of the House of Representatives (974). Excludes these categories in the Senate (total 6391), joint committee staff (104), Capitol architect (2012), Capitol police (1251) and agencies: *GAO* (3275), *CRS* (747) and *CBO* (232).
- <sup>10</sup> Includes 841 translators and interpreters and 79 temporary posts (but not those for the political groups).
- <sup>11</sup> DGs 5, 6, 8.

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- 1 Where indicated separately
  - 2 Nationalrat only, includes €10.9 mill. for fund for NAZI victims
  - 3 Assemblée nationale only
  - 4 Includes parties
  - 5 Includes all administration
  - 6 € 85 mill. for administration as a whole
  - 7 Excluding the Senate
  - 8 Includes *CBO*, *CRS*, but not Library of Congress, *GAO*
  - 9 Salaries of House Offices, committee staff, Capitol police, *CBO*, architect of Capitol, *CRS*, Office of Superintendent of Documents, but **NOT** Library of Congress or General Accounting Office)
  - 10 Includes 841 translators and interpreters (20.5% of establishment plan) and 532 temporary staff working for political groups (13% of establishment plan)