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United Nations Development Programme (UNDP) Serbia

**PROJECT STRENGTHENING THE OVERSIGHT FUNCTION
AND TRANSPARENCY OF THE PARLIAMENT**

**REPORT AND ANALYSIS WITH
RECOMMENDATIONS FROM PUBLIC
HEARING WORKSHOPS**



REPORT AND ANALYSIS WITH RECOMMENDATIONS FROM PUBLIC HEARING WORKSHOPS

FINAL REPORT

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Strengthening the Oversight Function and Transparency of the Parliament

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All the terms used in the text in the grammatical masculine gender encompass the masculine and feminine gender of the persons they refer to.

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Acronyms

| | |
|--------------|--|
| CSOs | Civil Society Organisations |
| GOPAC | Global Organisation of Parliamentarians against Corruption |
| IPU | Inter – Parliamentary Union |
| MP | Member of Parliament |
| NARS | National Assembly of the Republic of Serbia |
| SDC | Swiss Agency for Cooperation and Development |
| UNDP | United Nations Development Programme |

1. OVERVIEW OF OVERSIGHT TOOLS IN NARS

1. The National Assembly of the Republic of Serbia (NARS) utilizes a number of mechanisms and processes in implementing its control function and oversight over the work of the executive branch, as envisaged by:

- the Constitution of the Republic of Serbia;
- the Law on the National Assembly and
- the Rules of Procedure of the National Assembly.

2. Oversight and/or Control: There is a difference between these two concepts. Oversight, as exercised increasingly by parliaments, is concerned with holding governments to account; making them explain and justify their policies; and examining areas where government policy is defective or lacking. Its objectives are to improve governance by identifying weaknesses and suggesting improvements. Control, on the other hand, is often associated with mechanisms at the disposal of opposition groups to force ministers or governments to give an account of their actions but with the possibility of extracting resignations of either individual ministers or an entire government.

3. This is not to say that politics is absent from parliamentary oversight; politicians will wish to gain political advantage where they can. But while recognising that fact, oversight seeks to build consensus where it can and maximise cross-party working. It matters therefore what subjects are chosen for oversight inquiries/activities. It may be best to avoid the most politically contentious aspects of the governing party's programme.

4. The ways in which the National Assembly is implementing its control and oversight functions (existing mechanisms and processes) are:

Tending towards Control:

- Interpellations relating to the work of the Government or a Government member;
- Motion for no confidence vote in the Government or a Government member;

These two provisions are often political tools as the disposal of opposition groups. Their aim in many parliaments is less that of improving the quality of governance by ensuring accountability, than seeking Ministerial resignations and toppling governments. They are used rarely in NARS.

- Parliamentary questions;
- Parliamentary questions relating to a topical subject;

These two provisions allow for Government to be challenged by individual MPs on matters that it might prefer not to be. However, the format, despite opportunities for supplementary questions, does not allow for a line of questioning to be put to ministers by a persistent MP who has a particular interest and high level of knowledge of a subject. The format of the questioning (in plenary) often makes their use highly partisan.

Tending towards Oversight:

- Government reporting to the National Assembly on its work;

- Ministries informing Committees on their work;
- Forming Inquiry Committees and Commissions;
- Ministries informing Committees on their work;
- Public hearings;
- Seeking information of importance for the Committee's work (Article 74 (6))
- Reviewing reports by state institutions, organisations and bodies;

What is not always clear is whether committees make effective use of their ability to obtain information from government; and having obtained it, whether they act on it, analyse it and produce reports with recommendations for the Assembly to consider.

Other measures:

- Notifications and explanations;
- Adoption and oversight of the budget execution, as well as the final balance sheet of the budget of the Republic of Serbia;
- Supervision of the security sector.

The two areas which give greater scope for 'hearings' in the form widely seen in democratic parliaments are:

- Forming Inquiry Committees and Commissions
- Public hearings

The main focus of this report will be on the opportunities for oversight and scrutiny provided by:

- Public hearings (Articles 83 and 84)
- Reviewing reports by state institutions, organisations and bodies (Articles 237 – 241)

2. ANALYSIS ON UP-TO-DATE PRACTICE ON PUBLIC HEARINGS IN SERBIA

5. Public hearings represent an aspect of parliamentary practice that has been implemented in NARS since 2008¹, based on the factual plan (even before the establishment of the legal framework), in the form of so-called thematic committee sittings, and round tables. Public hearings in Serbia were implemented initially as an informal mechanism with UNDP's support. Today public hearings are organized as institutional mechanism and integral part of regular parliamentary work in Serbia. From a legal perspective, the public hearing was introduced into legal system of the Republic of Serbia in 2010 by virtue of the entry into force of the Law on the National Assembly².

¹ About introduction of public hearings into NARS practice and legal frameworks see: Vukadinovic, S., 2012, Final Evaluation of the UNDP Project: Strengthening the Accountability of the National Assembly of the Republic of Serbia, UNDP, Belgrade, pp. 22–27, 41–43, (<http://www.undp.org.rs/index.cfm?event=public.publicationsDetails&revid=24D27DCC-EE09-AD65-17C621C9E5ADC5F2>).

² The Official Gazette RS, br. 9/10.

6. The legal framework for a public hearing at NARS consists of two legal acts: The Law on the National Assembly and Rules of Procedure of NARS. Article 27 paragraph 7 of The Law on the National Assembly imposes that a committee may organize a public hearing. A section that regulates the working bodies of the National Assembly, Rules of Procedure of NARS³ comprises two articles that regulate public hearings, and determine the way they are organized and held. In accordance with Article 83 of the Rules of Procedure, committees may organize public hearings for the purpose of obtaining information or professional opinions on proposed acts, which are in the parliamentary procedure, clarification of certain provisions from existing or proposed acts, clarification of issues of importance for preparing the proposals of acts or other issues within the competences of the committee, as well as for the purpose of monitoring the implementation and application of legislation, i.e., realization of the oversight function of the National Assembly. Article 84 defines that proposals for organizing public hearings may be submitted by any committee member. The proposal should contain the topic of the public hearing and list of persons who will be invited. Decisions to hold public hearings shall be made by the committee and the Chairperson of the committee shall notify the Speaker of the National Assembly on the decision. The Chairperson of the committee shall invite committee members, MPs, and other persons whose presence is of importance for the public hearing topics. This invitation shall contain information on the topic, time and location of the public hearing, and a list of invited participants. Public hearings shall be held regardless of the number of committee members present. After the public hearing, the committee Chairperson shall draft a memo and communicate it to the Speaker of the National Assembly, the committee members, and to the participants in the public hearing. The memo shall contain the names of the participants in the public hearing, a brief overview of the opinions, attitudes and proposals presented at the public hearing. Members of the committee and participants in the public hearing may submit written complaints on the memo of the public hearing to the committee Chairperson, who shall forward them to persons who participated in the public hearing.

7. In practice, NARS committees often organize public hearings and this has proven to be very useful. Public hearings have allowed for greater participation by civil society and other stakeholders and thereby contributed to a more comprehensive overview of issues. In practice, both legislative and control public hearings are organized. Legislative hearings have proven to be very successful and many amendments, which have improved the quality of draft laws, have had their origins in these public hearings. Control public hearings in current practice differ from the type of control public hearings held in foreign parliaments – it might be said that control public hearings in Serbian parliamentary practice demonstrates a form of “mild” control.

8. Decisions, conclusions and recommendations are not taken at public hearings. This does not, however, negate their potential to develop into an effective oversight tool. If necessary, after public hearing, a committee sitting can be organized and decisions and recommendations made with regards to the information obtained at the public hearing [see also para 49].

Table no. 1: Number of public hearings at the NARS

| year | 2009. | 2010. | 2011. | 2012. | 2013. | 2014. |
|---------------------------------------|-------|-------|-------|-------|-------|-------|
| Number of public hearings at the NARS | 11 | 7 | 16 | 11 | 29 | 10 |

³ The Official Gazette RS, br. 20/12 – edited text.

9. After the successful implementation of public hearings at the national level, this good practice was passed on local level, again with UNDP project support. The first public hearings at local level in Serbia started in 2014 and were developed in the same way as the hearings at the national level, i.e. first on the factual plan and afterwards introducing this mechanism into legal framework. The transfer of knowledge, experience and good practice about the organization of public hearings from national to local level is run through advisory (preparatory) workshops that preceded the first public hearings at local assemblies.

10. At a local level, UNDP/SDC' project "Strengthening the Oversight Function and Transparency of the Parliament" held training workshops⁴ for aldermen and staff of pilot municipal assemblies and CSOs:

- 30 May 2014 Town Assembly of Zrenjanin;
- 11 June 2014 Municipality Assembly of Apatin;
- 12 June 2014 Town Assembly of Pancevo⁵ (aldermen and staff);
- 17 July 2014 Belgrade (for CSOs representatives from various towns and municipalities);
- 06 October 2014 Town Assembly of Pancevo (working bodies' representatives and staff).

These workshops resulted in first public hearing in Serbia at local assemblies.

Table no. 2: Overview of the information about the public hearings in local self-government units

| town | date | place | public hearing topic |
|-----------|------------------|----------------------------|---|
| Zrenjanin | 24 June 2014 | Town Assembly of Zrenjanin | "Draft of the strategy for sustainable development of the town of Zrenjanin during 2014–2020" ⁶ |
| Pancevo | 22 October 2014 | Town Assembly of Pancevo | "Strategy of development of the town of Pančevo during 2014-2020" ⁷ |
| Pancevo | 26 December 2014 | Town Assembly of Pancevo | "Programme budget of the town of Pančevo for 2015" ⁸ |
| Pancevo | 4 June 2015 | Town Assembly of Pancevo | "Contemporary tendencies in breeding of domestic animals and pets – legislative framework and local decision" |

⁴ See: <http://skupstinapa.wordpress.com/2014/10/13/pripremni-sastanak-za-prvo-javno-slusanje-strategija-razvoja-grada-panceva/>.

⁵ See: <http://odbornicancevo.com/2014/10/13/pripremni-sastanak-za-prvo-javno-slusanje-strategija-razvoja-grada-panceva/>.

⁶ See: <http://www.zrenjanin.rs/1-45-0-3305/Odrzano-javno-slusanje-na-temu-''Nacrt-Strategije-odrzivog-razvoja-grada-Zrenjanina-za-period-2014-2020->.

⁷ See: <http://skupstinapa.wordpress.com/2014/10/20/poziv-gradanima-da-uzmu-ucesce-u-prvom-javnom-slusanju-u-skupstini-grada-panceva/>.

⁸ See: <http://odbornicancevo.com/2014/12/24/poziv-za-ucesce-na-javnom-slusanju-povodom-programskog-budzeta-grada-panceva-za-2015-godinu/>.

Public hearings in the local self-government units have attracted much media attention.⁹

11. In addition, public hearings have for the first time been introduced and defined in the Rules of Procedure of a local assembly; specifically, in the Rules of Procedure of the Town Assembly of Pancevo¹⁰. This normative breakthrough in strengthening the work of local assemblies has set an example of the positive change towards strengthening the limited oversight and normative roles of local assemblies.

3. REVIEW OF REPORTS OF INDEPENDENT BODIES

12. The independent state bodies regularly submit reports to the National Assembly and they are first considered by the NA committees, and then, together with the proposal of the conclusion from the committee and the recommendations, they are considered at the plenary session of the National Assembly.

Several public hearings were held on issues arising from the reports of independent bodies:

- 20 November 2014: Public hearing on the “25th anniversary of the United Nations Convention on the Rights of the Child – addressing the problem of street children”, organized by the Committee on the Rights of the Child, to mark Universal Children’s Day.¹¹
- 19 November 2013: Public hearing on the “Presentation of the Special Report of the Commissioner for Protection of Equality on discrimination against children in Serbia”, organized by the Committee on the Rights of the Child.¹²
- 26 June 2013: The Committee on Human and Minority Rights and Gender Equality and the Committee on the Judiciary, Public Administration and Local Self-Government co-organized a public hearing on the 2012 Report of the National Mechanism for Prevention of Torture. (Ombudsman Sasa Jankovic presented the 2012 Report of the National Mechanism for Prevention of Torture.)¹³
- 18 March 2013: The Committee on Human and Minority Rights and Gender Equality hosted a public hearing on “The role of the Ombudsman and Commissioner for Information of Public Importance and Personal Data Protection in the protection and improvement of human rights and discussion on the need to introduce a legislative framework”.¹⁴

⁹ See: http://www.rtv.rs/sr_lat/vojvodina/zrenjanin/prvo-javno-slusanje-u-zrenjaninu_497589.html; <http://www.vesti.rs/Zrenjanin/Prvo-javno-slusanje-u-Zrenjaninu.html>; <http://www.glas-javnosti.rs/aktuelne-vesti/2014-06-24/u-zrenjaninu-odrzano-prvo-javno-slusanje>; <http://www.youtube.com/watch?v=OdTRFsBcigc>; <http://ilovezrenjanin.com/aktuelno/u-zrenjaninu-odrzano-prvo-javno-slusanje/>; <http://dnevnenovine.rs/2014/vesti/06/prvo-javno-slusanje-u-zrenjaninu/>; <http://rtvpancevo.rs/92.1-Info/Lokal/prvo-javno-sluanje-u-panevu.html>, <http://www.pancevac-online.rs/lokalni-parlament-uvodi-javna-slusanja-novi-vid-kontrole-vlasti/>, <http://rtvpancevo.rs/Vesti/Lokal/prvo-javno-slusanje-u-pancevac-obj-skupstini.html>, <https://www.youtube.com/watch?v=IGaCbrvqzTM>.

¹⁰ See: <http://odbornicipancevo.com/2015/01/26/javna-slusanja-uvrstena-u-poslovnik-skupstine-grad/>.

¹¹ See: http://www.parlament.rs/Committee_on_the_Rights_of_the_Child_Organises_Public_Hearing.23344.537.html.

¹² See: http://www.parlament.rs/Committee_on_the_Rights_of_the_Child_Organises_Public_Hearing.20315.537.html.

¹³ See: http://www.parlament.rs/Public_Hearing_Held_in_Honour_of_International_Day_in_Support_of_Torture_Victims.19009.537.html.

¹⁴ See: http://www.parlament.rs/Public_Hearing_Organised_by_Committee_on_Human_and_Minority_Rights_and_Gender_Equality_.17961.537.html.

4. CONSULTATIVE WORKSHOP FOR THE NATIONAL ASSEMBLY SERVICE ASSIGNED TO SCRUTINY COMMITTEES

13. As part of the UNDP's project, three-day training workshops were organized for the NA scrutiny teams in the period 21-23 October 2015. Workshops addressed both public hearings and scrutiny role in general. Participants were secretaries of NARS' committees, senior advisers, advisers and junior advisers.

14. The first day (21.10.2015) was held in Belgrade at the NARS. Introductory remarks at the Workshop opening were delivered by Ms. Mirjana Radakovic (Assistant Secretary General, Head of the Legislative Sector) and Ms. Biljana Ledenican (Portfolio Manager for Parliamentary Development, UNDP). After that, two UNDP consultants held their presentations: Mr. Alistair Doherty addressing "Oversight Role of Parliament and Scrutiny Teams – Introductory remarks and expectations" and Mr. Slobodan Vukadinovic elaborating on "Comparative overview of oversight tools", which was followed by a question and answer session. On the second and third day (22-23.10.2015) the workshop was held in Arandjelovac. The second day was devoted to the topic of scrutiny role. Two presentations were in focus: one, held by Ms. Radakovic covering the topic "Scrutiny role and mechanisms prescribed for the National Assembly of the Republic of Serbia" and the other held by Mr. Vukadinovic about "NARS Scrutiny Teams Analysis" and IPU Publication "Parliament and Democracy in 21st Century", which was followed by an interactive discussion.

15. The third day started with a presentation given by a former MP – Mr. Rade Obradovic, on "Financial Scrutiny and Parliamentary Staff support to MPs in Committees". During this part, special attention was devoted to Public expenditure scrutinized through the e-Parliament and ongoing development of a Portal¹⁵ of the NARS for monitoring public expenditure, which is to serve the needs of the NARS for the purpose of efficient monitoring and analysis of expenditure of public funds. Oversight of the spending of state funds will be made possible through the development of a portal on public revenues and expenditures. After this part, two sessions important for parliamentary scrutiny were held. The first one entitled "Scrutiny Committees and Independent Scrutiny Bodies" with a special introductory speech delivered by Ms. Ljubica Jankovic Andrijevic (Supreme Auditor, the State Audit Institution), Ms. Jasminka Jakovljevic, (Secretary General to the Ombudsperson) and Ms. Ljiljana Zivkovic Miletic (Senior Adviser in the Committee for Judiciary, State Administration and Local Self-government). The afternoon workshop was entitled "Public hearings and the oversight of the Government's work and law implementation – rules of procedure and practice", with introductory speech held by UNDP consultants Mr. Doherty and Mr. Vukadinovic, after which a useful discussion followed with committee secretaries and advisors.

16. During the workshop, participants were given a Serbian edition of the IPU (Inter-Parliamentary Union) publication "Parliament and democracy in the Twenty-First Century – a guide to good practice", enabled by UNDP/SDC project. This publication provides a comprehensive and systematic account of the central role that parliament plays in a democracy, and explains what

¹⁵ If all activities are completed within the deadlines, the Portal will be presented to the MPs and the public on 1 December 2015. See: http://www.parlament.gov.rs/First_Sitting_of_the_Working_Group_for_the_Introduction_and_Development_of_the_Public_Finance_Supervision_Portal.25796.537.html. At the sitting held on 18 February 2015, the Committee on Finance, State Budget and Control of Public Expenditure adopted the Decision on the establishment of the Working Group for the Introduction and Development of the Portal for Public Finance Supervision.



it means for a parliament to be truly representative, transparent, accessible, accountable and effective in its many functions. The guide also describes how parliaments are putting these values into practice, as they are adapting to the challenges of the twenty-first century. This way MPs and the staff have access to comparative examples of good practice in scrutiny functions. In addition, workshop participants were provided with a comparative overview of public hearing practice, different rules regarding public hearings, and the number of public hearings held in foreign parliaments in the last five years. This comparative overview specially addressed two questions, which the committee secretaries found particularly interesting:

a) Is there a quorum (presence of the majority of the committee members or a certain number of MPs) required for holding a public hearing or public hearings should be held regardless of the number of committee members/MPs present? And

b) Do citizens/citizens/witnesses make written submissions (evidence/testimony/opinion/suggestions) before the public hearing (online, by email, or in hard copy)?

17. Questions committee secretaries and committee advisors asked during the workshops showed that clarity as to the difference between a public hearing (as a format for questioning stakeholders, experts and ministers by a committee) and a more general 'public debate' is not yet clear, and that there is a pressing need for further project support in this area. More gener-

ally, it seems that the Rules of Procedure give committees sufficient powers, and the committee chairperson sufficient flexibility, to conduct effective scrutiny hearings and inquiries. However, from discussions with committee secretaries it did not seem as if the powers were used in this way, or at least they were not used frequently. A description of the way in which parliaments throughout Europe use their committees to question stakeholders and ministers and their officials in public was (mis)interpreted and assumed to refer only to committees of inquiry. There needs to be a greater understanding of the way in which committees can use existing provisions to emulate what is common practice by parliamentary committees elsewhere.

5. RECOMMENDATIONS REGARDING REPORTS OF INDEPENDENT STATE BODIES (ISBs)

Introduction of institutional scrutiny mechanism for all recommendations and conclusions adopted by NARS regarding reports of the independent state bodies

18. It is necessary to have oversight of the process of implementing conclusions and to introduce a mechanism for monitoring progress with the implementation of recommendations of independent state bodies, as well as monitoring the implementation of conclusions and recommendations adopted by NARS. Committees need to be able to verify that recommendations have been implemented and in what time frame. Committees have to be able to know whether a situation has improved; whether the executive branch has conducted any actions, and if so, which. Committee secretaries commented that the problems which the ISBs' recommendations are intended to address, often do not get resolved – the situation does not change and the ISB reports list the same problems year after year. A step forward was made last year when the Government requested ministries to act upon recommendations of NARS, but even then there was a significant delay nonetheless. For this reason, the following actions would be helpful:

1. To introduce a permanent institutional mechanism into the legal framework, one which would monitor on a regular basis whether conclusions and recommendations are implemented. This could be introduced by amending the Law on NARS, and adding a new paragraph after the paragraph 1 of Article 56, as follows: "The Government is to submit a report to NARS about the implementation of conclusions NARS has adopted after reviewing reports of the independent state bodies, no later than six months following the conclusions." The reason for such an addition to be made to the Law on NARS also lies in the fact, repeatedly emphasized in the workshop, that since 2010¹⁶ when this law came into force a number of regulations has been adopted imposing new obligations on NARS and its committees and other working bodies. These refer to strengthening of the NARS' scrutiny function, as well as monitoring whether regulations NARS has adopted are put to force. In addition, even The National Anti-Corruption Strategy in the Republic of Serbia for 2013-2018¹⁷ envisages the necessity of regulating the scrutiny process over implementation of conclusions NARS has adopted, reserving the right to take measures in cases where

¹⁶ Law on National Assembly was adopted on February 26, 2010 ("Official Gazette of the Republic of Serbia", issue 9/10).

¹⁷ NARS adopted National Anti-Corruption Strategy in the Republic of Serbia for 2013-2018 on July 1, 2013. Available at: <http://www.antikorupcija-savet.gov.rs/Storage/Global/Documents/strategija/Nacionalna-Strategija-za-borbu-protiv-korupcije-u-Republici-Srbiji-za-period-od-2013.-do-2018.-godine.pdf>, p. 18.

the conclusions have not been implemented without justifiable reason. Until now, this has not been done, which is why it would be helpful to amend the Law on NARS in the way suggested above. This would determine the responsibility of the Government to submit its report to NARS about the implementation of conclusions NARS adopted regarding consideration of reports of independent state bodies, and in turn confirm the responsibility of NARS to consider such a report. This would create a legal obligation for more efficient and higher quality work regarding the fulfilment of the control function of NARS. The introduction of such a legal mechanism presents a legal basis and obligation that would directly contribute to strengthening of the scrutiny function of NARS.

2. To adopt as good practice that committees, in line with their competences, should, as early as their next sitting, consider the implementation of conclusions and recommendations already made (whether the state body followed the conclusions and recommendations – and if not, the reasons why not).
3. Scrutiny teams should be trained to have the ability to closely follow the situation in these areas and produce long-term analyses to examine and compare across the board – which ministries (and in what timeframe) have acted/have not acted in accordance with conclusions and recommendations of NARS, its committees and independent state bodies, and to identify where there have been improvements and where there have not. Committee advisors could produce analyses and reviews of the situation in these areas. Such analyses produced by the National Assembly staff would be very helpful for the MPs in their conduct of parliamentary oversight.
4. An effective oversight measure would be to organize a control public hearing on whether recommendations and conclusions of NARS, its committees and independent state bodies have been acted upon.

Improvement and standardization of structure and content of all reports

19. During the consultative workshop it was repeatedly pointed out that, despite the frequent production of comprehensive reports by different state institutions, organizations and bodies, the lack of time and of staff with the necessary expertise are limiting factors for their effective use by MPs. To this end, it would be helpful to introduce report summaries, and for NARS to prescribe what the reports should include. The legal question that arises is whether this should be done by amending NARS' Rules of Procedure or, alternatively, the laws that regulate the formation and work of independent state bodies. The weight of argument seems to support the latter. Article 237 of NARS' Rules of Procedure¹⁸ that regulates submission of reports produced by different state institutions, organizations and bodies does not regulate precisely the type of report, but rather only requires the production of a report, in line with the law. In practice, NARS and its committees receive various types of reports, which is why it is important that the structure and contents of these reports are in line with the needs of NARS and its committees (and other working bodies).

The workshop discussed how to make the reports of more use to MPs and committees. It would be helpful therefore to set out a standard for the structure and form that all reports would follow.

¹⁸ See article 237 of NARS' Rules of Procedure.

20. Standardization of the structure of all reports would facilitate MPs' work and their ability to search for key parts in comprehensive reports. The reports should comprise:

- a) Summary;
- b) Report about work of the body submitting the report;
- c) Report about the situation in the area of work (sector) – view on how a concrete public policy was enforced;
- d) Qualitative grading of the progress in the area within competence of the state body or a particular ministry;
- e) Implemented conclusions and recommendations of NARS and independent bodies as well as a report about what has been done regarding issues discussed during committee sittings, plenary sessions of NARS, public hearings, and all that MPs brought to attention through parliamentary questions etc. – whether the situation in this area has improved;
- f) Overview of what has and what has not been realized in line with the plan (annual work plan). In addition, there should be an explanation for planned activities that have not been realized;
- g) Identification of open and disputable issues in the area – pinpointing the problems in the area (and not only the problems which the government body encounters in its work);
- h) Pinpoint the efficiency and “performance” of certain sections of laws, identifying which legal provisions have proved problematic in practice;
- i) Information about whether laws and other regulations that regulate this area have been enforced and to what degree;
- j) Identification of regulations that need to be modified/amended or introduce new ones – with a concrete proposal;
- k) Clear recommendations and as concrete as possible;
- l) Conclusion.

21. The ISBs submit reports to the Assembly and after consideration by the relevant committees they are considered for adoption by the plenary. The problem remains of what parliament is to do with these reports once they are adopted by the National Assembly. The recommendations contained in ISB reports are not enforceable by the ISB itself; it is therefore up to NARS committees to use their parliamentary leverage by selecting the most important recommendations and ensuring that the outcome of an ISB report is not merely an annual parliamentary debate. The first step rests with the committees, which must ensure that their recommendations based on the ISB's work are not so vague as to be meaningless. Ministers will always be willing to 'keep under review' and 'look into' matters. Recommendations in committee reports need therefore to be: challenging but achievable; precise – with timescales etc; and freestanding, so they may be lifted easily out of the text of the report.

22. The ISBs have their part to play in ensuring that there is effective parliamentary leverage for the adoption of their reports and recommendations. Committees need information from ISBs

that is targeted at them and in a form they can use. It is important for committee staff to establish a regular contact person in the ISB who understands how the Committee works and to have a way of keeping the organisation informed about what the Committee is doing.

23. There are instances in which the subject matter of an ISB's report may fall under the competence of several committees. The difficulty then will be how to deal with situations in which the relevant committees have conflicting views on the recommendations contained in the ISB's report. Joint working between committees is common in many parliaments. In the UK, a Quadripartite Committee on Arms Export Licences is comprised of four separate departmental select committees. The Committee operates as follows: each select committee sends a quorum of its members (3) to form a meeting of the Quadripartite Committee. When the Committee agrees a report a bare quorum of each of its component departmental select committees is, in effect, independently agreeing the report. All four component committees need to agree the same text for there to be a report of the Quadripartite Committee.

24. Parliament's use of Independent State Bodies reports and the Supreme Audit Institution's reports in the United Kingdom. In the UK and elsewhere, parliaments are welcoming and co-operating with such bodies, not just because the ISB will have greater resources than a parliamentary committee but also for the reason that Ombudsmen allow for individual cases to be investigated. This is something which parliamentary committees would normally seek to avoid, instead limiting themselves to investigating any policy or structural management issues which arise from such individual complaints. On that basis we can see a convenient division of labour between parliamentary committees and ISBs.

25. The most common feature of an independent state body reporting to parliament is a supreme audit institution (SAI). SAIs are the national bodies responsible for scrutinising public expenditure and providing an independent opinion on how the government has used public resources. They provide many of the reports that financial oversight committees will examine in the course of their work, particularly in the areas of post-expenditure scrutiny. SAIs will often be able to provide additional briefing and advice to financial oversight committee members and staff when requested. A common feature is to have a committee of the parliament, often called a Public Accounts Committee, chaired by a senior opposition MP, for which the SAI produces reports. The fact that the SAI will work to a planned timetable, possibly for up to two years ahead, gives the parliamentary committee the ability to plan its work months ahead. The public accounts committee becomes the parliamentary voice of the SAI and is able to ask the more political questions arising out of the SAI's report.

26. An increasingly common feature is for SAI reports to focus not just on a financial audit (ie a check against fraud and misuse of public money) but to take on Value for Money (VFM) studies. These are often of greater interest to MPs because, while not examining government policy as such, they provide the material from which MPs can question whether government spending was effective in meeting the objectives intended. Ministries (and increasingly private contractors supplying state services) are examined publically and regularly on the basis of reports produced by the SAI.

27. For these public examinations to be successful, a written briefing note is one of the most important outputs which committee staff can provide to committee members. The purpose of the briefing note is to help the committee to have focused and effective enquiry sessions by



removing the need for members to read all the information on the subject and clarifying the often complex areas under discussion. Therefore the written briefing note should:

- summarise the relevant information for the committee members;
- highlight key issues and questions; and
- suggest potential lines of questioning which they might wish to follow.

6. RECOMMENDATIONS FOR IMPROVEMENT OF PUBLIC HEARINGS IN SERBIA

28. Public hearings have been in use for some time now and there is a danger of divergences in practice developing between committees. Guidelines for public hearings need to be produced. These should aim to provide a description of best practice and a framework for activity which could be standardised across committees and become the custom and practice of the NARS.

29. One of the concerns is the lack of an agreed purpose for the public hearings. Article 84 merely states that proposals for public hearings may be submitted by any committee member and that the proposal should contain the topic of the public hearing and list of persons to be

invited. It seems self-evident that the subject matter for the public hearing should fall within the remit of the Committee which is organising it, but this should be made explicit.

30. The decision to hold a public hearing: Chairpersons could take a more active role and establish whether there is within the Committee a good measure of agreement on, and support for, the rationale for holding a public hearing. If there is, the decision to go ahead with the public hearing should be on the understanding that a mandatory minimum number of members (we suggest five) will participate. This cannot be binding but it is at least a firm expression of an intention by committee members to participate. This smaller group of committee members could form a Working Group and be tasked by the Committee to organise the public hearing.

31. The process of going through the questions outlined below should help to ensure that any hearings are clearly focussed, politically effective, well-managed and make the best use of available resources:

- What is the rationale and factual basis for the hearing?
- What is it intended to achieve?
- Influence development of policy?
- Examine policy outcome?
- Provide input into a major meeting or consultation?
- Raise profile of an issue/initiate debate?
- Review effectiveness of an existing policy/Law?
- Force government to give a public view or take action?
- Gain media attention?
- Link to debate or other proceedings in the Assembly?

32. Terms of Reference for a public hearing: To improve the organization of conducting public hearings, it would be useful for the Committee, when choosing the topic of the public hearing, to define five or six key issues in the form of Terms of Reference (ToRs) on which witnesses would base their evidence, whether written or oral. These issues could also be used to organize in a more structured way the information obtained from the public hearing. Once the Committee has decided to hold the public hearing the Working Group of five members should be tasked to draw up these Terms of Reference. They will need to decide whether the hearing is intended to provide a platform for stakeholders to express their views, or if its purpose is to subject stakeholders' views/conduct to public challenge by committee members?

33. The purpose of the Terms of Reference is therefore to:

- Set objectives for the public hearing;
- Help the chairperson conduct the public hearing successfully by keeping the hearing focussed on the ToRs;

- Provide a framework for stakeholders to produce written submissions prior to the public hearing taking place; and
- Provide a framework for any statements that stakeholders may make at the public hearing.
- The ToRs should be short and produced as bullet points. They should be placed on the committee's website and sent out electronically to those organisations on the committee's database, as well as to the media.

34. Written submissions: To improve efficiency, it is recommended to try introducing written evidence in advance of the public hearing. Analysis of the comparative practice conducted for the needs of this workshop has shown that in most foreign parliaments written evidence is submitted by witnesses before the public hearing, to provide their viewpoints on the issues that the Committee are interested in. Submission of written evidence, in which witnesses send their statements in writing, has been recognized in comparative parliamentary law as a best practice and an essential part in preparation and conducting public hearings. The Terms of Reference drafted by the Working Group can take the form of an 'issues and questions paper' to which interested parties can be invited to make written submissions. Those making submissions should feel no obligation to comment on all the issues raised in the ToRs, but rather should focus on those areas in which they have particular expertise or interest. It is helpful to the Committee if contributors structure their submissions using the headings indicated by the ToRs¹⁹.

35. The purpose of written submissions is to ensure that the public hearing makes the best use of time by having material which could be provided in writing circulated in advance and then allowing stakeholders to be questioned on their submissions. The introduction of written evidence would also improve the organization of public hearings, by reducing the time taken up by introductory speeches. The focus of the public hearing would be MPs asking questions and receiving answers from witnesses. Opening statements by stakeholders are best avoided if possible. There are two reasons for this: first, they waste time by restating what is already in the written submission; second they pre-empt the committee's own questioning. If questions have been prepared for committee members, it is embarrassing if they are answered in the course of an opening statement. Instead of an opening statement the chairperson might offer the participants the chance of making a closing statement if the participants feel that the committee, in its questioning, has not given them the opportunity to explain their positions.

36. The status of a written submission with regard to parliamentary immunity from legal action (for defamation, for example) needs to be addressed. The same consideration may also apply to words spoken at a public hearing. The committee might wish to specify that written submissions are the property of the committee until the public hearing has been held. The purpose of the public hearing is to build-up the parliament's oversight function. The committee's role at the public hearing should not therefore be pre-empted by stakeholders' own publicity activity around their submissions.

37. It is recommended that special guidelines are developed for each interested party participating in public hearings. These would provide more detail and explain the importance of the public hearing, its goals, impact, benefits and give practical information about steps that need

¹⁹ Guidance should also be given on how written submissions are to be received. A suggestion for guidelines for written submissions is attached as an Annex to this report.

to be taken for speakers to prepare to ensure that public hearings are as efficient as possible. These guidelines should not be overly comprehensive (ideally two to three pages long), and they should help achieve the following three benefits:

- a) Firstly, to educate, because the guidelines written for the interested party specifically could explain in more detail what a public hearing is;
- b) Secondly, such guidelines could later be sent to interested parties together with an invitation for a concrete public hearing, and serve as a reminder at the same time. This would facilitate the preparation process of the public hearing for the committee secretaries (who would not have to explain the nature of invitation, but only attach the guidelines);
- c) Thirdly, the guidelines are suitable to be posted on the National Assembly website.

38. The guidelines for the public hearings will help all subjects prepare for the hearings in a better, and a more appropriate way, which in turn will improve the quality of the public hearings, their efficiency and effectiveness. When compiling the guidelines, it would be helpful to identify the key points each of the interested parties that participates in a public hearing should understand. Therefore, the following items should be prepared: Guidelines for MPs, Guidelines for citizens, Guidelines for representatives of the executive branch, Guidelines for representatives of the independent state bodies, Guidelines for civil society organizations.

39. Structure of the public hearing: At the workshop it was repeatedly stated that public hearings had attracted a good turnout of interested parties, especially from civil society organizations, but that attendance by MPs (who should be the main beneficiaries of this parliamentary practice), had been limited. Therefore, the recommendation is to further work on education, raising awareness about the importance of this institution and the benefits it provides, in order to stimulate significantly the interest, presence and participation of MPs in the public hearings.

40. The reluctance of MPs to attend may stem, in part, from the fact that at present a public hearing is not a meeting of the Committee. There needs to be more of a link created between the Committee and the public hearing: it should be made clear that it is the Committee's public hearing. As currently provided for, the Committee might just be the facilitator of the hearing and play little part in its operation. An appropriate amendment to Article 83 to say "A public hearing is a meeting of the competent committee at which persons invited to attend the meeting, or persons who requested the opportunity to submit information to the committee, are heard" would help reinforce the Committee's role.

41. At present the physical presence of the Committee at the public hearing is hard to discern. No quorum is needed for the public hearing and therefore those committee members who do attend do not necessarily sit together, nor do they necessarily present themselves, stay throughout, or behave as a committee. It would be useful, therefore, to consider the issue of a mandatory minimum number of MPs who should participate in a public hearing. During the workshop, different solutions that exist in foreign parliaments were discussed. Some parliaments introduced a low quorum for committees' non decision-making activities, as opposed to a high quorum for sittings of the committee at which decisions are made. It has been recommended earlier that the committee, when making a decision on holding a public hearing, choose a Working Group consisting of five MPs for organising a public hearing - members of the committee who would prepare questions for the witnesses at the public hearing and would

have to take part in the public hearing. The same MPs would be expected to attend and participate in the hearing.

42. Who to invite to public hearings? It is recommended that registers of civil society organizations and experts are built up by the committee staff in order to facilitate the preparation and organization of the public hearing. Committee secretaries may want to suggest possible participants, if only to avoid public hearings becoming dominated by certain NGOs who may have strong links to individual committee members. Participants should be informed that the committee will expect them to remain throughout the entire hearing; if they do so, they may later wish to respond (in writing) to the views of other participants.

43. It is only right that certain major stakeholders are always invited. But committees should try to go beyond the 'usual suspects' and help the public see parliament as the body which can give a voice to those who are not always heard. If there is a large number of stakeholders all on the same subject and all wanting to participate – are they likely to merely repeat the same points? If so, the stakeholders can be invited to appear as a panel, rather than as individuals. The Committee may run the risk of being brought into disputes between competing organisations -- disputes which are not central to the committee's purpose for holding the public hearing. In these cases there may be an umbrella organisation to which the stakeholders all belong and which could be invited instead, or, alternatively, it might be given the responsibility for deciding which stakeholders should appear.

44. Sequencing of the participants at a public hearing: If stakeholders have made written submissions then it will be easier to have a sense of what the running order of the participants should be. What is wanted is sequence which allows those who have insights and/or complaints to get in first so that the committee can build on their knowledge and put their criticisms to the minister/ government officials at the end of the hearing – or at a later public hearing.

45. Timetable for the public hearing: The suggestion made here relates to oversight public hearings which are not connected to the consideration of draft legislation. For these oversight hearings there are fewer time constraints and an advance schedule of hearings can be planned. The following timescale might be a structure to aim for. The timings and deadlines should be notified on the committee websites.

30 days before hearing: announcement of public hearing with ToRs. Invitation sent to individuals and organisations to make written submissions to the committee. Request to government department for a written memorandum addressing the matters identified in the ToRs.

15 days before hearing: deadline for receiving written submissions from interested parties (and the government)

10 days before hearing: announcement of organisations/individuals to speak (and to be questioned) at the hearing.

46. Length of public hearing: Public hearings are not debates between committee members. Their purpose is to obtain information and help parliament perform its oversight function. There should therefore be no exchange of views between committee members at the public hearing. Assuming that a public hearing is designed to last for two to two and a half hours, we make the following suggestions on the timing of sessions with individual stakeholders. The

staff may have provided a brief and suggested questions for the hearing, a 15 minute period should therefore be held by the Committee in private before the start of the public hearing to go through the brief. If there is no brief, this private session should allow the chairperson to say how s/he intends to run the hearing and get a feel from committee members for the questions they wish to ask. Each session with a stakeholder lasts for 40 minutes maximum. On that basis a two hour hearing would enable the Committee to hear at least three stakeholders.

47. Following the public hearing, a document described in the Rules as an 'Information' is drafted by the chairperson. This is an account of what happened at the hearing and a list of those who attended. It is not a report in the sense commonly understood in parliaments. The difficulty in making it more of a report lies in the problem that a public hearing is not a committee meeting. However, it is clearly an event created by the Committee itself and it ought to be possible for the 'Information' arising from the public hearing to be reported formally to the Committee and for the Committee, if it then wishes, to act on that 'information' in form of a report with recommendations.

48. We can conclude that public hearings have been recognized by NARS and the public in Serbia as a very useful institution that has great importance because, above all, they ensures that viewpoints of all interested parties are heard. However, the way in which public hearings are organised has not been fully established yet, and due to the way they are conducted in practice, they may be mistaken for a conference and a public debate. Because of this, public hearings in Serbia differ significantly from those conducted in other (foreign) parliaments. In the current system, a public hearing presents a large event, in terms of organization, the outputs of which help a great deal with improvement of certain draft laws, but there is still room and need for improvement of the oversight public hearings. For this reason, it is necessary to continue to work on improving the institution of public hearings, which entails:

- a) Improvement of the organizational and procedural aspect which should in detail address all questions with regards to organization: participation, written evidence, larger number of MPs, who gets to speak, duration of speeches, mandatory participation of a minister and other representatives of executive branch, duration, etc.
- b) Develop more interest among MPs, citizens, interested parties to ensure their attendance.
- c) To recognize and actualize results and outputs of the conducted public hearing. A public hearing that deals with a concrete problem should be followed by concrete and serious questions directed toward executive branch. This will mean developing the 'Information' produced at the end of a public hearing into a document more akin to a committee report, which analyses the evidence heard at the hearing issue and makes recommendations for change.

49. The question arises as to how much can be achieved within the existing Rules of Procedure. There has been successful use of public hearings outside of the NARS and outside of Belgrade in particular. The Rules say very little about parliamentary activity outside the Skupstina. It is clear therefore that a certain amount of interpretation of the wishes of parliament has been done and that there has been a will to make such events happen, despite the lack of specific provision in the Rules. We hope that it might be possible to take a similar approach with the conduct of public hearings suggested in the paragraphs above. Where the rules do not specify,

there should be space for creativity. We suggest that the approaches outlined here are piloted at five public hearings both inside NARS and outside Belgrade. What is needed is to develop a standard practice for these hearings, if following that, specific powers are thought to be necessary then they can be addressed through amendments to the Rules of Procedure.

ANNEX

DRAFT GUIDANCE FOR WRITTEN SUBMISSIONS IN ADVANCE OF THE PUBLIC HEARING

The Terms of Reference (ToRs) might take the form of an 'issues and questions paper' to which interested parties can be invited to make written submissions. Practical guidance should also be given on how written submissions are to be received. For example it is worth specifying that they must be electronically submitted as Word or (doc, docx, rtf, txt etc – not PDF). It should contain as few logos or embedded pictures as possible and no macros. These stipulations will help the committee staff if the Committee thinks it is likely to want to use the material either for publishing itself or for quotation in a report which it may eventually produce. I also suggest placing a limit on the length of submissions.

Those making written submissions should feel no obligation to comment on all the issues raised in the ToRs, but rather should focus on those areas in which they have particular expertise or interest. It is helpful if contributors structure their submissions using the headings indicated by the ToRs.

Make a deadline for receiving written submissions. This deadline has to allow for adequate circulation to the committee and time for the staff to prepare briefing for the Committee based on the submission.

I suggest the following wording for guidance to be sent out to those wishing to submit written evidence:

GUIDELINES FOR WRITTEN SUBMISSIONS

It assists the committee if those submitting evidence adhere to the following guidelines. Each submission should:

- State clearly who the submission is from, i.e. whether from yourself in a personal capacity or sent on behalf of an organisation, for example the submission could be headed 'Written evidence submitted by xxxxxx'
- Be concise – we recommend no more than 3,000 words in length
- Begin with an executive summary in bullet point form of the main points made in the submission
- Include a brief introduction about yourself/your organisation and your reason for submitting evidence
- Have numbered paragraphs
- Include any factual information you have to offer from which the committee might be able to draw conclusions, or which could be put to other witnesses for their reactions

- Include any recommendations for action by the Government or others which you would like the committee to consider.

NOTES ON MAKING A SUBMISSION

Those making a submission to a Committee inquiry/public hearing should note the following:

- Committees publish most of the written evidence they receive on the internet (where it will be accessible to search engines).
- If you do not wish your submission to be published, you must clearly say so and explain your reasons for not wishing its disclosure. The committee will take this into account in deciding whether to publish. If you wish to include private or confidential information in your submission to the committee, please contact the committee secretary to discuss this.
- A committee is not obliged to accept your submission as evidence, nor to publish any or all of the submission even if it has been accepted as evidence. This may occur where a submission is very long or contains material to which it is inappropriate to give parliamentary immunity.
- Material already published elsewhere should not form the basis of a submission, but may be referred to within a submission, in which case it should be clearly referenced, preferably with a hyperlink.
- You should be careful not to comment on matters currently before a court of law, or matters in respect of which court proceedings are imminent.
- Once submitted, no public use should be made of any submission prepared specifically for the committee unless you have first obtained permission from the committee secretary. If you are given permission by the committee to publish your evidence separately, you should be aware that you will be legally responsible for its content.
- Committees do not normally investigate individual cases of complaint or allegations of maladministration.

COMPARATIVE OVERVIEW OF DIFFERENT RULES ON PUBLIC HEARINGS

| Parliament | Is there a quorum (presence of the majority of the committee's members or certain number of MPs) required for holding public hearing or public hearing shall be held regardless of the number of committee members/MPs present? | Do citizens/witnesses submit written submissions (evidence/testimony/opinion/suggestions) before the public hearing (online, by email, or in hard copy)? |
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| Andora | Decisions to hold public hearings shall be made by the committee. Public hearings shall be held regardless of the number of committee members present. | No, citizens/witnesses do not submit written nor oral submissions before the public hearing. Only parliamentarians are allowed. |
| Austria | <p>There is no such quorum in both chambers.</p> <p>Committee hearings must be public if the competent committee of the National Council holds a general debate on a popular initiative (= a draft bill or suggestion for a draft bill supported by more than 100.000 citizens) (§ 37 para 3a RoP National Council).. Otherwise, a hearing in the National Council shall only be public if it concerns a very important draft bill/international treaty (§ 37 para 7 RoP National Council).</p> <p>(NAPOMENE http://www.parlament.gv.at/ENGL/PERK/RGES/GOGNR/gog06_P29-41.shtml#P37)</p> <p>§ 37. (1) The President of the National Council may attend, in a consultative capacity, even the deliberations of those Committees of which s/ he is not a member. Other Members may attend as observers.</p> <p>(2) Committees may invite other Members to attend their meetings in a consultative capacity.</p> <p>(3) The Committees are under the obligation to invite to those parts of their sittings which are devoted to the preparation of a popular initiative the Authorised Person pursuant to the Popular Initiatives Act of 1973 as well as two deputies, to be nominated by him/her under § 3 (3) sub-paragraph 3 of that Act. (3a) Should a Committee to which a popular initiative has been referred hold a general debate or a detailed discussion of the popular initiative in the presence of experts or other witnesses, said sittings shall be public pursuant to § 28b (2). The taking of pictures, videos and audio recordings shall be permitted</p> <p>4) Members of the Federal Council shall have the right to attend the deliberations of Committees as observers.</p> | The committee can ask them to do so. |

(5) Persons who are not authorised to attend Committee sittings under (1) to (4) above or under § 18 (1) or § 20 (1 and 5), may attend such meetings only if authorised (directed) to do so by the President of the National Council or the competent member of the Federal Government, the President of the Court of Audit or the President of the Ombudsman's Office.

(6) Every Committee may exclude from its meetings or parts thereof any persons who are neither Members of the National Council nor entitled to attend the deliberations under § 18 (1) and § 20 (1 and 5).

(7) The Committees may decide that and to what extent its deliberations and decisions shall be confidential. The Committee may also exclude from its confidential deliberations those Members who have no right to vote in the meeting; a decision to exclude such Members shall require a majority of two thirds of the votes cast.

(8) Under no circumstances can the Presidents of the National Council be excluded from a Committee meeting.

(9) 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 under § 28b (2). Sound, film and video recordings as well as the taking of photographs shall be permitted.

In general: the conduct of a hearing requires a majority vote (§ 40 RoP National Council; § 33 RoP Federal Council).

(NAPOMENE: http://www.parlament.gv.at/ENGL/PERK/RGES/GOGNR/gog06_P29-41.shtml#P37)

§ 40. (1) The Committees may, through the President, ask members of the Federal Government to initiate investigations or summon experts or other witnesses to provide information orally or in writing; if such summonses entail costs the President's approval shall be sought.

(2) If an expert or other witness fails to comply with the summons, s/he may be brought before the Committee by the competent authority.

(3) Experts or other witnesses invited to appear before the Committee in order to make an oral statement and who have to travel for this purpose from their place of residence or work to the domicile of the National Council shall be entitled to reimbursement of their costs. Reimbursement shall be effected by the Parliamentary Administration on production of the relevant evidence. In such cases the provisions governing travel expenses of federal civil servants shall be applied *mutatis mutandis*. (4)

In connection with preliminary deliberations on an item of business the Committee chairperson may, with the approval of the President, invite the Committee members to visit the relevant locations within the federal territory.

http://www.parlament.gv.at/ENGL/PERK/RGES/GOBR/gog04_P28-34.shtml#P33

§ 33. (1) Committees shall be deemed to have a quorum if more than half of its members are present. Unless otherwise stipulated in the Rules of Procedure, committee decisions shall require a majority of the votes cast. In case of a tie the motion (proposal) shall be lost. The chairperson shall suspend the meeting when voting or an election cannot take place for lack of a quorum.

(2) Consideration of business in committee shall be governed, mutatis mutandis, by the following provisions

- a) §§ 39 and 41 paragraphs (2) and (3) for convening the committee and establishing or modifying its agenda;
- b) §§ 46 and 47 paragraphs (1), (2) and (7) for the debate on an item of business, subject to the provision that speakers shall – irrespective of their position on the question under discussion be recognised in the order in which they have asked for the floor;
- c) § 50 paragraphs (1), (2), (3) and (5) for motions to close the debate, subject to the provision that once a motion has been carried all members who have already asked for the floor shall have the right to speak;
- d) § 48 for factual corrections;
- e) §§ 43 and 43a for motions on the item of business, subject to the provision that such motions shall require no seconds;
- f) § 49 for procedural motions and requests for the floor thereto;
- g) § 51 for postponement and entry upon the agenda;
- h) § 53 paragraphs (1), (2), (4) and (5) for the exercise of the right to vote;
- i) § 54 paragraphs (1) to (3) and (6) as well as § 55 paragraphs (1) to (5) as well as (8) and (9) for voting, subject to the provision that voting shall be by name if at least one quarter of the number of committee members determined by the Federal Council so demand and that the Official Record of the committee shall in such a case reflect who has voted “Yes” and who “No”;
- j) §§ 56 and 57 for the holding of elections, subject to the provision that nominations shall require no seconds;
- k) §§ 68 to 71 for provisions regarding Order in the House.

(3) Consideration of business shall be opened by the rapporteur; in the absence of the appointed rapporteur, the chairperson shall ask another committee member to present the report.

(4) Upon the chairperson's proposal or following a motion by a committee member the committee may decide, with a majority of at least two thirds of the members present, that for the purposes of the debate or, if the debate is held in parts, of each part thereof the speaking time allowed to each member shall be limited. Unless otherwise stipulated in the Rules of Procedure, speaking time shall, however, not be limited to less than 15 minutes.

(5) Once consideration of an item of business has been concluded the committee shall elect a rapporteur to the Federal Council, who shall summarise in writing the results of the deliberations in committee and in particular the decisions taken in committee. Said report shall be signed by the chairperson and the rapporteur and presented to the President of the Federal Council.

(6) Likewise, if no decision on a motion to be submitted to the Federal Council has been achieved on account of a tie, a rapporteur shall be elected who shall merely report on the course of deliberations. If a Committee Motion of Members of the Federal Council is rejected by a majority of votes, an analogous report shall be submitted to the Federal Council if at least three committee members so demand. If the committee fails to elect a rapporteur, the report shall be presented by the committee chairperson.

(7) As long as the report has not been presented to the President, the committee may change its decisions at any time. Moreover, a Committee Motion may be modified or withdrawn at any time before the Federal Council has embarked on its deliberation. The number of votes by which a decision is modified shall not be smaller than the number of votes by which the decision now to be modified was first taken. If the number of votes by which the decision was originally taken can no longer be established, a majority of at least two thirds of the committee members present shall be required for modifying the decision.

(8) A minority of at least three committee members shall have the right to attach to the committee report to the Federal Council a separate report in writing. This minority report shall be presented to the President in time to ensure that it can be considered at the same time as the committee report. The President shall order that the minority report be copied and distributed to the Members of the Federal Council, with the proviso that the minority report

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| | shall be attached to the committee report if the 24-hour time limit for the distribution of committee reports in pursuance of § 44 paragraph (2) can be complied with. Oral presentation of a minority report to the Federal Council shall not be permitted. | |
| Belgian Senat | There is no quorum required for holding a public hearing. | No, citizens/witnesses do not submit written nor oral submissions before the public hearing. Only parliamentarians are allowed. |
| Federal Parliament of Belgium – House of Representatives | Yes, but only as far as the public hearing is held as part of the examination of a bill. Indeed, article 25 of the Rules of Procedure of the House of Representatives requires in principle the presence of the majority of the committee’s members for examining a bill. | Yes, they sometimes do. It is however not mandatory. |
| Bosna and Hercegovina | Decisions to hold public hearings are made by the committee. Public hearings are held regardless of the number of committee members present. | No, citizens/witnesses do not submit written nor oral submissions before the public hearing. Only parliamentarians are allowed. |
| Canada – Senate | The Rules of the Senate state that “A quorum is required whenever a committee makes a decision. However, a Senate committee may authorize the chair to hold meetings without a quorum for the purpose of receiving and publishing evidence.” | Yes, they sometimes do. It is however not mandatory. |
| Canada - House of Commons | Decisions to hold public hearings are made by the committee. Public hearings are held regardless of the number of committee members present. | No, citizens/witnesses do not submit written nor oral submissions before the public hearing. Only parliamentarians are allowed. |
| The Riigikogu (the Parliament of Estonia) | The committee meeting can be declared public if more than half of the members of the committee support having a public hearing. The quorum requirement remains the same as for the closed meetings: at least 1/3 of the committee members need to be present. If the hearing is extraordinary, then at least half of the members including the chairman or the deputy chairman need to be present. | Yes, they sometimes do. It is however not mandatory. |
| France | No | No |

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| Germany | <p>No quorum is required at the German Bundesrat in order for a committee to hold a public hearing. According to rule 40, paragraph 3 of the Rules of Procedure of the Bundesrat, the committees of the Bundesrat may conduct hearings, as they deem necessary. Except for this rule, the Rules of Procedure do not contain any further provisions regarding public hearings. The detailed organization of a public hearing is therefore a matter of the respective committee. It is common usage to prefigure a planned public hearing to the Bundesrat's President and to inform the Permanent Advisory Council of the Bundesrat. The invitation of experts must be politically balanced according to party proportionality. At the public hearing, each expert gives an initial statement before the question and answer sessions starts. Hereby the different political parties must get the floor alternately. Public hearings are generally not allowed to take decisions.</p> | <p>Yes, they sometimes do. It is however not mandatory.</p> |
| Germany Bundestag | <p>The committees are able to hold public hearings of lobby organisations, interest group representatives and expert witnesses at any time. These hearings help committee members to inform themselves more fully about the topics on which they deliberate. In order to hold a public hearing, a quorum of 25 % of the committee members is normally required. In actual fact, a public hearing must be held if both parliamentary groups in opposition demand a hearing.</p> | <p>Written submissions are only submitted by the invited persons (witnesses) and organisations.</p> |
| Greece | <p>In order to hold public hearings a decision must be made by the competent committee. The hearing of non-parliamentarians can be decided by the standing committee on its first sitting and after a proposal by the competent Minister or by one tenth (1/10) of the total number of the committee's members or the total number of the members of the parliamentary group. The relevant proposal should mention the name and the capacity of the person whose hearing is requested as well as the subject on which he/she is called to inform the committee. Public hearings shall be held regardless of the number of committee members present.</p> | <p>The committee can ask them to do so.</p> |

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| the Parliament of Georgia | A committee sitting is authorized, if the majority of its current members are present (the Rules of Procedures of the Parliament of Georgia Art. 49, Par.2). | Yes, citizens/witnesses can submit written submissions to the committees. E.g. Temporary inquiry commission has a right to invite and take a written explanation from any person regarding the issue under consideration, except the cases provided in law (The Rules of Procedure of the Parliament, art.64, par.7). |
| the Italian Senate | Public hearings are held regardless of the number of committee members/MPs present. | Yes, they sometimes do. It is however not mandatory. |
| Norway | A public hearing can be held regardless of the number of committee members/MPs present. | Written submissions are only submitted by the invited persons (witnesses) and organisations. |
| Poland – Senate | Public hearings take place at a committee sitting or a joint committee sitting. The quorum is 1/3 of members – the same as for a regular committee sitting. | The petition procedure |
| Poland - Sejm | A resolution on holding a public hearing is passed by the committee to which the bill has been referred to for consideration upon a written request made by a Deputy. Public hearings are held regardless of the number of committee members present. | Generally, citizens/ witnesses do not submit written submissions before the public hearing. However, an entity which has expressed an interest in working on a bill and participates in a public hearing, may, at the sitting of the committee at which the public hearing is held, submit to the minutes the text which has not been heard by the committee. Any text which has not been heard shall be marked in the minutes in such a way as to make it easy to distinguish it from texts heard. Moreover, an entity which has expressed an interest in working on a bill but have not participate in a public hearing may provide the submission of the text no later than on the day of the public hearing. |

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| <p>Portugal</p> | <p>According to the internal regulations of every standing committee, they shall meet in plenary session, and may only function if more than half the active Committee members are present.</p> <p>This rule that replicates paragraph 2 of article 58 of the Rules of Procedure is applicable to every meeting of every committee and not only when a hearing is taking place.</p> | <p>Citizens do submit opinions and suggestions to committees regarding all subjects under their scope of competences. Sometimes, they do address issues that will be debated in a hearing and, on other occasions, they address issues that have been debated in public hearings. All such correspondence is replied by the committees.</p> <p>The Parliament's website even has a "portal" where citizens may leave their contributions whether to a legislative initiative under discussion or another matter that is relevant.</p> <p>However, very rarely do citizens submit said opinions and suggestions specifically for the purpose of the hearings.</p> |
| <p>Spain – Congress of deputies</p> | <p>Both public and private hearings shall be held regardless of the number of committee members. Pursuant to Section 78 of the Standing Orders of the Congress a quorum is only a requirement for voting.</p> | <p>No, they do not submit any written petitions before the public hearing at the Spanish Congress of Deputies.</p> |
| <p>Riksdag (The Swedish Parliament)</p> | <p>No.</p> | <p>No.</p> |



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