

SEMINAR

ON PARLIAMENTARY ADMINISTRATIONS AND LEGISLATIVE COOPERATION

ORGANISED BY ECPRD AND THE ITALIAN CHAMBER OF DEPUTIES

REPORTS

Palazzo Montecitorio, Sala del Mappamondo

30 - 31 OCTOBER 2003

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ALBANIA

Kuvendi

a) Under the current legislation, the Administration of the Parliament of the Republic of Albania, as an "independent institution" of the public administration, is part of the civil service. The rules and procedures contained in the Law "For the Civil Servant" are applied in terms of the parliamentary staff recruitment. A specific human resources office, which has the duty to deal with staff recruitment on the basis of a competitive entrance examination, and their further preparation, training and promotion, operates in the Parliament. Civil staff vacancies are by law fulfilled on the basis of an open, merit-based entrance competition. However, initially a vacancy is offered to civil servants of a lower or parallel grade, and in the case of failure to ensure the necessary numbers of candidates for the competitive entrance examination, individuals outside the public administration system may join in. The pay, pension, and the working hours in the administration of the Parliament of Albania are not established by specific law. However, they are generally referred to in the law for the higher state administration. The working hours of the parliamentary staff are determined by a special instruction issued by the Secretary General, on the basis of the Labour Code of the Republic of Albania.

b) Under the Constitution, the current legislation and the Rules of Procedure of the Parliament of Albania, the Secretary General is the highest civil servant in the administration of the Parliament of the Republic of Albania. He is appointed to this office in compliance with the law for the civil service after having run in an open, merit-based entrance competition. The Secretary General heads, organises and oversees the workload performed by the administration of the Parliament. The structure and organogram of the administration is conceived in conformity with the functions and needs of the Parliament. The structure and organogram of the Parliament is endorsed by the Speaker of the Parliament upon the proposal of the Secretary General.

The administration of the Parliament provides counseling, processes different kinds of materials, and carries out organisational and technical services contributing to the activities of the Parliament and its bodies (the Speaker of the Parliament, the permanent parliamentary committees, the *ad-hoc* committees, and the committees of inquiry), while being politically unbiased.

c) The Secretary General is the person who manages and is responsible for the workload performed by the administration of the Parliament, in general. While preserving the administrative vertical hierarchy, the employees in the departments are primarily accountable to their superiors, and then to the Secretary General. While enjoying some sort of working autonomy in the exercise of their functions, the departments cooperate and coordinate with the other departments of the Parliament,

contributing to the achievement of the constitutional legal tasks of the Parliament. The staff of the permanent parliamentary committees are mostly attached to the relevant committees, and consequently, in their everyday routine they mainly receive instructions from the chairmen of the respective committees. In the course of practice, the internal rules of procedure for the civil servants attached to the permanent parliamentary committees outline a long list of functions they should discharge, making sure that they maintain their political impartiality.

d) The Parliament of the Republic of Albania has 140 members. The Parliament holds two sittings annually. The first sitting starts on the third Monday of January and the second sitting on the first Monday of September. The date for the conclusion of a sitting, and the time for the beginning of the new sitting are announced by the Speaker of the Parliament.

The Parliament takes decisions by a majority vote, with over half of the total number of its members being present, except for cases where the Constitution provides for a qualified majority.

The number of laws examined by the Parliament varies from one year on to the next. Last year (2002), about 137 laws were passed. In the current year, about 138 laws have been adopted so far.

The permanent parliamentary committees examine laws and normative acts with the force of law; conduct studies concerning the effectiveness of the laws in force; examine the different reports and referrals submitted by the ministries and the leaders of the central departments; and follow up and oversee the performance of the ministries and other state bodies according to the respective areas.

The permanent parliamentary committees observe the parliamentary procedures outlined in the Rules of Procedure of the Parliament. The Speaker of the Parliament is entitled to see to it that the permanent parliamentary committees observe the Rules of Procedure of the Parliament respected.

The administration of the various bodies in the Parliament makes its own contribution as provided by in the Rules for the Administration.

e) In the law-making process, the administration of the Parliament contribute their opinions, and provide advice on the observance of parliamentary procedures. The Section of Scientific Research and Library obtains the necessary documents and hands them out to the Members of Parliaments and the staff involved in the examination of bills. The administration of the Parliament cooperate with experts from the executive focused on the preparation of bills, so as to provide them with additional feedback on the bills. The administration of the Parliament contribute written opinions on the constitutional and legal aspects of the bills submitted to the Parliament for

approval. In this aspect, the Juridical Department gives its independent opinion concerning the procedural aspect of the examination of bills, if formulations contained in the bills run counter to the normative acts or human rights norms ratified by Albania, as well as proposals or remarks concerning law-making. This referral is always handed out to the relevant parliamentary committees, and those Members of Parliament seeking the opinion of this Department.

f) With the signing of the Stabilisation and Association Agreement earlier this year, Albania embarked on the European integration process. On the political level, the Parliament has set up a Specific Parliamentary Committee for Integration, which politically monitors all the aspects of the association and stabilisation process. On the legal level, a specific legal unit whose task is to ensure the compatibility of the Albanian legislation with that of the European Union, is set up in the Ministry for Integration. The Parliament has not yet established a structure to conduct the juridical oversight of the bills in this aspect, too.

In the framework of cooperation between the Parliament and the OSCE, a project of cooperation has already started of which main element is the establishment of an independent, powerful unit manned by highly trained professionals to be involved in scientific research in the administration of the Parliament. Technical assistance to be delivered under the said project will help improve the quality of the service the civil staff provides to the Parliament, its constitutional structures and the Members of Parliament, in general.

BELGIUM

Chambre des représentants

a) Statut des services administratifs de la Chambre des représentants:

La Chambre des représentants organise elle-même les services administratifs qui l'assistent dans ses missions ; tant le personnel que l'infrastructure sont placés sous son autorité. Il s'agit d'une application de l'article 60 de la Constitution¹, et il en résulte que les services administratifs des assemblées sont totalement autonomes par rapport au reste de la fonction publique fédérale.

Les membres du personnel de la Chambre sont soumis à un statut propre, fixé par la Chambre elle-même ou l'un de ses organes (Le Bureau ou, par délégation, le Collège des questeurs), même si en pratique on observe que certains éléments de ce statut sont inspirés du statut des agents de l'Etat.

Ainsi, sont propres au statut des membres du personnel de la Chambre : les règles qui définissent la carrière des membres du personnel (recrutement, déroulement de la carrière, règles de fixation du traitement, grades dans la hiérarchie,...), le régime disciplinaire (sauf le recours devant le Conseil d'Etat, qui est la juridiction administrative compétente pour l'ensemble de la fonction publique), le statut pécuniaire (traitements) et le statut syndical (absence de fait des organisations syndicales, alors que leur présence est obligatoire et légalement organisée en ce qui concerne la plupart des autres services de l'Etat).

Le régime de la sécurité sociale (dont les pensions) est par contre commun à tous les agents de la fonction publique.

En ce qui concerne les conditions de travail, si certaines règles sont propres au statut des agents de la Chambre (régime des congés, heures de travail,...), d'autres sont communes à tous les agents de la fonction publique (accidents du travail), voire à tous les travailleurs, du secteur public comme du secteur privé (bien-être et sécurité sur les lieux de travail).

Les modalités de recrutement varient en fonction du niveau considéré : les attachés universitaires, les assistants et commis issus de l'enseignement supérieur ou de l'enseignement secondaire sont recrutés par voie de concours, lesquels sont organisés par le service du personnel de la Chambre des représentants dans des conditions qui permettent d'en garantir l'objectivité et la loyauté (par exemple, pour le concours

¹ " Art. 60. Chaque Chambre détermine, par son règlement, le mode suivant lequel elle exerce ses attributions. "

d'attaché, le jury est en partie composé de professeurs de l'enseignement supérieur). Les concours permettent d'accéder au degré inférieur de l'échelle dans la carrière considérée, toutes les promotions dans les grandes supérieurs et dans les grades de direction ayant lieu en interne, et dans la plupart des cas – à l'exception des grades supérieurs – les promotions interviennent dans le cadre du système de la carrière plane: pour les différents types de fonctions, à une ancienneté donnée est attaché un grade auquel on est en principe automatiquement promu, sauf en cas d'évaluation négative; il n'y a pas de procédure de recrutement externe, sauf rarissimes exceptions (manager ITC, pex.).

Les messagers, huissiers, techniciens, préposés à l'entretien,... sont par contre nommés directement par le Collège des questeurs², généralement sans concours préalable.

b) Relations entre les organes politiques et les services administratifs de la Chambre des représentants:

En vertu du Règlement ou du statut, l'organisation des services de la Chambre n'entre pas directement dans les missions qui incombent au président. Cependant, dans la pratique ce dernier jouit généralement du prestige lui permettant de suggérer aux organes compétents (principalement le Bureau, dont le président fait d'ailleurs partie) les modifications qui lui paraîtraient nécessaires.

Le Bureau de la Chambre a une compétence générale de gestion de la Chambre; dans ce cadre, c'est lui qui arrête le statut des membres du personnel. Le Collège des questeurs est chargé des aspects matériels de la gestion.

Le greffier de la Chambre – secrétaire général –, qui exerce au nom du Bureau l'autorité sur les membres du personnel et les services, est nommé et peut être révoqué à tout moment par la Chambre. En pratique, un nouveau greffier est nommé, et généralement choisi parmi les fonctionnaires généraux de la Chambre, lorsque le titulaire de la fonction est admis à la pension; la révocation est une hypothèse qui ne s'est jusqu'à présent jamais réalisée. La nomination se fait 'au grand choix', c'est à dire que la Chambre dispose d'un pouvoir d'appréciation totalement discrétionnaire en ce qui concerne le choix du titulaire de la fonction (le choix d'un candidat externe n'est donc pas *a priori* exclu, mais cette hypothèse est assez théorique).

Les autres fonctionnaires généraux, en ce compris le greffier adjoint (qui a rang de directeur général) et le directeur général des services de la Questure, sont tous nommés par le Bureau. Leur nomination obéit à des règles de procédure qui limitent le

² Six membres au plus de la Chambre remplissent les fonctions de questeur. Le Collège des questeurs est chargé de toutes les mesures relatives aux aspects matériels de la gestion de la Chambre (bâtiments, matériel, finances, gestion du personnel,...), le cas échéant en conformité avec les directives du Bureau.

caractère discrétionnaire de la décision du Bureau: obligation de se porter candidat en interne (ce qui exclut les candidatures externes) à la fonction vacante, minimum d'ancienneté requise (ancienneté de service et ancienneté de grade dans le grade immédiatement inférieur, à savoir le grade de directeur d'administration), proposition de nomination présentée par le Collège des questeurs, avis motivé du greffier,....

Les considérations de sympathie politique ou personnelle ne jouent qu'un rôle très marginal dans la manière dont les services apportent leur concours aux travaux de la Chambre, le personnel dans son ensemble étant tenu à des obligations de discrétion et de neutralité. On notera que l'absence de fait de représentation syndicale contribue probablement à la neutralité politique exigée de la part des membres du personnel (les principaux syndicats en Belgique étant tous idéologiquement apparentés à l'une des trois grandes familles politiques : socialistes, libéraux et sociaux-chrétiens).

c) Responsabilités du greffier, secrétaire général:

Les services de la Chambre des représentants sont tous placés sous l'autorité du greffier. Ce dernier est assisté dans sa mission par le greffier adjoint, lequel dirige les services législatifs, et par le directeur général des services de la Questure, qui dirige, sous l'autorité du Collège des questeurs, les services chargés des aspects matériels de la gestion de la Chambre. Les services de la Chambre sont donc organisés selon une structure bicéphale, les missions d'appui au travail parlementaire étant dissociées de celles qui relèvent de la gestion des aspects matériels.

Le service des commissions, qui assure le secrétariat des Commissions, fait partie intégrante des services législatifs, et il dépend donc à ce titre du greffier et du greffier adjoint. Cependant, dans la pratique, le secrétaire de la commission travaille en étroite collaboration avec le président de sa commission; si le président devait demander au secrétaire un service 'partisan' ou dépassant les limites de ce que l'on peut tenir pour normal dans le cadre de la mission du secrétaire de commission, ce dernier doit en référer au greffier adjoint.

d) & e) La charge du travail parlementaire et la charge de travail des services administratifs de la Chambre des représentants – liens entre les services administratifs de la Chambre des représentants et le processus législatif :

Sur le premier aspect de la question, on trouvera en annexe des données statistiques détaillées. Précisons que la Chambre des représentants de Belgique compte 150 membres.

En ce qui concerne l'assistance fournie quotidiennement par les services législatifs de la Chambre des représentants dans les travaux de l'assemblée, et en particulier dans le cadre du travail législatif :

- I. le service des Commissions assure le secrétariat des commissions, qui consiste notamment à rédiger les rapports et les projets de texte adopté dans le cadre du travail législatif préparatoire des commissions, et à assister aux séances de questions orales et aux séances d'interpellation en commission (notamment en vue de veiller au respect du temps de parole par les membres), dernière mission qui relève bien entendu du contrôle politique ;
- II. le secrétariat législatif gère les aspects 'documentaires' généraux du travail parlementaire (réception des projets et propositions de loi et des amendements, des questions écrites, des documents liés à la confection du budget, contrôle de la qualité légistique, traduction éventuelle, diffusion auprès des membres et des services concernés, règlement de la procédure parlementaire, relations avec les acteurs extérieurs – Gouvernement, Conseil d'Etat,...–, etc.) et assure le secrétariat de la séance plénière ;
- III. le service juridique est spécialisé dans les aspects juridiques de l'appui au travail parlementaire : notes et analyses sur des sujets juridiques variés (à l'attention du président, du greffier, des commissions, du Bureau, de la Conférence des présidents,... mais jamais à l'attention des membres), contrôle de la qualité légistique des textes en préparation, application du Règlement et tenue des précédents, secrétariat de certaines commissions à caractère technique ou juridique (commission du Règlement, commission de concertation entre la Chambre et le Sénat,...), suivi de la jurisprudence constitutionnelle de la Cour d'arbitrage,... ;
- IV. le service du Compte rendu intégral assure la reproduction *in extenso* des débats de la Chambre, en commission et en séance plénière ;
- V. le service du Compte rendu analytique est chargé du résumé analytique des débats tenus en français, et le service du '*Beknopt Verslag*' est chargé de la même mission en ce qui concerne les débats tenus en néerlandais ;
- VI. le service de la Traduction des documents parlementaires assure la traduction (du néerlandais vers le français et inversement) des pièces et documents de la Chambre (rapports et comptes rendus intégraux) ;
- VII. le service de la Traduction des comptes rendus analytiques, des questions parlementaires et de la Traduction orale en commission est chargé de la traduction des résumés analytiques des discours et assiste le service des interprètes pour la traduction orale en commission ;
- VIII. le service des interprètes est chargé de la traduction simultanée des débats en séance plénière et en commission ;
- IX. le service Documentation et Archives assure la tenue des archives parlementaires, établit toutes les données statistiques se rapportant à l'activité parlementaire et gère diverses banques de données en rapport avec l'activité parlementaire (projets et propositions de loi, questions, interpellations, données biographiques des membres,...) ;

- X. la Bibliothèque du Parlement, commune à la Chambre des représentants et au Sénat, constitue régulièrement, d'initiative ou sur demande, des dossiers documentaires sur divers sujets ; elle assure également des missions de recherche documentaire.

f) Changements récents dans le travail parlementaire ou au sein des services de la Chambre des représentants :

Les services ont vu récemment leurs effectifs augmenter, en vue notamment d'assurer :

- XI. une meilleure qualité légistique des textes ;
- XII. le traitement des déclarations de mandats en vue de limiter le cumul des mandats (souci de transparence politique) ;
- XIII. une aide accrue aux parlementaires qui déposent des propositions de loi (rédaction des sommaires, coordination des textes,...) ;
- XIV. le secrétariat de nouveaux groupes de travail (comme par exemple le Comité d'avis pour les questions scientifiques et technologiques).

D'autres thèmes ayant des implications administratives, au sens large du terme, peuvent être mentionnés, comme l'usage et la confidentialité des échanges électroniques (e-mails et internet), le suivi des arrêtés d'exécution des lois votées par les Chambres, la réception des divers rapports que le gouvernement ou d'autres institutions sont légalement tenus d'adresser périodiquement aux Chambres, la modification importante des procédures d'accès à la nationalité belge (procédure de naturalisation), l'extension des fonctionnalités du site web de la Chambre (diffusion en direct et archivage audiovisuel des séances plénières, augmentation du nombre des documents téléchargeables,...), les colloques qui sont organisés régulièrement sur des sujets d'actualité (par exemple sur le droit du divorce, ou sur la réforme du Code de procédure pénale), les publications en rapport avec les activités et le droit parlementaires (par exemple, sur ce dernier point, des précis de droit parlementaire qui ont fait le point sur la question de l'irresponsabilité parlementaire – le *freedom of speech* – et sur la question de l'inviolabilité parlementaire), et l'accueil d'un nombre croissant de visiteurs, en particulier d'étudiants.

Des projets sont à l'étude en ce qui concerne notamment la digitalisation de la législation et de la procédure législative (aspects de procédure législative, d'archivage et d'accessibilité du public).

Sur le plan du travail strictement parlementaire, on peut citer – outre la création récente du Comité d'avis pour les questions scientifiques et technologiques – le Comité d'avis pour les questions européennes, la création de la fonction d'euro-promoteur (il s'agit des membres du Comité d'avis précité qui assurent, chacun au sein d'une commission permanente dans laquelle il siège, le relais et le suivi des travaux du

Comité d'avis ainsi que des propositions d'actes normatifs et autres documents de la Commission européenne), et de la fonction d'ombuds promoteur (sur le même modèle que les europromoteurs, il s'agit de membres de la commission des Pétitions qui assurent le suivi des pétitions renvoyées par ladite commission aux commissions permanentes, ainsi que le suivi, toujours au sein des commissions permanentes, des recommandations du Collège des médiateurs fédéraux).

BELGIUM

Senat

a) The status of the parliamentary administration

Article 60 of the Belgian Constitution provides that each legislative assembly of the federal Parliament determines, in its rules of procedure, the way it exercises its competencies. This article is the basis for the administrative autonomy that the assemblies enjoy and that also extends to the rules and regulations concerning their staff.

The Senate's administration is thus an independent and special administration with its own rules on salaries, pensions and career development. Members of all levels of the Senate's administration are recruited through a separate competitive entrance examination.

As far as judicial review is concerned, until recently no court or tribunal had any jurisdiction on any of the Senate's decisions – both individual and general – concerning the members of its staff except for the possibility to file a damages claim in case of the infringement of a 'subjective' right. The Belgian Constitutional Court decided, however, that this situation was contrary to the principle of equality and non-discrimination, laid down in articles 10 and 11 of the Constitution, as other civil servants are able to challenge administrative acts and decisions that are of concern to them³. In view of this ruling, the Council of State (the highest administrative court in Belgium) has been given jurisdiction to review individual decisions concerning members of assembly staff, but – so far – not staff rules and regulations⁴.

The Senate adopts its own rules in relation to pay⁵, pensions, disciplinary matters, labour relations and working hours. In practice, it applies the rules of the civil service as far as pensions and social security are concerned. Working hours and holidays depend on the needs and requirements of the assembly.

b) Relations between the political bodies and the parliamentary administration

As per article 93.3 of the Senate's rules of procedure, on proposal of the college of quaestors, the bureau appoints and fires the members of the Senate's administration and determines their salary.

³ CA, judgment n° 31/96 of 15 May 1996 (available at <http://www.arbitrage.be>)

⁴ Article 14, § 1 Council of State Act, as amended by the Act of 25 May 1999.

⁵ Article 93.3 of the Senate's rules of procedure.

The lower levels of the administration of the Senate have a so-called *flat career*, which means that they are promoted automatically, after a number of years in service (first promotion after 3 years, second promotion after 10 years in service).

As far as the top-level of the Senate's administration is concerned, a distinction has to be made between the Secretary General and other high officers of the Senate.

The Secretary General is elected in plenary by the Senate⁶. The Bureau puts forward a proposal. In practice, the assembly follows this proposal, without a vote. The Secretary General is elected until he or she retires.

The other high officers of the Senate (director-general and directors) are appointed by the bureau, on proposal of the Secretary General and after the opinion of the 'college of quaestors'.

The Senate's administration has an obligation and a tradition to be politically neutral vis-à-vis the institution's political authorities.

c) Does the secretary general have the chief responsibility and accountability for the administration?

The Secretary General has indeed the chief responsibility and accountability for the administration. As per article 92.4 of the Senate's rules of procedure, the Secretary General is the head of the Senate's administration. He both represents the administration and is accountable to the Bureau and the college of quaestors for its acts.

The Secretary General is in charge of the implementation of the Senate's decisions. He is responsible for the convocations of the Senate's plenary and committee meetings, the printing and distribution of bills, reports, amendments and all other documents, which he transmits to other bodies (e.g. the King or the House of representatives), if need be (article 92.2 of the Senate's rules of procedure)⁷.

The Secretary General is assisted - and in case of illness or other business replaced - by his deputy, who is director or director-general of the legislative department and by the director-general of the administrative department, each for his own competencies⁸.

Standing committee staff is, as all other staff, accountable to the Secretary General, rather than to the Chair of their committee. Although they will of course be commanded by the Chair as to the activities of the committee, in case of disagreement or complaint, MPs will have to address themselves to the Secretary General, who will give orders to the committees' staff.

⁶ Article 91 of the Senate's rules of procedure.

⁷ Article 92.5 of the Senate's rules of procedure.

⁸ *Ibidem*.

d) The parliamentary workload, and consequently the administration's workload

1. Number of parliamentarians: 71 (elected members) + 3 senators as of right.
2. Duration of Parliamentary Sessions, number of sittings, number of hours the House sits

Apart from extra-ordinary sessions, the sessions begin on the second Tuesday of October and usually go on until 21 July. The sittings usually are scheduled on Tuesday, Wednesday and Thursday. Votes are taken on Thursday afternoons.

Number of sittings and number of hours the house sits per year (1999-2003)

		E.O. 1999	1999-2000	2000-2001	2001-2002	2002-2003	Total
Morning	Number	-	<u>18</u>	<u>27</u>	<u>33</u>	<u>22</u>	<u>100</u>
	Duration	-	36:30	57:00	74:59	46:40	215:09
Afternoon	Number	<u>4</u>	<u>44</u>	<u>44</u>	<u>48</u>	<u>36</u>	<u>176</u>
	Duration	2:00	151:50	186:25	182:30	145:28	668:13
Evening	Number	-	<u>1</u>	<u>3</u>	<u>3</u>	<u>4</u>	<u>11</u>
	Duration	-	7:30	15:25	17:20	10:50	51:05
Extraordinary sitting	Number	-	<u>1</u>	-	<u>1</u>	-	<u>2</u>
	Duration	-	0:25	-	1:35	-	2:00
Number of days		<u>4</u>	<u>44</u>	<u>46</u>	<u>49</u>	<u>36</u>	<u>179</u>

3. Number of Bills examined in one year

Number of Bills examined in one year (1999-2003)

	E.O. 1999	1999-2000	2000-2001	2001-2002	2002-2003
Bills tabled by senators	<u>164</u>	<u>370</u>	<u>232</u>	<u>200</u>	<u>180</u>
Bills tabled by the executive	2	56	48	68	39
Bills transmitted by the House	-	<u>74</u>	<u>102</u>	<u>108</u>	<u>149</u>
Adopted in first reading by the Senate	-	<u>185</u>	<u>182</u>	<u>291</u>	<u>396</u>
Adopted in second reading	-	<u>4</u>	<u>17</u>	<u>9</u>	<u>9</u>
Rejected by the Senate	-	<u>1</u>	-	<u>8</u>	<u>5</u>

4. The main activities of standing committees

The main activities of standing committees concern the examination of bills⁹, in view of a vote in plenary. For each bill examined, the committee's secretariat drafts a report which summarises the debate and possible hearings, and enumerates the result of the votes on the bill and amendments tabled¹⁰.

Apart from the legislative work, committees also organise hearings and colloquia¹¹, which may result in reports that do not directly concern a bill¹².

Number of sittings of standing committees (1999-2003)¹³

E.O. 1999	1999-2000	2000-2001	2001-2002	2002-2003
12	330	363	339	235
(17 hours)	(693,75 hours)	(629,9 hours)	(635,10 hours)	(446,55 hours)

5. The degree of formality of Standing Committee procedures

Although the Senate's rules of procedure do not explicitly say so, most of the rules that govern the operations in plenary apply *mutatis mutandis* to committee meetings, except for those articles of the Senate's rules of procedure concerning the committees (articles 21 to 31) that provide for specific rules or derogate from the rules governing the plenary.

If procedural questions arise in committee, it is in principle the committee's chair that decides them. The Speaker hardly interferes in committee proceedings. Only if there is a specific question or complaint from a committee member may he liaise with the chair of the committee concerned, or submit the issue to the Bureau of the assembly. This, however, very rarely happens.

6. Assistance routinely provided by the Administration

The staff of the committees' secretariat prepares committee meetings (e.g. send invitations to members) and drafts the committee reports. The table office is in charge of the organisation of the plenary sittings, as well as the publication of all parliamentary documents (bills, reports, adopted texts, written questions to members of the executive, etc.). The verbatim reports of all plenary sittings are drawn up by the verbatim reports department. For procedure advice, the

⁹ Article 22.1 of the Senate's rules of procedure.

¹⁰ Article 27.1 of the Senate's rules of procedure.

¹¹ Article 22.2 of the Senate's rules of procedure.

¹² Article 27.1 of the Senate's rules of procedure.

¹³ These numbers only concern the six standing committees and do not include other committees or working parties of any kind.

Speaker, the Bureau or the Secretary General can call on the Senate's legal service. Documentation may be provided upon request by the library, which the Senate shares with the House of Representatives.

As far as secretarial work is concerned, the members as well as the political groups have their own secretariat. Therefore, they cannot rely on the Senate's administration for secretarial work. The same applies for the drafting of bills: although the table office will revise draft bills, the bills themselves are drafted by members, their secretariat, or the political party they belong to.

e) Relations between the parliamentary administration and the legislative process

The most demanding tasks performed by the Senate's administration in the legislative process concern the preparation of parliamentary documents (table office), the organisation and preparation of committee meetings and the drafting of committee reports (committee department), the organisation of plenary sittings (table office), procedural advice concerning both the committee proceedings and the plenary sittings, the translations during both committee meetings and plenary sittings, and the publication of the verbatim reports.

Advice on parliamentary procedure is provided for by the Senate's legal service, in principle upon request from the Speaker, the Bureau or the Secretary General.

For documentation and information related to issues subject to debate, members must address themselves to the House and Senate library.

As far as the consistency of draft legislation with higher rules (international treaties, Constitution, special majority laws) and with existing legislation is concerned, such information may be provided either by the legal service or by the 'evaluation of legislation' department, upon request of the Speaker, of the Secretary General, or of a committee chair (via the Secretary General). In principle, individual members may not directly submit such requests to the above mentioned departments. As far as drafting guidelines are concerned, members draft bills themselves. Once they are tabled, the administration will however correct any mistakes and violations of the drafting guidelines ('toiletage').

Questions to the Government are to be prepared by the members themselves, or by their secretariat. However, the Senate's table office will transmit them to the ministers concerned and as far as written questions for written answer are concerned publish them in a separate document.

f) Latest changes in parliamentary administration

- The European integration process resulted in the creation in 1990 of a special committee on this matter, which monitors draft European legislation (regulations and directives). The administration of this committee is in the hands of a member of the Senate's administration external relations department.
- At the level of communication, two tendencies should be underlined.

On the one hand, the distribution of information through the internet: the Senate was one of Belgium's first public institutions to be present on the internet. Recently, it has developed a new website, including a very powerful database, on which all parliamentary documents are published as soon as they are printed.

On the other hand, the opening up of the Senate to visitors. The Senate welcomes an increasing number of visitors, especially school children. In order to provide these visitors with update information, staff was trained as tour guides.
- As far as the implementation of new regulations on an administrative level is concerned, the Senate's administration in particular had to deal with new legislation on security on the workplace and on moral harassment. As to the first Act, the administration appointed a councillor on prevention. As to the second Act, a social assistant was hired. Both acts require the appointment of a doctor.
- Since the eighties, senators and political groups are entitled to an increased number of personnel and political assistants. Although senators hire and fire these people themselves, the Senate's administration (quaesture) is in charge of the administration of their contracts.
- As far as the need to adjust domestic legislation to EU legislation is concerned, bills to that effect are mainly prepared at executive level, not at parliamentary level.
- As far as security is concerned, two measures are worth mentioning. On the one hand, access to all buildings has been secured since 2001 ; all entrances require a badge to be opened. Secondly, special care is taken to screen incoming mail on dangerous substances.

BOSNIA-HERZEGOVINA

Parliamentary assembly

Relations between political organs and administration and the organisational structure thereof

The speaker function in two Houses of the PA BiH is performed by the chairmen and two deputies of each House, who rotate every eight months and who form the House Collegium. The Houses, on the proposal given by the collegia of both Houses, take Decision on the organization of the Secretariat (administration). The collegia of both Houses appoint the common service secretary (Secretary General), and the Collegium of corresponding House appoints the House Secretary. The civil servants are appointed on the base of public job posting, on the proposal given by the Civil Service Agency. Administration is professional and politically independent, so that political bodies have no influence in that sense.

The employees treat all the parliamentarians equally. The role of the speaker and the presidents of commissions requires larger engagement of administration in performing their duties.

I. The support to the legislative function, or other highly complex tasks performed by each country's Parliamentary administrations

The PA BiH administration performs the following activities:

- A. providing advice on Parliamentary procedure;
- B. providing basic documentation;
- C. providing supplementary information to be used to assess the consistency compliance of draft legislation with the constitution and law system;
- D. organizing relations with the Government and other external bodies and authorities;
- E. providing the information available on issues connected with draft legislation;
- F. drafting technical notes for parliamentarians.

The Rules for preparation of the laws are in the process of adoption. The problem is insufficient number of experts of different profile in administration who work on preparation of the laws.

CZECH REPUBLIC

Senatu

a) The Office of the Senate was established in 1996 by the Act on the Seat of Parliament to perform tasks connected with expert, organizational and technical support to the operation of the Senate, its bodies and officials, and senators and caucuses represented in the Senate.

The Office of the Senate is an organizational entity of the State, and its budget is approved within the annual budget of the Czech Republic by the Chamber of Deputies.

The members of the Office of the Senate staff are currently state employees and have a similar status to teachers, employees of state bodies including ministries, medical staff in state institutions, etc. As opposed to e.g. soldiers and policemen they are not in a service relationship; they are employed on the basis on an employment agreement. In 2005 a new law shall enter into force in the Czech Republic, on the service of state employees in administration bodies and on their remuneration (the "Service Act"). However, employees of the Offices of both chambers of the Czech Parliament and the Office of the President will not be subject to this law.

The Office of the Senate is independent within the system of state bodies. It is headed by the Secretary General, who reports to the Senate President, as laid down in the Senate Rules of Procedure Act. The Secretary General of the Office of the Senate is appointed and discharged from office by the President of the Senate following the approval by the Committee on Agenda and Procedure. Other managers of the Office of the Senate are appointed and discharged from office by the Secretary General of the Office of the Senate. Details concerning the organization and tasks of the Office of the Senate are laid down in the Office of the Senate Rules of Procedure, issued by the Committee on Agenda and Procedure upon the proposal of the Secretary General of the Office of the Senate.

The employees of the Office of the Senate are in an employment relationship with the Office; exceptionally they can have contracts not constituting an employment relationship. Labour relations are governed by the Labour Code and other labour relations regulations. The same rules apply to the Office staff as to other state employees in an employment relationship (retirement age + pension amounts, holidays, working hours, prohibition of entrepreneurial activity, compensated by a 25 % bonus added to the salary).

Salaries and payments for being on call of the employees of the Office of the Senate are provided for under the law on salaries and payments for being on call in organizations financed from the state budget and certain other organizations and bodies, and the Salary Code of the Office of the Senate. The Salary Code of the Office of the Senate is issued upon the proposal of the Secretary General of the Office of the Senate by the Committee on National Economy, Agriculture and Transport. The Salary Code contains the Catalogue of Jobs and Salary Classes, into which the employees of

the Office of the Senate are divided according to the type of work stipulated in their contracts and the fulfilment of qualification requirements (particularly education).

The salary is fixed within the employee's salary class by the Secretary General of the Office, taking into account the length of professional experience. To top the salary, the employee can receive a personal bonus, and managers can also be granted a bonus for leadership according to the number of subordinates. In practice, these bonuses are awarded.

Employees are usually hired based on selection procedures, which are open to anyone. Career progression is not a rule, given the number of employees and their specific jobs; the employees of the Office of the Senate are hired for a particular post (managers as well), and usually they stay in that position. It is not necessary for a manager to go through all the previous career grades. Transfers from e.g. the Office of the Chamber of Deputies, Office of the President, Office of the Government or any of the ministries is possible, but it is not a precondition for admission. Efforts will be made to maintain a certain degree of 'compatibility' among the institutions once the Service Act comes into effect.

b) The Office of the Senate is divided into sectors, which are further split into departments (further divided into sections) or independent divisions (without further internal segmentation). Some units (Legislative Department – 17 employees, Independent Personnel Division – 3 employees, Independent Division on European Affairs – 4 employees, Internal Auditor) report directly to the Secretary General of the Office of the Senate. Other units (departments and independent divisions) belong to one of the two sectors. The sectors are headed by Sector Directors who organise the activities and coordinate the work of the various sector units. The departments of the Office of the Senate are headed by directors, and sections within the departments are managed by Section Heads who report to the Department Directors. The Sector Directors, Department Directors, Independent Division Heads, the Internal Auditor and the Security Secretary all report to the Secretary General of the Office of the Senate.

I. Senate Sector (including staff numbers)

- Procedure and Agenda Department - Senate Activities and Stenographic Services Section, Archives Office (10)
- Foreign Relations Department - International Relations Section, Logistics Section (8)
- Press and Documentation Department - Documents Circulation Section, Editorial and Printing Section (13)
- Independent Division of Senate Services (4)
- Independent Division of Public Services (7)
- Independent Division of Public Relations (3)
- Independent Division of Protocol (5)

II. Financial and Administrative Sector (including staff numbers)

- Economic Department - Budget Section, Accounting Section, Capital Construction Section (14)
- Administrative Department - Property Management Section, Buildings Management Section, Transport Section (31)
- Information Technology Department - Network Administrator, Information Technologies Section, Audio-Visual and Copying Section (14)
- Catering Department - Service Section, Catering Section, Procurement Section (31)
- Independent Legal Division (4)

As of 1 October 2003, the Office of the Senate has 211 employees.

Secretariats of the Senate officials (President and Vice-Presidents) and the secretariats of the committees and commissions (usually one secretary and one assistant, with the exception of the Committee on Foreign Affairs, Defence and Security and the Committee on European Integration, having one additional consultant) are outside of the typical structure of sectors, departments and sections. They are staffed by employees of the Office of the Senate, who, however, report to the relevant senators. Senators also have a say in the staffing of these posts (they can request the dismissal of an unsuitable employee; they participate in the fixing of employee bonuses, etc.). The secretaries of the committees and commissions fulfil tasks set according to the resolutions of the committees and commissions and the chairpersons' instructions. The tasks are connected to the preparation of the committees and commissions meetings, and the execution and control of their resolutions. The secretaries provide organisational, technical and in some cases expert support.

In principle, expert support is not concentrated directly in the secretariats of the committees. Experts and actually all the employees of the Office of the Senate are available to provide support to all senators and all Senate bodies.

The Secretary General of the Office of the Senate appoints and discharges the Director of the Secretariat of the President of the Senate upon the proposal of the President of the Senate, secretaries of the Senate committees upon the proposal of the chairpersons of the committees, secretaries of standing and temporary Senate commissions and the proposal of the chairpersons of these commissions. The above-mentioned positions also report to the respective chairpersons. In labour law matters they are subordinate to the Secretary General of the Office of the Senate.

To provide a practical example, during the 7 years of the existence of the Senate and its Office, the Director of the Secretariat of the President of the Senate has never been discharged from office, as there was a change in this function, and the Senate committees and secretaries of the commissions also remained in their positions with two exceptions, even though the chairpersons of the committees or commissions changed. They have employment agreements for an indefinite period. Given the daily work contact with the chairperson of the particular committee or commission, the employees of committees or commissions secretariats naturally report to "their"

chairpersons. They meet the Director of the Procedure and Agenda Department in regular working meetings.

The situation is different for assistants and advisors to the President of the Senate and the Vice-Presidents; here, it is assumed that they start work at the same time as the Senate official and leave when his/her term ends. The employment agreement is therefore concluded for the duration of the relevant Senate official's function.

It follows from what has been said above – especially in organizational issues – that the employees of the secretariats of various bodies are not considered as “political” actors; the same goes for committees and commissions: they are seen as expert bodies rather than political ones. Senator caucuses are considered to be purely political bodies; however, their staff is not employed by the Office of the Senate.

Regular working communication in the Office of the Senate takes place at the level of officers; all important decisions are taken at the level of Department Directors, Section Heads and the Secretary General of the Office of the Senate.

d) The Senate has 81 members, who are elected for 6 years. The foundation meeting took place in December 1996. The session of the Senate is permanent. The plenary meetings of the Senate take place continuously throughout the year, usually following the meetings of the Chamber of Deputies, which refers adopted bills to the Senate. Since the Senate has 30 days to debate “regular” bills (this period does not apply to laws needing the approval of both chambers of the Parliament, e.g., constitutional or electoral laws), the Senate meets in the last decade of this term after the bills are debated in the Senate committees. The regular cycle of meetings is suspended during a part of summer and autumn, usually from mid-August to mid-October; however, this does not mean that extraordinary meetings cannot take place during that time – in fact, they often do.

Senate session is divided into 2-year terms of office in accordance with regular Senate elections. The election takes place every two years and in each election one third of senators are elected. Candidates are elected by direct vote, in two rounds, according to majority vote principles: if a candidate does not achieve an absolute majority in the first round a second round takes place, involving the two most successful candidates from the first round. Registered political parties, political movements and coalitions may put up their candidates for Senate elections. Independent candidates may participate also. Should the post of a senator be vacated during his/her term of office, by-elections will take place for his/her position (with the exception of mandate termination in the last year of office; the new senator is elected only for the remainder of the term of office).

The Senate works continuously; bills are debated irrespective of the term of office. In the 3rd term of office (December 2000 to December 2002), a total of 21 plenary meetings took place. In the 4th term of office (December 2002 to September 2003), 10 meetings have taken place so far, where the Senate debated 70 bills, 35 international agreements and 42 other, mainly government documents, out of which 10 were

requests for the appointment of Constitutional Court judges. Senate meetings lasted a total of 21 days, during which 218 resolutions were adopted, and 497 votes took place. All votes require a quorum to be reached (usually an absolute majority of senators present; three fifths of senators present for adopting a constitutional law).

At the beginning of the term of office, the Senate elects its President and its Vice-Presidents (Senate officials) and sets up its bodies (committees and commissions). A senator can be member of only one committee; s/he can join another committee only if the membership concerns the Committee on Agenda and Procedure or the Committee on Parliamentary Privilege, the establishment of which is required by law. In its 4th term of office, the Senate has the following committees:

- Committee on Agenda and Procedure (14 members)
- Committee on Parliamentary Privilege (12 members)
- Committee on Legal and Institutional Affairs (11 members)
- Committee on Foreign Affairs, Defence and Security (10 members)
- Committee on Education, Science, Culture, Human Rights and Petitions (10 members)
- Committee on National Economy, Agriculture and Transport (12 members)
- Committee on Public Administration, Local Development and Environment (10 members)
- Committee on Health and Social Policy (10 members)
- Committee on European Integration (11 members)

The main task of the committees is to debate bills referred to the Senate by the Chamber of Deputies, international agreements, the Senate's legislative initiatives and also information submitted by the government. The committees often organise public hearings and seminars where experts and the general public participate. Committees can set up subcommittees for dealing with various specific problems. Senators who are not members of the "founding" committee can become members also.

The committee meetings are governed by the Act on the Senate Rules of Procedure, which clearly sets out the procedure for participation in the meetings, giving the floor, course of the debate, submitting proposals, order and form of vote, etc. Pursuant to this Act, the President of the Senate has no instruments to check the correctness of the procedures applied by the chairperson of a committee. Objections against the manner of conducting a meeting can be raised by committee members during the meeting itself.

The Senate can also create Senate commissions – consisting not only of senators, but also of outsiders – and assign tasks to these commissions. Commissions are set up especially in matters involving the competences of several Senate bodies or for tasks that do not fall under the competence of any of the bodies established by the Senate. In the 4th term of office, the following commissions were set up:

- Commission on Elections (establishment required by the law) (7 members)
- Standing Senate Commission on Compatriots Living Abroad (11 members)
- Standing Senate Commission on the Constitution and Parliamentary Procedures (11 members)

- Standing Senate Commission on Rural Development (11 members)
- Standing Senate Commission on the Office of the Senate (11 members)

The Office of the Senate provides regular services to the Senate bodies, especially during their meetings: distribution of Senate documents containing the proposals to be debated, making audio recordings of all meetings and, if needed, their transcripts, or verbatim stenographic records, assistance in matters of procedure and organization, arranging visits abroad and receiving foreign delegations, assistance in legislative matters during meetings and in formulating amendments, and if necessary, providing expert opinions on issues debated by the Senate and its bodies.

Senators can also be affiliated to senator caucuses according to the parties or movements that selected them as candidates for the Senate election. Senators who were elected as independent candidates and senators registered for election by a political party that did not fulfil the condition of having the number of senators necessary for establishing a caucus (minimum of 5 senators) can also join an already existing caucus. However, senator caucuses are not Senate bodies. Each caucus will receive a monthly amount fixed by the Senate (lump sum per caucus + per member) from the budget of the Office of the Senate. The caucuses use this money for their operation, including expert advice and administrative work. Senator caucuses' employees are not employees of the Office of the Senate.

In the 4th term, the following caucuses are represented at the Senate:

- Civic Democratic Party Caucus – 26 members
- Open Democracy Caucus – 16 members
- Christian Democratic Union – Czechoslovak People's Party Caucus – 15 members
- Czech Social Democratic Party Caucus – 11 members
- "Independents" Caucus – 5 members

In addition, there are 8 senators who do not belong to any of the caucuses. They are, however, full members of Senate bodies and are entitled to all the services provided by the Office of the Senate.

Senators receive funds from the budget of the Office of the Senate to finance the services of assistants in their regional offices and other expert and administrative support.

e) The legislative initiative rests on the Senate as a whole. Among impetuses that can lead to its execution are the resolutions of a committee or commission or an initiative of at least 5 senators. If the impulse comes from a Senate body, the employees of the Office of the Senate also take part in the preparation of the bill. Bills proposed by a group of senators are prepared outside of the Office of the Senate.

As for bills coming from the Chamber of Deputies, the Legislative Department prepares information concerning every one of these. Such information describes the previous legislative procedure and suggests possible legislative problems. Following an agreement with senators, the Legislative Department also prepares specific amendments.

Assessments of the degree of compatibility with EU law are also available to the senators.

The Office of the Senate ensures the distribution of official documents submitted by the Chamber of Deputies, background information for visits abroad and for the reception of foreign delegations, daily press monitoring, and other documents and data that the senators might expressly require.

The application of the Rules of Procedure is in the hands of the senators; officers can only play the role of experts.

f) The Senate puts a great emphasis on its openness towards the general public. Its website www.senat.cz provides detailed information about its structure and activities. Bills are presented there, together with the committees to which they were assigned, and the names of rapporteurs, resolutions of the committees and of the Senate. Also, voting protocols and minutes of the meetings are available. Summary reports on the Senate activity are also published on the website; special attention is paid to the topic of European integration. Office of the Senate publishes the quarterly "The Senate" informing about activities in the Senate, about foreign second chambers etc. The public can also access information about the seat of the Senate, the Wallenstein Palace and its gardens. The historic premises are open for public every weekend; moreover The Office of the Senate ensures visits with a qualified commentary to schools and more numerous groups from the different constituencies. In one building the National Gallery with expositions open to the public has a seat. The Palace often hosts conferences and seminars. Concerts are monthly broadcasted live. The meetings of the committees and commissions and the plenary sessions of the Senate are open to the public.

The approaching accession of the Czech Republic to the European Union is reflected in the creation of a special Independent Division on European Affairs. Its main task is to analyse documents submitted by the Commission to the Council of the European Union for the needs of the Senate and its bodies. The Office of the Senate will also appoint its Permanent Representative to the European Union's institutions in

Brussels. The preparation for EU membership concerns other units of the Office of the Senate as well.

In the last few years, the functioning of the Office of the Senate was also influenced by security measures adopted after September 11, 2001, but these were only temporary. However, all guests and visitors to the Senate are still required to pass through a security frame together with their luggage, and their visits are recorded in the list of visitors.

ESTONIA

Riigikogu

a) *The status of the Parliamentary administration*

The Parliamentary administration is the part of the civil service. The normative and organisational independence of the Parliamentary administration from the rest of the civil service is not remarkable. Parliamentary administration has independent career structure, particular procedures for staff recruitment and certain wage system.

b) *Relations between the political bodies and the Parliamentary administration*

- The President of the *Riigikogu* (speaker of the parliament) does not influence the 'configuration' of the Parliamentary administration very much.

- The Board of the *Riigikogu* appoints Secretary General. The Secretary General appoints other executive officers. To appoint an executive officer the Secretary General needs the approval of the Board of the *Riigikogu*. The rules and conditions governing their replacement are the same as stipulated by the Public Service Act.

- The extent, to which '*super partes*' considerations of the President of the *Riigikogu* and Standing Committee Chair prevail over '*fiduciary*' aspects in the way the staff provides direct support to the political bodies depends on the concrete issue.

c) *Does the Secretary General have the chief responsibility and accountability for the administration? Or are these shared with other senior officers?*

- The Secretary General is generally accountable to the political body on behalf of the whole of the administration, however, responsibilities are shared between several executive officers, and they are responsible for their spheres of activity.

- The Standing Committee's staff is actually more accountable to the Chair of the Committee than to the Secretary General (officially the staff is accountable to the Secretary General).

- The degree of coordination and integration that exists between different offices is quite high. Middle grade executive staff often inter-operates autonomously, but sometimes they need to clarify and discuss certain aspects of an issue with political figures (e.g. Chair of the Committee).

d) *The Parliamentary workload, and consequently the administration's workload*

Below some data giving an overview of the actual workload that the Parliamentary administration is required to perform is provided:

- The number of parliamentarians is 101.
- Regular sessions of the *Riigikogu* take place from the second Monday of January to the third Thursday of June, and from the second Monday of September to the third Thursday of December.
- The number of sittings per year is ca 120.
- The number of hours per year is ca 380 h.

* Due to the fact that present *Riigikogu* was elected and began its work in March of this year, data concerning present *Riigikogu* is unavailable.

- The procedure of the committees is regulated to a low degree (the procedure of the election of the Chairman and Vice-Chairmen of the committee, the conditions for the declaration the committee sittings public, a quorum of committee, procedure for adoption of resolutions, minutes of sittings are stipulated by the *Riigikogu* Rules of Procedure Act).
- The President of the *Riigikogu* does not control the regularity of the procedures adopted by the committees' chairs.
- Documentation, verbatim recording, translation, duplication, IT-support, advice on legal and procedural matters, research, secretarial work are the areas in which assistance is routinely provided by the Administration to Parliamentary bodies.

e) Relations between the Parliamentary administration and the legislative process

The most complex and demanding tasks performed by the offices to directly support the lawmaking process are the following:

- Drafting technical notes on problems connected with ensuring statutory consistency and constitutionality for Standing Committee members and staff, the officials of the ministry preparing draft legislation and the *Riigikogu* itself.
- Providing supplementary information to be used to assess the consistency/compliance of draft legislation with the system of normative competence and drafting rules.
- Providing advice on Parliamentary procedure.
- Providing the information available on issues connected with draft legislation.

f) Latest changes in Parliamentary administration

- The Parliamentary administration is participating in the preparatory work at the institutional level connected with the ongoing process of European integration and the result of this work would be the system, where the *Riigikogu* would participate in the European Union decision making process and which is aimed at increasing decentralisation and devolution of powers.

I. Estonia is known as e-government state with high level of computerisation and Internet use in the Riigikogu. This summer a new web site was launched as one of the tools to increase openness and outreach to the general public. Legislative proceeding of bills may be observed via Internet since 1998. The public is also given opportunity to comment on the draft legislation on the web. Main changes in the system of draft legislation proceeding are connected with the technical platform updating and search engine improvements. The sessions of the *Riigikogu* may also be viewed via Internet in real time. In the beginning of this year web content management system was initiated, which allows decentralising management of the web and speeding up information flow. This solution eliminates the need for head web administrator. Currently integration of the Estonian ID-card into the *Riigikogu* IT system is at the stage of development. The primary objective is to implement use of the ID-card in identifying network users. The use of ID-card provides opportunity for signing documents digitally.

II. From time to time the *Riigikogu* organizes conferences and cultural events (e.g. art exhibitions in the *Riigikogu* building, Toompea Castle).

III. New regulation concerning the use of documents in the archive of the *Riigikogu* was implemented at the administrative level.

- Security checks in Estonian Parliament are regulated by *the Procedure for the Entry to the Toompea Castle and the Territory Thereof, approved by the Directive of 25 August 2000 of the Secretary General of the Riigikogu*. No additional measures have been taken related to security issues following 11 September 2001.

By way on conclusions, the final question is how can parliamentary administrations better cooperate to respond to the on going challenges and to their most complex duties, without wasting their resources ad avoiding duplication.

Besides the mandate given in Athens to explore further cooperation between the Parliaments of the European Union, the objectives of cooperation between national Parliaments were also discussed at the preparatory staff meeting in Stockholm on 22 July. It would be reasonable to wait for the results of this preparatory work. However, the meetings of specialists, professional information exchange and mutual sharing of experience concerning issues of interest undoubtedly improve cooperation between parliamentary administrations.

EUROPEAN PARLIAMENT

a) The status of the parliamentary administration: is it part of the civil service (or equivalent), or an independent and special administration with its own rules or salaries, pensions, career development?

The officials of the European Parliament benefit from the same status accorded to officials of the other institutions of the European Union. Salaries, pensions, career development are identical and recruitment takes place respecting similar criteria. There is one, single civil service statute governing the position of all EU officials.

b) Relations between the political bodies and the parliamentary administration.

Officials are recruited in a non-partisan manner the main criteria being competence and professionalism. However, the highest grades A1 and A2 (Director General, Director) are nominated by the Bureau of the European Parliament and their nomination is often also a reflection of the in-house political balance and perhaps some national balance as well. The nomination procedures for these grades are in the civil service statute but differ from those relating to junior and middle career officials. However, all officials are nominated for an undetermined period.

The Speaker has his own private office and can recruit according to his term of office, in other words, on temporary posts. Otherwise his staff benefit from all the normal rights and obligations of EU officials. The Secretary General (A1) is also nominated by the Bureau for an undetermined period of office. He is the head of the entire administration, responsible for its budget, etc., and acts also as the principal advisor to the Bureau. There are no specific rules governing his replacement. The same formal and practical considerations applied to nominations of other A1 and A2 staff are valid.

In general, with the obvious exception of the agents working in the presidential private office, officials must act as non-partisan, professionals and offer their advice and skills to all MEPs and the chairs of standing committees or delegations.

c) Does the Secretary General have the chief responsibility and accountability for the administration? Or are these shared with other senior officers?

In principle the Secretary General represents the administration in all bodies of the House, notably on budgetary or financial matters and staff policy where he operates with a direct mandate from the President and/or the Bureau. However, in practice quite a few matters are delegated to the Directors General in charge of budgets and staff. Formally speaking, the Secretary General remains the official responsible.

Since the introduction at the beginning of this year of new Financial Regulations all officials with a delegated budgetary authority must assume full, even personal, responsibility for their financial decisions. Clearly it is up to the Secretary General to define the structure and formal guidelines but there is a fairly advanced system of decentralisation and delegation of authority.

Officials working in the secretariats of standing committees will, because of their position, have daily contact with politicians and particularly the chairpersons or rapporteurs of these. This has in certain circumstances increased their sense of autonomy but formally they always remain within the hierarchy of their respective Directorates General. In case of potential conflict/dispute they must inform their administrative superior who will decide what to do and assume responsibility for that. In practice it has not always been easy to coordinate these officials given their direct report to the politicians and that has been one of the reasons why the legislative support function of the administration has recently been reviewed. The result of this review has been the creation of larger policy departments in the most directly concerned Directorates General with the objective of inserting a greater capacity for coordination, flexibility and professional expertise.

d) The parliamentary workload and consequently the administration's workload.

- the number of parliamentarians:

Currently 626 members; following the European elections in June 2004 the total number of members will increase to 732.

- the duration of the parliamentary sessions in the course of the year, the number of sittings and the number of hours the house sits per year in the present parliament:

	2001	2002
number of part-sessions in Strasbourg	12	12
number of part-sessions in Brussels	7*	7**
number of daily sittings	62	61
total duration of sittings (hours)	482	431

*including an extraordinary sitting on 12 September 2001 following the terrorist attacks in the US

** including an extraordinary sitting on 20 March 2002 following the European Council meeting in Barcelona.

the number of formal votes/divisions (which require a quorum):

	2001	2002
legislative procedures	337	328
non-legislative procedures	238	227
amendments put to the vote	9414	9151
voting operations (show of hand, electronic checks and roll-call votes)	7028	6269
roll-call votes	1292	1045

All documents (legislative and non-legislative texts) drafted in the parliamentary committees are subject to a double amendment procedure and a formal vote on the text as a whole both in the parliamentary committee and in plenary. Assuming an average number of 65 amendments tabled to a draft report voted in committee, plus 25 amendments tabled in plenary on the same text, and further assuming the total annual number of reports being 500, the approximate number of votes amounts to 45,000 per year.

-the main activities performed by the standing committees and the average number of sittings of each committee during the present parliament:

The competencies of the 17 current parliamentary committees are laid down in detail in the annex of the European Parliament's rules of procedure. In general terms the parliamentary committees exercise the following functions:

- legislative function (preparatory work for the plenary);
- budgetary function (provision of input by the specialised committees to the committee on budget in the framework of the annual budget procedure);
- supervisory/control function (European Commission, decentralised agencies, petitions).

For more detailed information please consult the following website:
http://www.europarl.ep.ec/committees/home_en.htm

-the degree of formality of standing committee procedures and whether the speaker of the house controls the regularity of the procedures adopted by the committees' chairs:

The procedures to be applied in the standing committees are defined in detail in the European Parliament's internal rules of procedure and are similar to those applied in the plenary. In analogy to the powers conferred upon the President of Parliament in presiding over the proceedings of Parliament as a whole, the control of the regularity of the procedures at committee level falls within the exclusive remit of the committee's chairman (for example ruling on the admissibility of amendments). Within the limits of Parliament's rules of procedure the decisions of the following parliamentary bodies decisions have a direct impact on the work of the parliamentary committees:

- Conference of Presidents of political groups (President of Parliament and chairmen of the political groups): responsible for matters relating to the organisation of Parliament's work and matters relating to legislative planning (decision on draft agenda of Parliament's part-sessions, authorisation of own-initiative reports);
- Conference of committee chairmen: (chairmen of all standing or temporary committees): consultative body on all horizontal matters relating to the work of the parliamentary committees; issues recommendations to the Conference of Presidents on draft agenda of Parliament's part-sessions, conflicts of competencies, requests for authorisation to draw up reports;
- Bureau: (President of Parliament and the fourteen vice- presidents): responsible for financial, organisational and administrative decisions; decides on the authorisation of all parliamentary activities having a financial impact (invitation of external experts to hearings, committee delegations).

For more detailed information please consult the following websites:

http://www.europarl.ep.ec/home/default_en.htm

http://www.europarl.ep.ec/orgpresi/default_en.htm

-the assistance routinely provided by the administration to parliamentary bodies (for example, verbatim and summary records, secretarial work, advice on procedural matters, documentation, etc.);

The Parliament's administration covers all the activities referred to above.

Agenda: Parliament's rules of procedure provide for a draft agenda, a final draft agenda and the agenda proper. DG I prepares these documents on the basis of decisions taken by the Conference of Presidents (draft and final draft agendas) and the plenary (agenda proper). For each sitting, an updated version of the agenda is published, to take account of last-minute changes and include details of items to be put to the vote. The agenda gives details not only of items to be debated and voted, but also speaking time for rapporteurs and the political groups and deadlines for tabling texts to be put to the vote.

All these versions of the agenda are published in the 11 official languages and made available in real time on the internet.

Minutes: the minutes provide a summary record of each sitting, with the names of speakers in debates, details of voting results, the attendance register and also details of all documents tabled for consideration by Parliament and its committees. The minutes are published in the 11 languages in time for them to be approved the following day. They are also made available on the internet.

Verbatim report of proceedings: the verbatim report contains the text of all speeches made by Members in the plenary, in the language in which they were spoken. It is normally published the day after the sitting concerned, and made available on the internet. Subsequently all speeches are translated into the other languages in order for 11 language editions of the report to be published.

Texts adopted: a provisional version of the texts voted by Parliament is published in the 11 languages and made available later the same day on the internet. A final version, following a linguistic check of the texts, is published subsequently.

Advice relating to plenary proceedings: DG I departments also prepare detailed voting lists for each item to be put to the vote, primarily to help political groups organise the vote for their Members. These lists and other useful information concerning the sitting, such as speakers' lists and timing estimates, are made available on DG I's plenary site *Séance en direct*. They also advise Members and Members' assistants on the application of Parliament's rules of procedure to matters arising in plenary (for example, tabling amendments to motions for resolutions, asking for a change to the agenda, or requesting roll-call votes).

Advice relating to texts tabled for the plenary: all texts tabled for the plenary are checked to ensure conformity with the rules of procedure and other relevant provisions. DG I staff will help authors with the drafting or redrafting of texts, especially in order to ensure that the text is admissible. If a problem with admissibility persists, the text concerned is forwarded to the President of Parliament with an explanatory note and a request for a ruling.

Due to the European Parliament's unique multinational character, the provision of linguistic services (translation and interpretation from and into currently 11, soon 19 languages) is a key task;

The European Parliament relies - apart from information provided by the European Commission - for background information and research related to its legislative work to a large extent on its own administration.

e) Relations between the parliamentary administration and the legislative process

The purpose is to identify the most complex and demanding tasks performed by the offices to directly support the lawmaking process, selected from the following:

- *providing advice on parliamentary procedure;*
- *providing basic documentation;*
- *providing supplementary information to be used to assess the consistency/compliance of draft legislation with the system of normative competence and drafting rules;*
- *organising relations with the government and other external bodies and authorities, and preparing requests for information from them;*
- *providing the information available on issues connected with draft legislation;*
- *drafting technical notes on problems connected with ensuring statutory consistency and constitutionality (specifying whether these notes are for individual parliamentarians, sponsors of bills, standing committee members, the Speaker of the House, the House itself, etc.).*

The following aspects referred to above are of specific relevance:

- providing background information on issues connected with draft legislation: this task is reflected by the committee secretariats' role in assisting the rapporteur (sponsors of bills) appointed by the committee in drawing up a draft proposal (draft report); the services provided range from formal editing of amendments to providing

background notes and drafting documents under the control and on behalf of the relevant rapporteur.

As regards the consistency of draft texts with normative rules, this is guaranteed by document models for the various parliamentary procedures in line with the provisions for these procedures laid down in Parliament's rules of procedures. The models are compiled and revised by a working party in which different departments are actively involved. Once approved, models are translated in all the languages and made available on the internet for consultation. The most frequently used models also exist in template form so that they can be immediately accessed and exploited by MEPs, political groups and parliamentary committees, all of whom can thus concentrate on the substance of their texts without having to concern themselves with details of formal presentation.

- organising relations with the Commission and Council with a view to establishing the necessary dialogue and negotiation structures between the three institutions involved in the legislative procedure. The relations with national parliaments have continuously grown both in terms of numbers and quality over the last few years, which is reflected by the recent establishment of an own directorate for relations with national parliaments. In the light of an eventual constitutional treaty which is expected to confer substantial rights in the legislative procedure also to national parliaments, these relations will without doubt be further enhanced in the future.

- In preparing the agenda departments have very close contacts with the other European institutions, especially the Council and Commission which participate in all Parliament part-sessions. Consultations with the relevant Council and Commission departments are vital in planning the agenda in all its stages. providing advice on parliamentary procedure and ensuring statutory consistency of the texts adopted: in this respect, the following two features of European legislation require specific attention:

Multilinguism: Due to the multinational and multilingual character of European legislation, all texts tabled/adopted need to be carefully assessed by lawyer-linguists with regard to their linguistic coherence.

Framework legislation: The vast majority of European legislation takes the form of (framework) directives which need to be sufficiently broad in scope and wording in order to strike the right balance between general principles and detailed provisions facilitating thereby the transposition at national level.

f) Latest changes in Parliamentary administration

Lastly, we wish to identify the most important changes made in each parliamentary administration, and how far parliamentary administrations have adjusted to institutional changes.

By way of example, the ongoing changes hereinafter might be taken into account:

- at the institutional level: the ongoing process of European integration; increasing decentralisation and devolution of powers; heightened role of the executives;
- at the level of communication: computerisation and internet use; openness and outreach to the general public; promoting conferences and cultural events; enhancing relations with other institutions and organisations;
- at administrative level: the implementation of new regulations concerning protection of privacy, safety, contracts etc.
- at the scientific and technological level: new highly scientific political issues (biotechnologies, environment, public health) and the resultant relations with the scientific world and technological experts; the development of new technologies (for example EPTA);
- at the administrative level: the need to keep domestic legislation adjusted in line with legislative developments, mainly within the EU, on competition, health and safety in the workplace, privacy, etc.. It would be particularly interesting to see whether the reception of such legislation and regulations has created specific problems or encountered constraints due to the particular features of individual parliaments;
- security issues following 11 September 2001;
- new training requirements for Parliamentary staff connected with the aforementioned changes.

Institutional challenges

The steadily increasing volume and complexity of European legislation on the one hand, and the legitimate expectations of citizens for simpler, clearer and more efficient legislation on the other hand, require a thorough review of the way European legislation is enacted. It is against this background that the 2002 Seville European Council invited the European Parliament, the Council and the Commission to launch an initiative to improve the quality of Community legislation and the conditions, including time frames, for its transposition into national law. On the basis of this mandate the three institutions have negotiated over the last year an Interinstitutional Agreement on "Better Regulation". The draft Interinstitutional Agreement is currently examined by the relevant parliamentary committee and is likely to enter into force, after endorsement by the plenary, in the course of the next few months. The Interinstitutional Agreement foresees inter alia:

- better coordination and enhanced dialogue between the European Parliament, the Council and the Commission with regard to all steps of the legislative procedure;
- enhanced transparency of the procedure and easier accessibility of all relevant documentation;
- enhanced pre-legislative consultation of all relevant stakeholders and, where necessary, recourse to extensive impact assessments prior to the launch of any legislative proposal;
- more emphasis on the linguistic and judicial verification of the texts adopted at each step of the legislative procedure;

Administrative reforms

The European Parliament recently embarked on a major administrative reform to improve assistance to Members in legislative drafting. Amongst its main elements are the following:

- allocation of expertise budgets to parliamentary committees to allow them to buy external expertise;

- creation of "project teams" (bringing together specialised staff from various units such as research, committee secretariats, legal service, lawyer-linguists) for assisting where requested rapporteurs or Members on priority themes;

- creation of a "Tabling Office" in charge of formal and linguistic verification of all texts tabled to plenary.

The aim is to provide an advisory service to Members when they first draft texts and to identify problems of admissibility or other issues at an early stage in the procedure. This should help ensure that, to the greatest extent possible, texts which are submitted to the plenary are not beset with any problems of this kind.

FINLAND

Eduskunta

a) The status of the parliamentary administration: Is it part of the civil service (or equivalent), or an independent and special administration, with its own rules on salaries, pensions, career development?

Officials employed by the Eduskunta are civil servants. However, the general Act applying to civil servants does not cover them; instead, there is a separate Act for them. They are likewise treated separately when it comes to terms of employment.

Agreements between the State, in its capacity as an employer, and labour-market organisations concerning wages and other terms of service of civil servants are not binding on the Eduskunta unless that body's Office Commission decides that they are. The Office Commission has the power to decide on Eduskunta officials' remuneration completely independently. In practice, however, the Eduskunta observes the State's general agreement fairly closely.

The Office Commission comprises the Speaker, the two Deputy-Speakers and four other members of the Eduskunta.

Pensions are determined in accordance with the same principles as apply to other civil servants.

There are no regulations on career development. A point that has been quite openly made about remuneration policy is that the Eduskunta tries to pay slightly more than ministries pay for equivalent tasks. Therefore, the officials recruited for all tasks are generally top-flight.

There is little internal career turnover in the Eduskunta, but the general rule is that persons appointed to supervisory positions are those who have been performing expert tasks within the same unit. At the moment, the Secretary-General and the heads of department reporting to him have all earlier held other positions in the Eduskunta.

Posts in the Eduskunta are filled through the general public applications procedure.

A decision of an Eduskunta official in an administrative affair may be appealed to the Office Commission. There is no appeal against its decision.

b) Relations between the political bodies and the parliamentary administration

The Speaker

The Speaker does not have direct power of decision in relation to the composition of the parliamentary administration, because the regulations on this administration are so precise.

The Secretary General

The Secretary General is appointed by the Eduskunta in plenary session. Other officials are appointed by the Office Commission. Central appointments are proposed by the Secretary General, the others by the Administrative Director. Replacing officials is not easy to do, because nearly all of them have been permanently appointed and can not be dismissed except on the grounds precisely specified in the relevant Act.

Officials are impartial in the discharge of their duties even if they happen to be a member of a political party and also have a party political background. Officials of the Eduskunta do not engage in politics there. There is an understanding that the successful discharge of their official tasks presupposes the trust of all political parties.

c) Does the Secretary General have the chief responsibility and accountability for the administration? Or are these shared with other senior officers?

The Secretary General is the highest-ranking official in the Parliamentary Office. However, his principal task is to serve as the secretary to the Eduskunta. He acts as the Speaker's legal adviser. He does not need to make administrative decisions. Most of these are made by the Administrative Director, who is directly accountable to the Office Commission for his own decisions. The other heads of department, i.e. the Deputy Secretary General in his role as head of the Committees Secretariat, the Director of Legislation in his capacity as head of the Central Office, the Director of Information and Communication as the head of his own unit and the Director of the International Unit, likewise work quite autonomously and are accountable for their own decisions.

The Secretary General and the aforementioned heads of department meet regularly twice a month to discuss administrative questions. At these meetings they go through the items of business to be dealt with at the next meeting of the Office Commission and which are presented to the Commission by the Secretary General and the Administrative Director only. In addition, these officials, who are collectively called the Parliamentary Office Management Group, have regular monthly meetings and all of them can put whatever items they want to on the agenda. These meetings are unofficial and no formally binding decisions can be made at them. Not even minutes are kept.

d) The parliamentary workload, and consequently the administration's workload

Number of parliamentarians

The Eduskunta has 200 members. The parliamentary term is 4 years. An alternate is drafted as a member only if a permanent impediment prevents an elected

representative from continuing. Membership of the Council of State (i.e. the Government) does not constitute an impediment.

Sessions of the parliament

The total duration of sessions in the period between 1995 – 2002 averaged 551 hours per year. The number of days on which sessions were held averaged 127 per year in the same period. In election years, e.g. 1995 and 1999, the numbers of sessions are smaller than in other years. Sessions take place from February to June and from September to December.

Votes

The number of parliamentarians present when a vote is taken does not affect the situation regarding a quorum. The time of the next plenary session is always announced at the end of a plenary session and a quorum is present even if the Speaker, who presides over the proceedings, is alone in the chamber.

The average annual number of votes between 1999 – 2002 was 302.

Bills

A bill can be introduced by either the Government or an individual member of the Eduskunta. The Speaker's Council, comprising the committee chairs and the Speaker, can also initiate legislation in certain matters, for example introduce a motion to amend the legislation on Eduskunta officials. An average of 244 Government bills per year were introduced between 1995 – 2002. One-third of them were associated with the State budget for the following year.

Committees

The Eduskunta has the following standing committees: the Grand Committee, Constitutional Law Committee, Foreign Affairs Committee, Finance Committee, Administration Committee, Legal Committee, Communications Committee, Agriculture and Forestry Committee, Defence Committee, Education Committee, Committee for Social and Health Affairs, Economic Committee, Committee for the Future, Committee of Labour and Equality and Environment Committee.

The division of labour between the committees corresponds in general outline to that between ministries.

The Eduskunta can appoint ad hoc committees, but has not done so in recent years.

The Grand Committee has 25 regular and 13 alternate members. Each other of the standing committees has 17 regular and 9 alternate members, with the exception of the Finance Committee, which has 21 regular and 19 alternate members.

Committee procedures

The procedures followed in the standing committees are determined in the Rules of Procedure which the Eduskunta has adopted and more precise guidelines are issued by the Speaker's Council.

All matters presented to the Eduskunta for deliberation are prepared beforehand in committees. A bill is first debated in plenary session and then the Eduskunta decides, upon the proposal of the Speaker's Council, which committee to refer it to. The Eduskunta can also decide that one or several other committees must make a submission on the matter to the committee deliberating it.

A committee must deal with a matter referred to it without undue delay. It gives priority to deliberating Government bills and communications from the Government on European Union business and only then deliberates initiatives made by individual members of the Eduskunta.

A committee can request a submission from another committee. A committee can, on its own initiative and in relation to a matter within its remit, make a submission on the State budget to the Finance Committee within 30 days of the budget having been referred to the Finance Committee. This provision is necessary, because the budget is deliberated preliminarily only by the Finance Committee, which separates into sub-committees to deal with the various sections of the budget.

A committee can consult experts. A hearing of this kind takes place, on the initiative of a member of the Eduskunta, at a committee meeting.

When it deliberates a matter for the first time, a committee decides preliminarily on the content of a submission or statement. The committee makes its final decisions at the second handling, which is based on a submission or statement text drafted by the committee secretary. However, a committee can unanimously decide to resolve the matter at the first handling.

At each handling, the members of the committee must be provided with an opportunity to express their views on the matter as a whole before detailed deliberation begins. Experts are heard during the first handling, unless the committee decides otherwise for a special reason.

The members of a committee who have remained in the minority can append a written dissenting opinion to a submission or statement.

These statistics for 2002 are an example of the frequency of committee meetings:

- Grand Committee	74
- Constitutional Law Committee	144
- Foreign Affairs Committee	97
- Finance Committee	67
- Administration Committee	133
- Legal Committee	141
- Communications Committee	112
- Agriculture and Forestry Committee	98

- Defence Committee	35
- Education Committee	113
- Committee for Social and Health Affairs	140
- Economic Committee	119
- Committee for the Future	60
- Committee of Labour and Equality	110
- Environment Committee	106

Of this grand total of 1,549 meetings, six – three of the Grand Committee and three of the Foreign Affairs Committee – took place while the Eduskunta was in recess.

The explanation for the small number of Finance Committee meetings is that it works as nine separate sub-committees, which held a total of 453 meetings in 2002.

The role of the Speaker

The Speaker has no special role as an overseer of the actions of committee chairs.

Assistance provided to members

The whole of the Parliamentary Office, which has a staff of about 400 officials, is at the service of the members of the legislature. In addition, each member can engage a personal assistant if he or she wishes, and nearly all have done so. The parliamentary groups employ a total of about 50 persons, of whom half are political secretaries with academic degrees and the remainder technical secretaries.

e) Relations between the parliamentary administration and the legislative process

Providing advice on parliamentary procedure

At the beginning of each four-year term, the Parliamentary Office provides a comprehensive range of familiarisation material and lectures for new members and their assistants. All of these events are open also to experienced members as well as to all Eduskunta officials and the staffs of the parliamentary groups. All Eduskunta officials are available to provide advice in individual cases throughout a parliamentary term.

Basic documentation

Basic documentation, which is understood here as meaning Government bills and other matters submitted to the legislature for deliberation, is always available and is distributed in both paper and electronic form.

Supplementary information

The experts whose views are elicited at committee meetings provide members of the Eduskunta with supplementary information for use in assessing the compliance of

bills with the system of normative competence and drafting rules. In addition, the Eduskunta has an internal information service, which obtains information on matters when requested to do so by members. The parliamentary groups also employ experts in various fields, who carry out assessments of the compliance of Government bills with normative requirements. In this matter, indeed, we are actually at the heart of parliamentary work. It is control of the actions of the Government. It also extends beyond normative competence and compliance with rules. Members of the legislature try to ascertain also whether in the arguments it presents in support of a bill the Government has understood the existing situation correctly and whether the proposed legislation's effects on society will be what the Government says it is aiming to achieve.

Maintaining relations

Relations between the Eduskunta and the Government are maintained in many ways. Immediately upon its appointment, the new Government informs the Eduskunta of its programme. After this is deliberated, there is a vote of confidence on the matter if the opposition opposes the programme, which it normally does.

During the parliamentary term, the committees are quite well informed about the legislative programme. The fact that the division of labour between committees corresponds to that between ministries helps ensure that the committees are so well informed. The Government also always provides lists of both all bills to be introduced during the annual session and budget-related money bills, which must be decided on before the budget is adopted. The Eduskunta, in turn, decides by which date a bill must be submitted if the intention is for the legislation it proposes to enter into force at, for example, the beginning of the following year.

The chairs of the parliamentary groups supporting the Government meet every Tuesday during the term to discuss the problems that have arisen in the course of deliberation of bills. The Prime Minister's secretary responsible for Eduskunta matters is always present at this meeting and if necessary the relevant minister.

Officials at the Central Office of the Eduskunta conduct a constant dialogue with their counterparts at ministries in relation to both the timetables for Government bills and the dates at which legislation is to enter into force. The latter matter is normally decided when the President of the Republic signs an act into law.

Liaison with other outside bodies and authorities is maintained by asking them to designate experts to be consulted at committee meetings.

A committee can ask ministries for reports on also matters that are not under legislative deliberation in the Eduskunta.

Obtaining sight of legislative drafts

Legislative drafts can be read in public registers, because most drafts are produced by committees and working groups, whose reports are published.

Technical memoranda

Technical memoranda to facilitate oversight of statutory consistency and constitutionality are not written in the Eduskunta, which does not draft legislation. It is the Government which drafts laws, and the completed bills are submitted to the Eduskunta. The Constitutional Law Committee exercises oversight of constitutionality through its submissions and the reports and statements with which it provides other committees. Finland does not have a constitutional court.

f) Latest changes in parliamentary administration

On the institutional level

European integration has influenced the Eduskunta's work in many ways. When Finland joined the European Union in 1995, provisions according to which the Eduskunta participates in national-level deliberation in relation to EC decision making were enshrined in the Constitution.

In Finland, the Grand Committee acts as the standing committee responsible for EU affairs. Deliberation of EU legislation proposed by the Commission is initiated in the Eduskunta when the Government sends a communication concerning it to the Speaker. The Speaker forwards the communication to the Grand Committee as well as to one or several of the special committees. When the special committee has made its submission to the Grand Committee, the Grand Committee, having heard the view of the minister, expresses the Eduskunta's stance on this question. This stance is politically binding on the minister. When the matters deliberated relate to foreign and security policy, it is the Foreign Affairs Committee that expresses the position of the Eduskunta. A matter remains pending in the Eduskunta until it has been resolved in the European Union. A member of the Government also outlines the final outcome in the matter to the Grand Committee or the Foreign Affairs Committee.

The Prime Minister reports to the Grand Committee before and after meetings of the European Council.

If the Speaker's Council so decides, EU matters can also be discussed at a plenary session of the Eduskunta, but the legislature does not make a decision in a matter while it is still in the preparatory stage. EU decisions can be brought up for deliberation at a plenary session if the Eduskunta needs to approve them or pass legislation because of them.

The Eduskunta's Secretariat for EU Affairs comprises the secretariats of the Grand Committee and of the Foreign Affairs Committee. Its task is to assist the Speaker and the Secretary General in taking care of relations with EU institutions, especially the European Parliament. It also assists the standing committees, members and parliamentary groups in matters relating to the Union. Another important task is to take care of relations with the national parliaments of the other EU member states and especially their European affairs committees. The secretariat has a staff of 14.

The Secretariat for EU Affairs also serves as the Finnish coordinator for the Conference of the Community and European Affairs Committees of Parliaments of the EU (COSAC).

The Secretariat for EU Affairs likewise has a role in maintaining contacts with Finnish MEPs.

The Eduskunta has its own office in Brussels, staffed by one expert and an assistant. The expert obtains information on EU institutions and assists the Eduskunta in EU affairs.

The Eduskunta's other international affairs have been entrusted to the International Unit, which has a staff of 20.

In communications

Every member has a computer in his or her office and another at home as well as a mobile phone, all paid for by the Eduskunta. Internet and e-mail connections are provided. The home computers have ADSL (broadband)-level communications if the technology of the local network so permits. All members have at the least a modem connection.

In administration

The Eduskunta's own administration has been developed in the same direction as Community legislation has evolved unless a matter has already become binding on the Eduskunta's administration through national legislation. There are no conflicts worthy of mention.

At the scientific and technological level

One of the Eduskunta's standing committees is the Committee for the Future, the tasks of which include conducting technological assessments. The committee participates in the work of the EPTA. Its budget for each year includes an appropriation for commissioning studies and reports from outside providers.

Security issues

The security issues that became topical after the events of September 11 related mainly to ensuring the effective functioning of the system that was already in place at that time. All matters have been examined in great detail and some planned procurements have been brought forward. Examples include a computerised system capable of detecting all battlefield gases and industrial emissions, and which automatically triggers countermeasures. With respect to pollution originating more remotely, the device measures wind speed and direction to determine whether the Eduskunta needs to take protective measures.

Training

The strongest growth has been in teaching foreign languages.

Cooperation between parliamentary administrations

The Nordic parliaments have for many years been arranging conferences in various sectors, enabling them to present their own solutions and hear about how others have done things. For example, general administrative matters, including questions relating to salaries and expense allowances paid to parliamentarians, are discussed at biennial meetings of the administrative directors (+ 3 other administrative officials from each country). In the intervening years, the administrative departments also arrange a joint conference, but these are devoted only to ICT matters. The units responsible for legislative matters, external information, internal information and the library all have similar established traditions of joint conferences with their Nordic counterparts.

Any interparliamentary cooperation broader than this takes place mainly within the ECPRD framework.

FRANCE

Assemblée nationale

1. Le personnel

1.1. Les données numériques

1.1.1. L'augmentation du nombre de fonctionnaires de l'Assemblée nationale s'explique par une multitude de facteurs, dont certains peuvent être identifiés et datés très précisément, tandis que d'autres correspondent davantage à une évolution continue.

Parmi les premiers, on trouve en particulier :

- 1974 : acquisition de l'immeuble situé au 101, rue de l'Université, qui a entraîné la création d'un nombre important d'emplois d'agent ;
- 1983 : institution de l'Office parlementaire d'évaluation des choix technologiques et scientifiques ;
- 1986 : augmentation du nombre de députés, porté de 491 à 577 ;
- 1995 : instauration de la session unique (la durée de session ordinaire passant de 6 à 9 mois) ;
- institution de la Délégation de l'Assemblée nationale aux droits des femmes et à l'égalité des chances entre les hommes et les femmes et de la Délégation de l'Assemblée nationale à l'aménagement et au développement durable du territoire.

Parmi les seconds, on peut citer :

- le renforcement de l'activité de contrôle de l'Assemblée nationale ;
- le développement des activités internationales (création des services internationaux) ;
- la volonté d'ouverture sur l'extérieur, qui s'est traduite par la création du service de la Communication en 1989 et par l'organisation de nombreuses manifestations (Parlement des enfants, Journées portes ouvertes...) entraînant un travail de conception en amont et la mobilisation de nombreux personnels d'autres services ;
- le développement des nouvelles technologies (création de sites Internet et Intranet, équipement de micro-informatique systématique des services et, à partir de juillet 2002, des bureaux des députés).

1.1.2. La répartition du personnel par catégorie s'établit de la manière suivante :

Catégorie	1956	1976	2000	2003
Agents et gardiens-surveillants	323	490	588	587
Secrétaires des services	85	150	181	190
Secrétaires administratifs	0	38	50	55
Administrateurs-adjoints	63	56	109	136
Catégorie des Administrateurs (Conseillers, Directeurs et DG inclus)	87	129	168	172
Secrétaires des débats	14	14	21	21
Rédacteurs des débats	28	32	38	44
TOTAL (y compris les corps techniques)	602	927	1293	1354

Les agents sont essentiellement chargés de fonctions d'accueil (recevoir, orienter, renseigner...), de service intérieur (sécurité, port de plis, reprographie...) et de guide. Ils peuvent également se voir confier des tâches administratives ou techniques dans les services.

Les secrétaires des services sont chargés de tâches de dactylographie et de secrétariat type secrétariat de direction. Ils peuvent aussi, dans certains services, se voir confier certaines tâches administratives ou de gestion.

Les secrétaires administratifs constituent un corps extrêmement diversifié, dont les emplois peuvent dans certains cas s'assimiler à ceux des secrétaires des services (hormis la dactylographie) et dans d'autres à ceux des administrateurs-adjoints : traitement des feuilles de soin pour la Sécurité sociale, émission de billets d'avion ou de train pour les députés...

Les administrateurs-adjoints sont principalement chargés de tâches de gestion et de documentation.

Les administrateurs apportent une aide juridique et technique aux députés dans l'élaboration de la loi. Ils assurent également le fonctionnement administratif de l'Assemblée, même si les tâches purement administratives ont tendance à être transférées vers la catégorie des administrateurs-adjoints. Enfin, ils ont vocation à exercer des fonctions d'encadrement.

Les cadres de l'Assemblée nationale comportent en outre des emplois techniques (employés des restaurants, ouvriers professionnels, personnels divers au service des Bâtiments et au service des Systèmes d'information) qui ne sont pas répertoriés dans le tableau ci-dessus.

Les augmentations d'effectif ont déjà été expliquées précédemment.

Toutefois, on peut préciser que la catégorie des agents a été fortement augmentée suite à l'acquisition de nouveaux bâtiments et au développement des activités non directement liées à l'activité législative (visites, réunions, actions de communication telles que le Parlement des enfants).

La catégorie des administrateurs-adjoints, pour sa part, doit son développement à l'intégration en son sein des informaticiens, ainsi qu'au transfert de nombreux postes de gestion relevant précédemment de la catégorie des administrateurs.

Enfin, la catégorie des administrateurs a été essentiellement concernée par le développement de l'activité de contrôle de l'Assemblée et par le souhait des autorités politiques de renforcer le service des Commissions.

1.1.3. Au 1^{er} juillet 2003, les fonctionnaires (hors agents) se répartissaient de la manière suivante :

- 333 dans les services législatifs ;
- 161 dans les services administratifs ;
- 55 dans les services communs (Systèmes d'information – hors techniciens –, Protocole et gestion, Archives) ;
- 96 dans les services spéciaux (Comptes rendus, techniciens informatiques, Affaires immobilières et patrimoine...) ;
- 90 employés des restaurants et ouvriers professionnels.

Le service des Etudes et de la documentation, le service de la Bibliothèque (services législatifs) et le service des Archives (service commun) comptaient respectivement, à la même date, 36, 13 et 14 fonctionnaires.

Il n'existe aucune donnée sur le degré de mobilité interne entre les trois domaines. Seuls les administrateurs-adjoints sont soumis (ou fortement incités) à une mobilité entre services administratifs et services législatifs. Les administrateurs et, depuis 2001, les agents sont également soumis à des obligations de mobilité, mais la mobilité peut, pour ces catégories, s'effectuer au sein des seuls services législatifs ou des seuls services administratifs.

1.2. L'ouverture vers l'extérieur

1.2.1. Certaines tâches ont en effet été "externalisées". Ainsi, le ménage, autrefois effectué par les agents, est désormais confié à une entreprise extérieure. C'est également le cas de certaines activités relevant précédemment du service des Bâtiments.

De manière générale, l'externalisation concerne des tâches non directement liées à l'activité législative et de contrôle de l'Assemblée, qui n'apparaissent pas stratégiques et dont le niveau ne justifie pas qu'y soient affectés, compte tenu de leur rémunération, des fonctionnaires de l'Assemblée nationale. Elle permet de faire face aux nouveaux besoins sans continuer à augmenter exagérément les effectifs.

1.2.2. La collaboration de professionnels extérieurs peut être requise pour certaines missions. Il peut s'agir de personnels sous contrat : ainsi, un contractuel a été récemment chargé d'une mission d'évaluation de la sécurité. Il peut également s'agir de contrats d'étude avec des entreprises spécialisées : quatre audits ont été réalisés par des cabinets de conseil dans la période récente (l'un portait sur la catégorie des administrateurs, l'autre sur l'emploi des agents, le troisième sur l'informatique et le dernier sur l'organisation des services assistant les députés dans leur mission de contrôle).

1.2.3. La mobilité du personnel vers d'autres administrations est prévue, et même, pour les catégories des administrateurs et des administrateurs-adjoints, encouragée. Cette mobilité peut prendre deux formes (indépendamment de la disponibilité pour convenances personnelles) :

- la mise à disposition, qui ne concerne que les administrateurs et les administrateurs-adjoints. Dans cette position, le fonctionnaire conserve ses droits à l'avancement et à la retraite et continue d'être rémunéré par l'Assemblée. Quinze fonctionnaires des deux catégories suscitées peuvent être simultanément placés en position de mise à disposition. Cette forme de mobilité est relativement institutionnalisée, puisqu'un certain nombre d'organismes extérieurs accueillent régulièrement des fonctionnaires de l'Assemblée mis à leur disposition (Conseil constitutionnel, Cour des Comptes, Médiature...)
- le détachement, ouvert à toutes les catégories. Dans cette position, le fonctionnaire conserve ses droits à l'avancement et à la retraite mais est rémunéré par l'organisme d'accueil. Le détachement est donc, la plupart du temps, plus pénalisant que la mise à disposition. En revanche, la liste des organismes auprès desquels un détachement est possible est plus large ; en

particulier, un fonctionnaire peut être détaché auprès d'une collectivité territoriale, ce qui est exclu pour la mise à disposition.

En revanche, la mobilité dans les services de l'Assemblée de fonctionnaires relevant d'administrations extérieures est exclue. Cette interdiction relève du principe de séparation des pouvoirs, qui s'oppose à ce qu'un fonctionnaire conservant un lien hiérarchique avec son administration d'origine puisse exercer des fonctions à l'Assemblée. Elle ne vaut pas pour les personnels recrutés sur des emplois de type cabinet auprès de certaines autorités de l'Assemblée (Président, Questeurs, Présidents de commissions).

1.3. Le statut des fonctionnaires

1.3.1. Les fonctionnaires parlementaires sont des fonctionnaires de l'Etat, qui sont toutefois soumis à un statut particulier fixé par le Bureau de l'assemblée concernée.

De fait, le statut des fonctionnaires de l'Assemblée nationale s'inspire largement du statut général des fonctionnaires, même si la spécificité de l'institution justifie quelques aménagements. Par exemple, l'obligation d'assurer le fonctionnement des services quelle que soit la durée des séances et des sessions, données sur lesquelles l'administration n'a bien évidemment aucune prise et auxquelles elle est obligée de s'adapter, interdit de fixer statutairement une durée hebdomadaire de travail et une durée annuelle de congés. Les fonctionnaires sont soumis à une obligation de disponibilité, obligation qui est du reste rémunérée par un régime indemnitaire spécifique.

D'autres particularités découlent du fait que l'Assemblée est une petite administration dans laquelle les fonctionnaires passent en général toute leur carrière. Par exemple, l'Administration s'est toujours refusée à mettre en œuvre un système de liste d'aptitude pour l'accès à un corps supérieur, système qui, s'il peut se concevoir dans une grande administration dont les fonctionnaires ne se connaissent pas, serait ingérable dans un cadre "confiné".

1.3.2. Les emplois permanents de l'Assemblée nationale sont exclusivement pourvus par concours.

Les candidats aux concours d'administrateur et d'administrateur-adjoint doivent justifier d'un diplôme sanctionnant un second cycle d'études supérieures (maîtrise), d'un diplôme d'un institut d'études politiques, d'un diplôme de pharmacien, d'un

doctorat en médecine, d'un doctorat vétérinaire, d'un diplôme d'ingénieur ou d'un diplôme d'école de commerce.

De fait, une grande majorité des administrateurs est titulaire d'un diplôme d'un institut d'étude politique ou, dans une moindre mesure, d'une maîtrise ou d'un doctorat en droit.

Les candidats au concours de secrétaire des services doivent justifier d'un diplôme professionnel de secrétariat ou d'une expérience professionnelle d'au moins deux ans dans le domaine du secrétariat.

Les candidats au concours d'agent doivent justifier soit d'un diplôme professionnel et d'une expérience professionnelle d'au moins trois ans, soit du brevet des collèges et d'une expérience professionnelle d'au moins trois ans (avec conditions de continuité plus exigeantes que dans le cas précédent).

Service du Personnel

ÉVOLUTION DES EFFECTIFS RÉGLEMENTAIRES DE L'ASSEMBLÉE NATIONALE de 1960 à 1970

Services	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970
<i>Services des bureaux</i>											
Secrétaires généraux	2	2	2	2	2	2	2	2	2	2	2
Directeurs de service	12	12	12	12	12	12	12	12	12	11	12
Chefs de division	26	27	27	27	27	27	28	28	28	28	28
Administrateurs	52	48	48	48	48	48	48	48	60	60	56
Administrateurs-adjoints et secrétaires administratifs	61	63	63	64	64	64	63	63	63	63	67
Secrétaires des services	82	82	82	82	82	82	97	97	120	120	120
Agents	347	347	347	361	361	361	361	370	382	382	382
<i>Services spéciaux</i>											
Directeurs de service (1)	3	3	3	3	3	3	3	3	3	3	3
Directeurs-adjoints de service	4	4	4	4	4	4	4	4	4	4	4
Conseillers ou chefs de division	9	9	9	9	9	9	9	9	9	9	11
Secrétaires des débats	7	7	7	7	7	7	7	7	7	7	7
Sténographes réviseurs et rouleurs	21	21	21	21	21	21	21	21	21	21	21
Administrateurs- traducteurs	1	5	5	7	7	7	7	7	7	7	6
Divers	4	8	15	16	16	16	15	15	15	16	21
TOTAL	631	638	645	663	663	663	677	686	733	733	740

(1) CRI, CRA, Bâtiments, Cabinet médical

Service du Personnel

ÉVOLUTION DES EFFECTIFS RÉGLEMENTAIRES DE L'ASSEMBLÉE NATIONALE de 1970 à 1980

Services	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980
<i>Services des bureaux</i>											
Secrétaires généraux	2	2	2	2	2	2	2	2	2	2	2
Directeurs de service	12	12	13	13	13	13	13	13	14	14	14
Chefs de division	28	28	29	29	29	30	32	32	33	34	34
Administrateurs	56	56	62	62	67	70	72	72	72	74	76
Administrateurs-adjoints spécialisés (1)			44	44	49	56	56	58	58	60	60
Administrateurs-adjoints et secrétaires administratifs	67	67	30	30	31	33	38	38	38	39	39
Secrétaires des services	120	120	125	125	139	149	150	159	159	163	163
Agents	382	390	390	390	476	485	490	490	500	505	507
<i>Services spéciaux</i>											
Directeurs de service (2)	3	3	3	3	3	3	3	3	3	3	3
Directeurs-adjoints de service	4	4	4	4	4	4	4	4	4	4	4
Conseillers ou chefs de division	11	11	11	12	12	13	13	13	13	13	13
Secrétaires des débats	7	7	7	7	7	7	7	7	7	7	7
Sténographes réviseurs et routeurs	21	21	21	24	24	24	24	30	30	30	30
Administrateurs traducteurs	6	6	6	6	6	7	7	7	7	8	8
Divers	21	23	22	23	16	16	16	18	18	18	18
TOTAL	740	750	769	774	878	912	927	946	958	974	978

(1) 1972 : la catégorie des Administrateurs-adjoints éclate en deux catégories :

- les Administrateurs-adjoints spécialisés,
- les Administrateurs-adjoints, comptabilisés avec les secrétaires administratifs

(2) CRI, CRA, Bâtiments Cabinet médical

Service du Personnel

ÉVOLUTION DES EFFECTIFS RÉGLEMENTAIRES DE L'ASSEMBLÉE NATIONALE de 1980 à 1990

Services	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990
<i>Services des bureaux</i>											
Secrétaires généraux	2	2	2	2	2	2	2	2	2	2	2
Directeurs de service	14	14	14	14	15	15	15	15	15	16	16
Chefs de division	33	35	36	41	45	45	45	45	46	46	46
Administrateurs	74	76	80	80	88	88	88	88	86	86	86
Administrateurs-adjoints	60	60	71	71	71	72	72	74	74	74	79
Secrétaires administratifs	39	39	40	42	42	42	42	42	42	42	42
Secrétaires des services	163	165	176	176	172	172	170	170	170	172	173
Agents	507	529	553	553	553	553	553	553	569	583	591
<i>Services spéciaux</i>											
Directeurs de service (1)	4	4	4	4	4	4	4	4	4	4	4
Directeurs-adjoints de service	4	4	4	4	4	4	4	4	4	4	4
Conseillers ou chefs de division	14	14	14	14	10	10	10	10	12	12	12
Secrétaires des débats	7	7	7	10	10	10	10	10	10	14	14
Sténographes réviseurs et rouleurs	30	30	30	30	30	30	30	30	29	29	29
Administrateurs-traducteurs	9	9	9	8	catégorie fusionnée avec celle des Administrateurs en 1983						
Divers	8	9	10	13	14	22	28	28	28	28	28
TOTAL	968	997	1050	1062	1060	1069	1073	1075	1091	1112	1126

(1) CRI, CRA, Bâtiments, Cabinet médical

Service du Personnel

ÉVOLUTION DES EFFECTIFS RÉGLEMENTAIRES DE L'ASSEMBLÉE NATIONALE de 1990 à 2000

	1990	1991	1992	1993	1994	1995	1996	1997	1990	1999	2000
Services											
<i>Services des bureaux</i>											
Secrétaires généraux	2	2	2	2	2	2	2	2	2	2	2
Directeurs de service	16	16	16	16	17	17	17	17	18	18	18
Chefs de division	46	41	41	41	43	42	42	43	44	47	47
Conseillers, chargés de mission et Administrateurs	86	93	95	95	104	105	105	105	105	103	103
Administrateurs-adjoints	79	82	82	82	102	103	103	106	109	109	109
Secrétaires administratifs	42	42	42	42	44	45	45	45	45	50	50
Secrétaires des services	173	176	176	176	180	180	180	180	181	181	181
Agents + Gardiens-surveillants	591	602	591	588	585	585	579	590	590	588	588
<i>Services spéciaux</i>											
Directeurs de service (1)	4	4	4	4	4	4	4	4	4	4	4
Directeurs-adjoints de service (1)	4	4	4	4	4	4	4	4	4	5	5
Conseillers ou chefs de division	12	12	11	11	11	11	12	12	12	11	11
Secrétaires des débats	10	10	10	10	10	10	10	10	10	14	14
Rédacteurs réviseurs et rouleurs	29	29	29	27	27	27	27	27	27	29	29
Divers	28	28	28	18	23	23	23	25	26	29	29
Ouvriers professionnels								48	48	48	48
Employés des restaurants								52	52	55	55
TOTAL	1122	1141	1131	1116	1156	1158	1153	1270	1277	1293	1293

(1) CRI, CRA, Bâtiments, Cabinet médical.

ÉVOLUTION DES EFFECTIFS RÉGLEMENTAIRES DE L'ASSEMBLÉE NATIONALE

de 2001 à 2003

Services	2001	2002	2003
<i>Services des bureaux</i>			
Secrétaires généraux	2	2	2
Directeurs de service et directeurs généraux	18	19	19
Chefs de division	45	46	47
Conseillers chargés de mission et administrateurs	105	106	106
Administrateurs-adjoints	109	136	136
Secrétaires administratifs	55	55	55
Secrétaires des services	181	190	190
Agents et gardiens-surveillants	588	588	587
<i>Services spéciaux</i>			
Directeurs de service (1)	4	3	2
Directeurs-adjoints	5	5	5
Conseillers et assimilés	11	9	9
Secrétaires des débats	14	14	14
Rédacteurs réviseurs et rouleurs	35	35	35
Divers	29	42	42
Ouvriers professionnels	48	47	47
Employés des restaurants	55	56	58
TOTAL	1304	1353	1354

(1) Compte rendu intégral, comptes rendus analytiques, Bâtiments, Cabinet médical

2. Analyse comparée des administrations parlementaires : le rapport politique / administration

2.1. Le rapport au sommet entre administration et politique

Remarque liminaire

La règle d'airain de la fonction publique parlementaire française est celle de la neutralité. Dès lors, un cloisonnement étanche sépare les autorités politiques, au demeurant collégiales et multiples et l'administration de l'Assemblée. Celle-ci est placée sous l'autorité de deux hauts fonctionnaires : le Secrétaire général de l'Assemblée qui dirige les services législatifs et les centralise auprès du Président et le Secrétaire général de la questure qui dirige les services administratifs et les centralise auprès des Questeurs, les services communs leur étant rattachés conjointement.

L'administration met en œuvre les décisions des organes politiques, assure sous leur autorité la gestion de l'Assemblée, apporte une assistance technique aux députés et diligente les procédures. Se caractérisant par sa permanence, elle est au service de l'institution parlementaire et de l'ensemble des députés qui la composent.

2.1.1. Comment est composé et comment fonctionne le Bureau? Quelles sont ses fonctions ? Quel est son rapport avec le sommet de l'administration?

Le Bureau est l'organe collégial suprême de l'Assemblée. Composé de 22 membres « en s'efforçant de reproduire la configuration politique de l'Assemblée », il regroupe, sous la présidence du Président de l'Assemblée, les six vice-présidents, les trois questeurs et les douze secrétaires. Ses membres sont élus pour un an à l'exception du Président, élu pour la durée de la législature. Le Bureau a tous pouvoirs pour régler les délibérations de l'Assemblée et pour organiser et diriger les services. Il est réuni à l'initiative du Président, environ tous les deux mois.

Au sein du Bureau, les Questeurs constituent en fait collectivement les « Ministres des Finances » de l'Assemblée. C'est au cours de leur réunion (en principe hebdomadaire) que sont prises, sur rapport du Secrétaire général de la Questure, toutes les décisions relatives aux dépenses. Ils établissent en outre le budget de la Chambre et fixent le montant de la dotation demandée à l'Etat. C'est enfin eux qui prennent les décisions relatives à la tenue des concours de recrutement de fonctionnaires ou d'embauche de contractuels.

Le Bureau détermine par des règlements intérieurs l'organisation et le fonctionnement des services ainsi que le statut du personnel et les rapports entre

l'administration de l'Assemblée et les organisations professionnelles du personnel. Il nomme les fonctionnaires de rangs les plus élevés, tout particulièrement les secrétaires généraux et les directeurs de service. Les deux secrétaires généraux assistent au Bureau mais n'en sont pas membres et n'ont pas voix délibérative. Le Secrétariat général de la présidence assure le secrétariat du Bureau ; il prépare ses réunions et veille à leur exécution.

Les structures de soutien à la politique et à l'action institutionnelle

Remarque liminaire

Il n'est pas certain que la distinction entre structures de soutien aux politiques et structures de soutien à l'activité institutionnelle soit toujours pertinente dans le cas des assemblées françaises, du moins en ce qui concerne l'administration et la fonction publique parlementaires.

En réalité, pour les motifs énoncés plus haut, l'ensemble des services, à un titre ou à un autre, peuvent être regardés comme des structures de soutien à l'activité institutionnelle. Même lorsqu'ils sont appelés à apporter leur collaboration à un député en particulier, comme peut le faire, par exemple, le service des études, les services agissent pour aider le membre du Parlement, dans l'exercice de son mandat, et non l'homme politique. Si certaines structures, comme des secrétariats de commission, apparaissent comme des structures de soutien au Président et aux rapporteurs de la commission, c'est à titre institutionnel et non politique et ce rôle n'est d'ailleurs pas exclusif de l'assistance apportée par le secrétariat d'une commission à la commission elle-même, collectivement.

2.2. Les structures de soutien à la politique

2.2.1. Comment est composée la structure de soutien au Président de l'Assemblée ? Quels sont les bureaux ordinaires de l'administration qui servent directement le Président et quels sont les bureaux qui sont nommés sur une base exclusivement fiduciaire par le Président ? Quel type de fonctions l'administration a-t-elle par rapport aux tâches du Président ?

Le Président de l'Assemblée peut naturellement, comme tout député, faire appel à l'ensemble des services de l'Assemblée mais institutionnellement il est assisté dans sa tâche par le Secrétaire général de l'Assemblée, le Directeur général des services législatifs et, sous leur autorité, par la division du Secrétariat général de la présidence,

cellule légère -un conseiller et trois secrétaires- chargée d'instruire les dossiers du Secrétariat général et par le service de la Séance qui connaît directement des dossiers liés à la présidence de la séance publique. Ces services instruisent les dossiers qui lui sont transmis par la présidence et préparent les projets de réponses ou les études qu'elle lui demande. Ils assistent et conseillent le Président dans l'exercice de toutes questions intéressant tant la présidence que l'Assemblée elle-même.

S'il n'existe pas à proprement parler de «bureaux nommés par le Président, sur une base exclusivement fiduciaire», cette expression peut, en revanche, s'appliquer à son cabinet qui regroupe les collaborateurs personnels du Président. Le Président choisit librement les membres de son cabinet, dont le nombre n'est pas limité. Il s'agit soit de fonctionnaires mis à disposition par leur administration d'origine, soit de contractuels engagés par l'Assemblée, à la demande du Président.

2.2.2. Comment est composée la structure de soutien au Président de commission? Quelles sont dans cette structure les ressources internes et quelles sont les ressources fiduciaires? Quelles fonctions l'administration a-t-elle par rapport aux tâches du Président de commission?

Le Président d'une commission permanente est assisté d'un secrétariat composé de fonctionnaires de l'Assemblée. Ces fonctionnaires (conseillers, administrateurs, administrateurs-adjoints et secrétaires), dont le nombre varie selon le domaine de compétence de la commission (de 20 conseillers et administrateurs pour la commission des finances à 5 conseillers et administrateurs pour la commission des affaires étrangères), et dont les tâches relèvent de l'assistance technique, sont placés sous l'autorité d'un chef de secrétariat qui est le collaborateur le plus direct du Président de la commission : il est notamment chargé de l'organisation des travaux de la commission et de l'application des décisions de son Bureau.

Le Président d'une commission dispose également d'un crédit pour embaucher, par contrat de droit privé, un collaborateur dénommé assistant du président de commission, qui l'assiste dans ses tâches strictement politiques et notamment dans ses relations avec le gouvernement et les groupes parlementaires, mais qui ne peut assister aux réunions de la commission.

2.2.3. De quelle structure de soutien dispose le rapporteur du projet/proposition de loi ? Quelles sont les tâches de l'administration et les tâches attribuées aux structures des partis ou des groupes parlementaires?

Les différents secteurs de compétence de la commission sont répartis au sein du secrétariat entre les conseillers et les administrateurs qui sont chargés d'assister les membres de la commission, et tout particulièrement les rapporteurs, dans leurs travaux

de préparation et d'étude des projets et propositions ainsi que dans l'organisation des auditions et des missions d'information qu'ils peuvent être amenés à conduire.

Les fonctionnaires de la commission assument donc des tâches techniques d'analyse des textes, de rédaction des commentaires qui les explicitent et des amendements.

Parallèlement, le personnel des groupes parlementaires apporte aux membres de la commission relevant de leur groupe une aide tant intellectuelle que politique, notamment pour la rédaction d'amendements de compromis résultant des arbitrages intervenus en réunion de groupe.

2.2.4. De quelle structure de soutien dispose chaque député? Quels sont les services fournis par l'administration et quels sont les services qu'il reçoit des structures des partis ou des groupes parlementaires ou bien de ses propres bureaux?

L'ensemble des services se tient à la disposition de chaque député pour lui apporter l'assistance nécessaire à l'exercice de sa mission. En particulier, les députés peuvent s'adresser aux services d'études qui les aideront à rédiger des interventions, des propositions de loi, des amendements ou à répondre au courrier de leurs électeurs. Les groupes politiques s'organisent librement, mais il est de coutume que leur secrétariat administratif, qui n'est pas composé de fonctionnaires parlementaires, soit également en mesure d'apporter aux députés qui leur appartiennent l'aide intellectuelle nécessaire à l'exercice de leur mandat. Enfin, chaque député dispose d'un crédit -actuellement 8469 euros par mois- lui permettant de recruter, sous contrats de droit privé et dans la limite de cinq, les collaborateurs de son choix.

2.2.5. Là où une part importante des activités est déployée par du personnel des partis, des groupes ou par du personnel fiduciaire payé par l'Etat, est-il possible de déterminer l'évolution de ce personnel au cours des années? Est-il possible d'expliquer cette évolution?

En vertu de l'article 20 du Règlement de l'Assemblée nationale, les groupes politiques assurent leur service intérieur par un secrétariat administratif dont ils règlent eux-mêmes le recrutement et le mode de rémunération.

Pour financer leurs frais de secrétariat les groupes perçoivent notamment une subvention de l'Assemblée nationale. Cette subvention, versée mensuellement, est proportionnelle au nombre de députés inscrits ou apparentés à chaque groupe. Elle est revalorisée en fonction de l'évolution des rémunérations publiques. Depuis le 1er mars 2002 son montant est de 1125 euros par mois et par député inscrit ou

apparenté. Le budget de l'Assemblée nationale pour 2003 prévoit une dotation de 7 840 000 euros pour cette subvention.

L'effectif des personnels des groupes s'est fortement accru depuis quarante ans puisqu'il est passé de 7 en 1962 à 55 en 1983, à 104 en 1992 et à 118 en 2001 avant de revenir à 96 en 2003. Cette évolution traduit notamment le souci des députés de mieux s'organiser pour faire face à la complexité technique croissante de la législation.

S'agissant du personnel fiduciaire, l'article 5-4° de l'Instruction générale du Bureau de l'Assemblée nationale dispose que les fonctionnaires des administrations centrales, mis à la disposition des commissions de la Défense nationale et des Forces armées et des Finances, de l'Economie générale et du Plan, à la demande de leurs présidents, en qualité d'experts ont une mission de simple information.

Les fonctionnaires, ainsi que les assistants des présidents des commissions, relèvent uniquement, sous sa responsabilité personnelle, du président de la commission concernée.

En aucun cas, ils ne peuvent prendre part aux travaux des commissions, assister à leurs réunions, ni prendre communication de leurs procès-verbaux. Ils peuvent occuper un bureau dans les locaux de l'Assemblée.

Si la disposition relative aux fonctionnaires détachés des administrations centrales subsiste dans l'Instruction générale, il n'y a plus à l'Assemblée nationale de détachés du ministère des Finances auprès de la commission des Finances depuis 1982, date à laquelle le rapporteur général a été doté d'une équipe d'administrateurs chargée de l'assister pour l'élaboration du rapport général sur la loi de finances. Il en est de même à la commission de la Défense depuis 1986. Cette évolution résulte d'une volonté d'indépendance des assemblées parlementaires et des députés par rapport au pouvoir exécutif.

2.3. Les structures de soutien à l'activité institutionnelle

2.3.1. Quel est le rôle des bureaux dans la conception (avant même que dans le déroulement) des activités des organes parlementaires ayant un haut degré de complexité organisationnelle (par exemple: missions à l'étranger, procédures d'information, rapports avec d'autres institutions, etc.)?

Il n'appartient pas aux services de l'Assemblée de concevoir d'eux-mêmes «les activités des organes parlementaires ayant un haut degré de complexité organisationnelle». Les missions à l'étranger comme les procédures d'information –

choix d'une question donnée à étudier, constitution de missions d'information ou de commissions d'enquête- sont décidées par les autorités politiques compétentes. Une fois la décision prise, les services sont naturellement appelés à mettre en œuvre les procédures afférentes. A ce titre, ils peuvent suggérer, par exemple, des thèmes à aborder dans un rapport d'information, les personnes susceptibles d'être auditionnées par une instance parlementaire, ou rencontrées au cours d'une mission. Il appartient enfin aux services de l'Assemblée d'assurer le suivi des dossiers qu'ils ont à connaître et d'entretenir à ce titre les contacts et rapports nécessaires avec d'autres institutions. Ainsi, par exemple, le règlement intérieur sur l'organisation des services prévoit-il que les responsables administratifs des commissions permanentes «assurent les liaisons nécessaires avec la commission correspondante du Sénat et avec les départements ministériels intéressés.»

2.3.2. Eu égard aux documents ou aux informations provenant de l'extérieur (par exemple, du Gouvernement), quel est le rôle des bureaux (de synthèse, élaboration, vérification des données ou autre)?

L'Assemblée nationale est destinataire de très nombreux documents, nationaux communautaires ou étrangers.

Ce sont principalement les services de documentation qui sont chargés de leur réception ou de leur acquisition. Outre des tâches classiques de classement et d'indexation, ces services sont appelés à les exploiter. Selon les cas, ils constituent ainsi des dossiers documentaires, rédigent des notes de synthèse sur des questions en rapport avec les travaux de l'Assemblée, assurent le suivi documentaire de nombreux pays étrangers et des instances internationales, tout particulièrement européennes. La division de l'Union européenne, seule destinataire à l'Assemblée nationale de l'intégralité des documents européens, opère une sélection et établit un fascicule mensuel comportant références et brèves analyses.

Le service des études met à la disposition des parlementaires, sur le site intranet, des documents d'actualité, des indicateurs économiques et financiers et des statistiques ainsi que des informations dont il est producteur, notamment des notes rédigées à la demande de députés mais portées à la connaissance de tous en raison de leur intérêt.

Dans l'accomplissement de ces tâches, les services sont naturellement conduits à s'assurer de la qualité des informations qu'ils reçoivent mais ils ne sont pas en mesure, dans la grande majorité des cas, de vérifier l'exactitude des données, notamment chiffrées, qui leur sont communiquées.

2.3.3. Peut-on identifier des secteurs où l'expertise interne des administrations parlementaires a un rôle prépondérant?

L'administration parlementaire, qui se caractérise par sa polyvalence, n'a pas tant vocation à exercer une mission d'expertise dans tous les secteurs de l'activité du pays, qu'à apporter l'assistance nécessaire aux députés pour accomplir leur mission, qui n'est pas une mission d'expert, mais de représentant de la Nation, de législateur et de contrôleur du Gouvernement.

En revanche, l'administration parlementaire est tout naturellement experte... en procédure parlementaire. Dès lors, quoique toujours sous le contrôle des autorités politiques, c'est en matière d'application des procédures constitutionnelles législatives ou du règlement de l'Assemblée -notamment en ce qui concerne le droit d'amendement- que l'expertise interne des administrations parlementaires tient une place prépondérante.

3. Analyse comparée des administrations parlementaires: les capacités de réaction aux changements.

3.1. Les facteurs de changement

Les facteurs de changement sont multiples et il est certainement impossible d'en dresser la liste exhaustive.

Il y a certes la complexité croissante des problèmes que le Parlement doit traiter, tant dans son activité législative que de contrôle. Il y a aussi la volonté d'ouverture du Parlement sur l'extérieur, le souhait de bénéficier des nouvelles technologies. Mais il y a surtout la volonté politique de plus en plus affirmée de développer la mission de contrôle du Parlement.

La complexité croissante des problèmes de notre société a conduit à instaurer en 1983 un office parlementaire d'évaluation des choix scientifiques et technologiques qui a pour mission d'informer le Parlement et d'éclairer ses décisions dans ce domaine. Les rapporteurs sont assistés par un secrétariat unique composé de fonctionnaires de l'Assemblée nationale et du Sénat; ils peuvent en outre avoir recours à des experts extérieurs au Parlement.

Parallèlement, le foisonnement et la technicité croissante de la législation, et la difficulté d'en mesurer l'impact, ont entraîné la création d'un office parlementaire d'évaluation de la législation en 1996. Egalement commun aux deux Assemblées, le

secrétariat en est assuré conjointement par ceux des commissions des lois de l'Assemblée nationale et du Sénat.

Au sein de la commission des finances, la mission d'évaluation et de contrôle, assistée par un conseiller, a été instaurée en 1999 pour évaluer l'efficacité des moyens budgétaires mis en œuvre dans le cadre des politiques publiques.

Afin de répondre à la nécessité de traiter de sujets plus variés, ou afin d'en approfondir certains plus que par le passé, deux délégations ont vu le jour également en 1999. La délégation aux droits des femmes et à l'égalité des chances entre les hommes et les femmes a pour mission d'informer l'Assemblée de la politique suivie par le Gouvernement dans ce domaine ; elle peut être saisie sur des projets et propositions de loi portant sur ce sujet. Elle est assistée dans ses travaux par deux conseillers. Quant à la délégation à l'aménagement et au développement durable du territoire, elle est chargée d'évaluer les politiques d'aménagement du territoire et dispose d'un droit d'auto-saisine sur toute question de cet ordre. Son secrétariat est assuré par un conseiller.

Fin 2002, a été créé un office parlementaire d'évaluation des politiques de santé publique, qui est composé de délégations de l'Assemblée nationale et du Sénat, dont le secrétariat est assuré conjointement par les commissions des affaires sociales des deux Assemblées, et qui peut avoir recours à des experts extérieurs au Parlement.

Les développements de la construction européenne, et l'émergence d'une diplomatie parlementaire ont entraîné le renforcement des services européens et internationaux, érigés en Direction générale en 1994.

Le souci d'ouverture sur l'extérieur, de valoriser l'image de l'Assemblée et de développer l'action pédagogique de celle-ci a entraîné la création du service de la communication en 1989, et l'organisation de très nombreuses manifestations.

Pour faire face au très net développement des nouvelles technologies au cours des années récentes, le service chargé de l'informatique - dénommé à présent service des systèmes d'information - a été étoffé, et au sein du service de la communication, une division de l'information multimédia a été chargée du développement des sites Internet et Intranet.

3.2. Le processus d'intégration européenne

3.2.1. Quels changements l'organisation de l'administration a-t-elle expérimentés à la suite de l'évolution du processus d'intégration européenne?

Jusqu'en 1979, aucun organe spécifique de l'Assemblée nationale ne suivait les questions européennes et l'étude de ces questions était confiée au service de la documentation étrangère. Le développement du processus d'intégration européenne et surtout la création de la Délégation de l'Assemblée nationale pour l'Union européenne, par la loi du 6 juillet 1979, puis le renforcement de ses pouvoirs, par les réformes successives de 1990¹⁴, de 1992¹⁵ et de 1999¹⁶, ont conduit à la création du service des Affaires européennes dédié strictement aux questions européennes.

Le service des Affaires européennes comporte deux divisions:

- la division des Communautés européennes et de l'Union européenne assure le secrétariat de la Délégation de l'Assemblée nationale pour l'Union européenne et assure la documentation relative aux Communautés européennes et à l'Union européenne ;
- la division des études et des relations parlementaires européennes mène des études sur les pays européens et les relations avec leurs parlements.

Deux structures transversales ont été créées au sein du service pour répondre à des besoins précis: une cellule documentation et saisie informatique qui gère en particulier une base informatique de documents européens (Eurodoc-AN), un bureau de liaison de l'Assemblée nationale auprès du Parlement européen. Une cellule dédiée à la Convention sur l'avenir de l'Europe a été également mise sur pied pendant la durée de vie de celle-ci.

**3.2.2. Combien de personnes ont été embauchées pour accomplir ces tâches?
Combien de ressources internes ont été transférées?**

La division des Communautés européennes et de l'Union européenne comprend 23 personnes (onze administrateurs ou conseillers dont le chef du secrétariat, un administrateur adjoint, trois secrétaires administratifs, cinq secrétaires, trois agents). La division des études et des relations parlementaires européennes comprend 7 personnes à temps complet (deux administrateurs ou conseillers dont le chef de division, deux administrateurs adjoints, deux secrétaires administratifs, une secrétaire) et fait appel à trois administrateurs ou conseillers à temps partiel (en fonction des connaissances linguistiques).

Si, lors de la création du service, une partie des effectifs a été constituée à partir de ressources internes, on peut affirmer à présent que cette création a finalement induit le recrutement d'une trentaine de personnes.

¹⁴ Loi Josselin

¹⁵ révision constitutionnelle préalable à la ratification du traité de Maastricht

¹⁶ révision constitutionnelle préalable à la ratification du traité d'Amsterdam

3.2.3. Quel est le type d'activité la plus complexe effectuée en soutien de l'activité des instances parlementaires en matière de rapport avec l'Union européenne?

La Délégation pour l'Union européenne a de multiples fonctions :

- audition de membres du Gouvernement, de personnalités étrangères et de représentants des Communautés européennes ;
- publication de rapports d'information sur des sujets de son choix ;
- analyse des projets ou des propositions d'actes européens avec le droit de se prononcer sur ces projets (mécanisme de la réserve d'examen parlementaire) et la possibilité d'adopter des résolutions sur des documents européens ;
- mission générale d'information des Commissions permanentes et de l'ensemble des députés ;
- dialogue permanent avec les Parlements des pays membres de l'Union européenne et des Etats candidats (rôle de la COSAC) ;
- suivi de la transposition des normes européennes.

Si chacune de ces missions est exigeante en termes de moyens et de résultats, les activités les plus complexes du secrétariat de la Délégation sont incontestablement l'étude des normes européennes, souvent techniques, dans des délais très courts, et le suivi de la transposition des normes en droit français.

3.3. L'activité de l'administration en matière de législation

3.3.1. Demande de données concernant le nombre d'heures de travail au sein de la commission et le nombre d'heures en séance plénière par année.

Les tableaux ci-après reflètent l'activité des commissions et de l'Assemblée en séance plénière au cours de la XIème Législature (juin 1997 – juin 2002):

Séances publiques	Nombre d'heures	Commissions	Délégations et Offices	Com. d'enquête
12 juin 1997 – 30 sept. 1997	77 h	136 h	21 h	
1 ^{er} oct. 1997 – 30 sept. 1998	269 h	621 h	169 h	
1 ^{er} oct. 1998 – 30 sept. 1999	295 h	598 h	109 h	
1 ^{er} oct. 1999 – 30 sept. 2000	244 h	544 h	191 h	
1 ^{er} oct. 2000 – 30 sept. 2001	224 h	526 h	193 h	
1 ^{er} oct. 2001 – 18 juin 2002	143 h	311 h	116 h	
TOTAL	1197 h	2737 h	800 h	951 h

3.3.2. Quels changements a connus l'organisation de l'administration ou la qualité de son travail dans l'activité de soutien de la fonction législative du Parlement?

Les services de l'Assemblée ont dans l'ensemble tous connu une assez forte croissance au cours de ces dernières années. Dans l'activité de soutien de la fonction législative, ce mouvement a naturellement affecté le service des commissions qui apporte une aide technique aux rapporteurs des projets et propositions de loi et les services d'études, tout particulièrement en matière européenne. Les rapports faits sur un projet ou une proposition de loi portant sur les domaines couverts par l'activité de l'Union européenne doivent en effet comporter en annexe des éléments d'information sur le droit européen applicable et la législation en vigueur dans les principaux pays de l'Union (art. 86 du Règlement de l'Assemblée nationale). En outre, et sans qu'il s'agisse à proprement parler de l'activité législative, l'examen d'un grand nombre de propositions d'actes communautaires, transmises aux assemblées en application de dispositions introduites dans la Constitution française en 1992, a nécessité le renforcement du secrétariat de la délégation pour l'Union européenne.

Par ailleurs, un projet d'informatisation de la procédure des amendements est en cours de réalisation. Les services compétents prennent une part active à ce projet. D'ores et déjà, d'importants efforts ont été engagés pour faire mieux connaître l'activité législative par le développement des ressources de l'internet : les travaux préparatoires des lois ainsi que des dossiers législatifs sont mis en ligne, de même que de nombreux renseignements, notamment statistiques, sur l'activité de l'Assemblée.

3.3.3. Que fait l'administration en vue de connaître l'activité normative mise en œuvre par le Gouvernement ?

Plusieurs services suivent à un titre ou à un autre l'activité normative du Gouvernement. Les fonctionnaires des commissions, en assurant le suivi de l'application des lois peuvent vérifier si les décrets d'application ont été pris et signaler des carences aux membres de la commission. Un office parlementaire, commun aux deux assemblées, et dont le secrétariat est assuré par les secrétariats des commissions des lois de l'Assemblée et du Sénat, est spécialement compétent en cette matière.

Par ailleurs, le service des études en constituant des dossiers thématiques, est conduit à dépouiller les textes produits par le Gouvernement et, en traitant le courrier parlementaire dont il est saisi, à mesurer les difficultés d'application concrètes de la législation et des règlements.

Enfin, les services documentaires reçoivent ou éventuellement acquièrent l'ensemble de la production normative gouvernementale, la classent, la conservent et

l'exploitent de manière à la tenir à la disposition des parlementaires, de leurs collaborateurs et des autres services.

3.3.4. Peut-on évaluer une variation entre le personnel salarié des services administratifs par rapport au personnel des services législatifs?

En juillet 2003, les effectifs de l'Assemblée nationale s'élevaient à 1304 fonctionnaires en activité réelle (pour un effectif théorique total de 1354 personnes). Une constante augmentation du nombre des personnels est enregistrée. Ainsi, on pouvait dénombrer 1255 fonctionnaires en février 1997, 1285 en février 1999 et 1295 en janvier 2002.

Si l'on excepte les services communs (service des Archives, service des Systèmes d'information et division du Protocole et de la gestion) qui ne regroupent que 70 fonctionnaires, les personnels se répartissent de manière assez équitable entre les services administratifs (641 fonctionnaires) et les services législatifs (603 fonctionnaires). On peut les répartir de la façon suivante:

	SERVICES ADMINISTRATIFS	SERVICES LÉGISLATIFS
Administrateurs	27	139
Administrateurs-adjoints	33	67
Agents	306	202
Emplois techniques et spéciaux	110	4
Secrétaires des services	73	105
Secrétaires administratifs	27	21
<u>Autres:</u>		
gardiens-surveillants	64	-
rédacteurs des débats	-	43
secrétaires des débats	-	21

On peut souligner plusieurs aspects.

- Les agents et les titulaires d'emplois techniques sont majoritairement affectés au sein des services administratifs.

En effet, l'Assemblée nationale assure directement la gestion de ses services techniques (restaurants, surveillance et entretien des bâtiments dont elle est propriétaire...), elle dispose donc d'employés des restaurants, de gardiens-surveillants et d'ouvriers professionnels.

En revanche, les secrétaires et rédacteurs des débats sont, en raison même de leur fonction, exclusivement affectés aux services législatifs.

- Les administrateurs et administrateurs-adjoints sont très majoritairement affectés dans les services législatifs. Cette tendance originelle n'a cessé de se renforcer.

Ainsi, en février 1999, il y avait 145 administrateurs et 61 administrateurs-adjoints dans les services législatifs contre respectivement 30 et 55 dans les services administratifs (la notion d'administrateur comprenant les administrateurs proprement dits mais aussi les conseillers et les directeurs). Cet écart ne s'est jamais démenti puisque les administrateurs étaient 144 dans les services législatifs et 26 dans les services administratifs en octobre 2000. En juillet 2003, on compte 139 administrateurs et 67 administrateurs-adjoints dans les services législatifs contre 27 et 33 dans les services administratifs.

La volonté de renforcer les pouvoirs du Parlement et son rôle de contrôle, le développement des services internationaux, la complexité croissante du système juridique et l'inflation législative en étant les principales causes, il est vraisemblable que cette tendance perdure.

* * *

Organigramme des Services de l'Assemblée nationale:

<http://www.assemblee-nationale.fr/qui/organigramme/>

L'IDENTITÉ DE L'ADMINISTRATION DE L'ASSEMBLÉE NATIONALE FRANÇAISE

Deux traits caractérisent l'administration de l'Assemblée nationale: l'autonomie des autorités politiques de l'Assemblée en matière de détermination du statut du personnel et d'organisation des services d'un côté ; de l'autre, la personnalisation de l'aide apportée aux députés par les fonctionnaires dans le respect d'une neutralité politique absolue.

1. L'autonomie de gestion administrative de l'Assemblée nationale

Elle résulte du Règlement de l'Assemblée (*) et de l'ordonnance 58-1100 du 17 novembre 1958 relative au fonctionnement des assemblées parlementaires (**).

1.1. Les autorités compétentes en matière d'administration de l'Assemblée sont le Bureau (a. 14, 17 et 18 du Règlement, a. 8 de l'ordonnance), le Président (a. 13 du Règlement, a. 3 de l'ordonnance) et les Questeurs (a. 15 du Règlement):

- Le Président veille à la sécurité intérieure et extérieure de l'Assemblée, et préside le Bureau.
- Le Bureau organise et dirige les services, et détermine le statut du personnel.
- Les Questeurs, sous la direction du Bureau, sont chargés des services administratifs et financiers et sont seuls habilités à engager les dépenses nouvelles.

L'autonomie dont jouissent ces autorités en matière administrative a pour fondement théorique le principe de séparation des pouvoirs, affirmé avec constance en droit constitutionnel français depuis Montesquieu.

Elle peut s'exercer dans la pratique, dans la mesure où elle s'appuie sur une autonomie financière législativement consacrée (art. 7 de l'ordonnance) et constamment respectée.

1.2. Organisation des services

(*) <http://www.assemblee-nationale.fr/connaissance/reglement.asp>

(**) <http://www.assemblee-nationale.fr/connaissance/ordonnance-fonctionnement.asp>

La liberté pour une Assemblée d'organiser ses propres services paraît aller de soi et ne pas présenter un caractère original. A l'Assemblée, les décisions du Bureau en la matière sont regroupées dans le « Règlement intérieur sur l'organisation des services portant statut du personnel ».

On note néanmoins à ce propos une particularité de notre organisation administrative : son bicéphalisme. Celui-ci résulte des pouvoirs administratifs et financiers spécifiquement attribués par l'article 15 du Règlement de l'Assemblée nationale aux Questeurs.

En conséquence, l'article 2 du Règlement intérieur sur l'organisation des services portant statut du personnel de l'Assemblée nationale consacre la distinction entre services législatifs et services administratifs : le Secrétaire général de l'Assemblée et de la Présidence, assisté d'un Directeur général des services législatifs, dirige les services législatifs, les centralise auprès du Président, et il est responsable auprès de lui de leur bonne marche ; le Secrétaire général de la Questure, assisté d'un Directeur général des services administratifs, exerce un rôle symétrique pour les services administratifs vis-à-vis des Questeurs. Cette dichotomie a été atténuée à partir de 1994 où sont apparus des services « communs », relevant des deux Secrétaires Généraux, qui en sont responsables conjointement devant le Président et les Questeurs (Protocole – Archives – Informatique). Elle reste néanmoins un élément structurant de la gestion administrative.

1.3. Statut du personnel

L'autonomie du Bureau est également affirmée en matière du statut du personnel. Elle s'étend au régime de sécurité sociale et de retraite des fonctionnaires.

En effet, bien qu'en 1983, les fonctionnaires des assemblées parlementaires se soient vu reconnaître la qualité de fonctionnaires de l'Etat, recrutés par concours, le Bureau reste la seule autorité compétente pour déterminer leur statut. En conséquence de quoi, les lois réglementant la fonction publique de l'Etat ne sont pas applicables de plein droit au personnel de l'Assemblée. En conséquence de quoi aussi, les services de l'Assemblée sont exclusivement assurés par un personnel propre, recruté et nommé dans les conditions déterminées par le Bureau. Le Bureau de l'Assemblée a ainsi toute latitude pour créer des emplois, procéder à des recrutements - pourvu que ce soit par concours pour les emplois permanents, et organiser la carrière et la rémunération de ses fonctionnaires.

Mais, de fait, le statut des fonctionnaires de l'Assemblée nationale s'inspire largement du statut général des fonctionnaires : la gestion des fonctionnaires par corps, les principes de rémunération, d'avancement, l'organisation des concours, etc... sont décalqués de ceux de la Fonction publique, même si la spécificité de l'institution et la taille réduite de l'administration justifient quelques aménagements, par exemple en matière de durée de travail.

La liberté d'action du Bureau n'est d'ailleurs pas totale, dans la mesure où elle est encadrée par deux dispositions d'inégale portée.

La première est la nécessité de consulter les organisations syndicales représentatives avant toute modification de l'organisation des services ou du statut du personnel. Il s'agit là d'une obligation de procédure, le Bureau restant souverain pour statuer sur le fond, contre l'avis des syndicats.

Plus contraignant est le droit de recours devant la juridiction administrative reconnu aux fonctionnaires parlementaires. Certes, ce droit est limité aux litiges individuels. Certes, le juge ne peut se prononcer au regard des dispositions législatives ou réglementaires applicables aux autres fonctionnaires, mais doit le faire au regard seulement des principes généraux du droit et des garanties fondamentales accordées aux fonctionnaires. Cependant, d'une part le juge, par le biais de l'exception d'illégalité, s'est reconnu, de façon prétorienne, le droit de se prononcer sur la légalité des règles édictées par le Bureau. D'autre part, le critère de jugement, bien que limitatif, est d'application relativement large.

On assiste ainsi à un déplacement insensible du fléau de la balance, du plateau de l'autonomie parlementaire vers le plateau de la garantie des droits des fonctionnaires.

2. Le principe de neutralité politique

La règle d'airain de la fonction parlementaire française est la neutralité. L'objectif est de garantir, à chaque nouvelle législature, quelle que soit la composition de l'Assemblée, un service performant car permanent.

Cela implique du côté des fonctionnaires, qu'ils servent une institution politique, les organes politiques qui la composent, les hommes politiques qui en font partie sans considération politique aucune.

Cela implique, du côté des autorités politiques, que si elles fixent les règles de recrutement et de carrière des fonctionnaires parlementaires, elles n'interviennent pas dans leur gestion. Les règles en vigueur à l'Assemblée sont à cet égard très strictes.

- *En matière de recrutement :*

Les jurys de concours sont composés exclusivement de fonctionnaires et de membres extérieurs choisis par l'administration. Les Questeurs, lorsqu'ils arrêtent la liste des candidats reçus à un concours, ne peuvent la modifier. Les candidats sont nommés dans l'ordre de leur rang de réussite au concours.

- *En matière de gestion :*

Les avancements ont lieu après inscription sur un tableau d'avancement annuel, établi par un comité d'avancement paritaire composé pour moitié de représentants de l'administration et pour moitié de représentants du personnel. Les listes d'avancement et de

classement ainsi établies sont rendues définitives par arrêté du Président et des Questeurs, qui ne peuvent les modifier.

Seuls les Secrétaires généraux, les Directeurs généraux et les Directeurs sont nommés sur décision du Bureau, sans inscription préalable à un tableau d'avancement.

Les affectations résultent d'arrêtés du Président et des Questeurs, sur proposition des Secrétaires généraux, dont le Président et les Questeurs ne peuvent s'écarter.

C'est cette règle de non-intervention des autorités politiques dans la carrière des fonctionnaires qui a permis sans doute le développement d'un soutien, toujours plus accru et plus personnalisé, des fonctionnaires aux députés.

Pour ce qui concerne le travail législatif et du contrôle de l'Assemblée, l'administration a d'abord essentiellement diligenté des procédures et fourni aux députés les moyens de travailler (Bibliothèque). Mais elle a su répondre aussi à la demande croissante d'assistance technique des députés, tant dans leur travail législatif, que dans leurs compétences européennes et que, désormais de plus en plus, dans leurs fonctions de contrôle.

THE IDENTITY OF THE ADMINISTRATION OF THE FRENCH NATIONAL ASSEMBLY

Two features characterise the administration of the National Assembly: autonomy of the political authorities of the Assembly regarding their laying down of staff regulations and the organisation of departments, and also personalisation of the assistance provided to deputies by officials who comply with strict political neutrality.

1. *Autonomy of the administrative management of the National Assembly*

This results from the Rules of Procedure of the Assembly (*) and from ordinance 58-1100 of 17 November 1958 on the operation of parliamentary assemblies (**).

1.1. The competent authorities as regards the administration of the Assembly are the Bureau (rules 14, 17 and 18 of the Rules of Procedure; art. 8 of the ordinance), the President of the Assembly (rule 13 of the Rules of Procedure; art. 3 of the ordinance) and the Quaestors (rule 15 of the Rules of Procedure):

- The President is responsible for the internal and external security of the Assembly and chairs the Bureau.
- The Bureau organises and directs departments, and lays down the staff regulations.
- The Quaestors, pursuant to guidelines laid down by the Bureau, are responsible for financial and administrative matters and they alone are authorised to incur new expenditure.

The autonomy these authorities enjoy in administrative matters is based on the theory of the separation of powers which has been steadfastly asserted in French constitutional law since Montesquieu.

Autonomy is a reality as it is based on financial autonomy enshrined in legislation (art. 7 of the ordinance) and constantly upheld.

(*) <http://www.assemblee-nationale.fr/english/8ac.asp>

(**) <http://www.assemblee-nationale.fr/connaissance/ordonnance-fonctionnement.asp>

1.2. Organisation of departments

The freedom for an Assembly to organise its own departments appears to be something to be taken for granted and in no way original. At the Assembly, the decisions by the Bureau in this matter are grouped in the 'Rules of Procedure on the Organisation of Departments laying down Staff Regulations.'

A specific characteristic of the French administrative organisation can however be noted in this respect: its double-headedness. This results from the administrative and financial powers specifically assigned to the Quaestors by rule 15 of the National Assembly Rules of Procedure.

Consequently, article 2 of the Rules of Procedure on the Organisation of Departments laying down Staff Regulations enshrines the distinction between legislative departments and administrative departments: the Secretary-General of the Assembly and of the Presidency, assisted by a Director-General of legislative departments, directs the legislative departments, centralises them for the President, and is responsible to him for their correct operation; the Secretary-General of the Questure, assisted by a Director-General of administrative departments, exercises a symmetrical role with respect to the Quaestors. This dichotomy lessened after 1994 when 'joint' departments appeared which come under the two Secretaries-General who are jointly responsible for them before the President and the Quaestors (Protocol – Archives – Data Processing). This feature nevertheless remains a structuring element of the administrative management.

1.3. Staff regulations

The autonomy of the Bureau is also affirmed regarding staff regulations. It extends to the social security and retirement regime for officials.

In effect, although in 1983 the officials of the parliamentary assemblies received the status of State officials recruited through a competition, the Bureau remains the only competent authority to lay down their regulations. Consequently the laws regulating the State civil service are not applicable as of right to Assembly personnel. Also as a consequence, Assembly departments are exclusively run by specific personnel recruited and appointed in the manner laid down by the Bureau. The Assembly Bureau therefore has a relatively free hand in creating jobs, making recruitments – provided it is by means of competitions for permanent jobs – and organising the career and remuneration of its officials.

But, in actual fact, the staff regulations of National Assembly officials are broadly inspired by the general staff regulations of officials: the management of officials in

corps, remuneration and advancement principles, organisation of competitions, etc... are copied from those of the civil service, even if the specific characteristics of the institution and the small size of the administration justify a few adaptations, for instance regarding hours of work.

Moreover the Bureau does not have a completely free hand. It must take into account two provisions of differing scope.

The first is the need to consult the representative trade union organisations before making any change in the organisation of departments or in staff regulations. This is a procedural obligation, the Bureau keeping sovereign rights to rule on the merits, against the opinion of unions.

More constraining is the recognised right of appeal of parliamentary officials before the administrative jurisdiction. True, this right is limited to individual disputes. Admittedly, the judge cannot rule on the basis of the legislative or regulatory provisions applying to other officials, but must rule on the basis of only the general principles of law and the fundamental guarantees granted to officials. However, the judge, through the objection of illegality, has assumed the right, in a praetorian manner, to rule on the legality of the rules set forth by the Bureau. Also the judgment criterion, although restrictive, is of relatively wide application.

We have thus witnessed an imperceptible tilting of the beam of the scales, from the pan of parliamentary autonomy to the pan of guaranteed rights for officials.

2. The principle of political neutrality

The inflexible rule of the French parliamentary institution is neutrality. The aim is to guarantee, at each new legislature, whatever the composition of the Assembly, fast and efficient service because it is permanent.

This implies that the officials serve – without any political consideration – a political institution, the political organs of which it is composed, and the politicians therein.

This implies that if the political authorities, for their part, lay down the recruitment and career rules for parliamentary officials, they shall not intervene in their management. The rules in force at the Assembly are very strict in this respect.

- *As regards recruitment:*

The competition juries are composed exclusively of external officials and members chosen by the administration. Once the Quaestors have drawn up the list of candidates who have passed the competition they cannot change it. The candidates are appointed in the order of their ranking at the competition.

- *As regards management:*

Advancements are made after registration on an annual advancement table drawn up by a joint advancement committee made up half by representatives of the administration and half by personnel representatives. The advancement and ranking lists thus drawn up are made final by a decree of the President and the Quaestors, who cannot modify them.

Only Secretaries-General, Directors-General and Directors are appointed upon a decision by the Bureau, without prior registration on an advancement table.

Assignments result from decrees by the President and the Quaestors, upon proposal by the Secretaries-General, from which the President and the Quaestors cannot depart.

This rule of non-intervention of the political authorities in the career of officials has probably allowed the development of ever greater and more personalised support from officials for deputies.

As for the legislative and scrutinising work of the Assembly, the administration has firstly and mainly expedited procedures and provided deputies with the means of working (Library). But it has also managed to meet the growing demand for technical assistance from deputies, both in their legislative work and regarding their European competences and, henceforth, increasingly in their scrutiny duties.

GERMANY

Bundestag (en.)

a) *The status of the Administration of the German Bundestag*

The Bundestag Administration as part of the civil service: its role and functions

The Administration of the German Bundestag is a supreme federal authority. It is subject to the supreme authority of the President of the German Bundestag and is headed by the Secretary-General of the German Bundestag.

The term “Bundestag Administration” essentially denotes all the administrative, organizational, technical and information services which the German Bundestag has established in order to perform its various constitutional functions effectively. Its core functions are: assisting the President of the Bundestag in his steering and coordinating role, serving the various parliamentary bodies, and providing support to all the Members of the Bundestag in the exercise of their parliamentary mandate.

The Bundestag Administration’s structures differ from those of other administrations, and its functions cannot be compared with those of other supreme federal authorities. It is an administration *sui generis*, reflecting its particular function, namely to serve Parliament. It has virtually no autonomous powers and – unlike the federal ministries – is not involved in the substantive preparation of legislation.

The Administration of the German Bundestag is divided into three Directorates-General:

- Parliamentary Services
- Reference and Research Services
- Central Services

These Directorates-General are divided into Directorates and Divisions. In addition, there are the Office of the President, the offices of the Vice-Presidents, the Press Centre and the Protocol Section, and the Office of the Parliamentary Commissioner for the Armed Forces, which do not form part of the Directorates-General.

In general terms, the Parliamentary Services Directorate-General (“P”) is responsible for supporting the parliamentary work of the Bundestag in its narrow sense. It is sub-divided into three Directorates: Parliamentary Services, Parliamentary Relations, and Parliamentary Information.

The Reference and Research Services Directorate-General (“W”) supplies the specialized information and documentation required by Members when dealing with legislation and other political issues. It comprises the Documentation Directorate with

the Library, Parliamentary Archive and the Subject and Speakers' Indexes Division, the Specialized Research Services, the secretariats of the committees, study commissions and committees of inquiry set up by the German Bundestag, and the Petitions and Submissions Directorate.

The Central Services Directorate-General ("Z") provides the services which are essential to ensure the smooth functioning of a major authority, such as budgeting, personnel management and administration of properties. It is thus responsible for all aspects of the Bundestag's general management.

There are no separate regulations governing the career structure of civil servants in the Bundestag Administration. They are covered by the legal provisions applicable to every other civil servant in the service of the federal authorities. Similarly, no special regulations apply to the salary structure, pensions or working hours of civil servants in the Bundestag Administration.

Recruitment of staff

The Bundestag Administration deals with the recruitment of its staff itself.

As a general principle, entry to the higher service is only open to university graduates who have spent at least three years in regular full-time study.

Temporary or permanent placement of staff from other federal authorities in the Bundestag Administration is possible, as is the reverse. Management staff are generally recruited from within the Administration. The candidates selected must have a successful track record in various functions within the Bundestag Administration

b) Relations between the political bodies and the Bundestag Administration

The status of the President of the Bundestag and the Presidium

The President represents the Bundestag and conducts its business. He upholds the dignity and rights of the Bundestag, furthers its work, conducts its debates, and maintains order in the House.

The staff of the Administration of the German Bundestag are subject to his supreme authority.

The Presidium of the German Bundestag comprises the President and his Vice-Presidents (four in total in the current electoral term). Each parliamentary group in the Bundestag is represented by one Vice-President in the Presidium.

The President and the Vice-Presidents are elected for one electoral term. The Presidium meets regularly in each week of sittings to discuss the management of the internal affairs of the Bundestag.

The President may only conclude contracts that have considerable importance for the Bundestag in consultation with the Vice-Presidents, and may only perform other specific tasks in consultation with, or with the approval of, his deputies.

The Presidium is involved, among other things, in personnel matters relating to senior civil servants in the Bundestag Administration, and also deals with public relations issues. The Presidium decides by majority vote. In the event of a tie, the President has the casting vote.

The role of the Council of Elders

The Council of Elders is a joint deliberative body whose task is to manage the internal affairs of the Bundestag. It is composed of the President, the Vice-Presidents and 23 other Members of the Bundestag appointed by the parliamentary groups in proportion to their size. They include the parliamentary secretaries from each parliamentary group.

The Council of Elders meets regularly in each week of sittings and is chaired by the President of the Bundestag. It assists the President in the conduct of business and ensures that agreement is reached among the parliamentary groups, e.g. on the plenary's programme of work. As a collegiate body, it also takes decisions on the Bundestag's internal affairs as long as these do not fall within the exclusive competence of the President or the Presidium.

c) Does the Secretary-General bear the main responsibility for the Administration, or does he share this responsibility with other senior civil servants?

The Secretary-General of the German Bundestag heads the Administration of the German Bundestag on behalf of the President.

He is the head of service of all staff employed in the Bundestag Administration and reports directly to the President. The Secretary-General is also the President's closest advisor and acts as secretary to the German Bundestag's steering bodies, i.e. the Presidium and the Council of Elders.

The Secretary-General can be suspended from duty at any time.

d) The workload of Parliament and the Administration

Following a reduction in the number of constituencies, the number of Members of the German Bundestag has stood at 603 since the start of the 15th electoral term (14th electoral term: 669), of whom 299 were directly elected in the constituencies and the other 304 were drawn from lists of candidates set up by the political parties in each federal state (Land).

The plenary

In 2003, Parliament will meet for 21 weeks of sittings. Based on the figures for the previous electoral term, it may be assumed that the plenary will be in session for a total of 499 hours, on average, during the current electoral term as well.

The German Bundestag has deliberated an average of 250 draft laws every year since 1994. It is therefore unlikely – especially in view of the complexity of the political agenda, the European integration process and the debate surrounding various aspects of the “globalization” phenomenon – that the number of draft laws to be dealt with will decrease during the current electoral term.

The total number of votes held in plenary, all of which require the presence of a quorum, is impossible to ascertain. It should be noted, however, that on average, 25 votes using voting cards bearing Members’ names are held every year.

The Shorthand Writers’ Service prepares the verbatim minutes of plenary sessions, which are generally made available the following day, not only to the Members and bodies of the Bundestag but also to numerous institutions and organizations outside Parliament, e.g. other constitutional bodies, the media, academic institutions, interest groups, etc.

Committees

In the current electoral term, the Bundestag has set up 21 permanent committees. They hold one regular meeting in each week of sittings and also meet whenever convened by their chairperson.

The following table shows the number of meetings held by the various permanent committees up to 4 July 2003 in the current electoral term, as well as the number of meetings held by the corresponding committees in the previous electoral term.

Name of Committee	Current electoral term (to 4 July 2003)	14th electoral term 25.10.1998 – 16.10.2002
Committee for the Scrutiny of Elections, Immunity and the Rules of Procedure	26	128
Petitions Committee	15	77

Foreign Affairs Committee	21	106
Internal Affairs Committee	18	103
Sports Committee	19	64
Legal Affairs Committee	23	139
Finance Committee	23	140
Budget Committee	24	114
Committee on Economic Affairs and Technology	27	88
Committee on Food, Agriculture and Forestry	19	107
Defence Committee	20	109
Committee on Family Affairs, Senior Citizens, Women and Youth	16	98
Committee on Health	32	149
Committee on Transport, Building and Housing	15	90
Committee on the Environment, Nature Conservation and Nuclear Safety	20	88
Committee on Human Rights and Humanitarian Aid	20	92
Committee on Education, Research and Technology Assessment	15	73
Committee on Economic Cooperation and Development	21	85
Committee on Tourism	21	93
Committee on the Affairs of the European Union	26	102
Committee on Cultural and Media Affairs	16	81

It is difficult to state precisely how many hours, on average, the committees will spend in meetings during the current electoral term, as no time records are kept. However, experience from previous electoral terms suggests that the number of hours of committee meetings is far higher than the number of hours spent in plenary.

The Rules of Procedure of the German Bundestag describe the committees as “bodies responsible for preparing the decisions” of the Bundestag. Their function is to deliberate the items of business referred to them by the plenary and make recommendations for decisions by the plenary. The recommendations for decisions must be drafted in such a way that the Bundestag can vote on them.

If an item of business is referred to several committees, the committee designated the committee responsible submits the recommendation for a decision.

In addition to deliberating items of business referred to them by the plenary, the committees may also take up other questions falling within their terms of reference. In

this case, however, they have no right to submit a recommendation for a decision to the plenary.

Meetings of the committees of the German Bundestag are in principle not open to the public. The committees may invite experts, ministerial civil servants and government representatives to attend the meetings and be heard. The committees may also form subcommittees and working groups.

Each committee is served by a committee secretariat comprising staff from the higher service (head of secretariat, assistant head of division), the higher intermediate service (office manager), and the intermediate service (first and second secretaries). The number of staff is generally based on the number and scope of the subject areas for which the committee is responsible. The secretariat is part of the Administration.

The committee secretariats provide advice and support to the committee chairpersons on all matters relating to the committee. This includes, in particular, the preparation of committee meetings, e.g. compiling dossiers of documents required for the meeting, and if necessary, drafting speaking notes which summarize the subject under discussion, clarify procedural issues, and in some cases highlight key issues for the debate. The secretariat provides support to the chairperson during the meeting, primarily by advising on procedural matters, and is also involved in implementing the committee's decisions.

The committee secretariat draws up the minutes after each meeting and prepares the reports and the recommendation for a decision on behalf of the chairperson and the rapporteurs.

The chairpersons are not assigned a member of the Administration staff as their personal assistants. In their political work as members of the committee, the chairpersons – like every other committee members – are generally assisted by staff from their parliamentary group and their own private offices. The resources to employ assistants are granted to the chairpersons in their capacity as Members of the Bundestag, not as committee chairs.

The secretariat also arranges other events, meetings and official visits, and drafts press releases as well as speeches if required. If a committee has set up subcommittees, the secretariat provides appropriate support to them as well. The committee secretariat also deals with the chairperson's correspondence provided that it relates to the topics being deliberated by the committee.

Each committee member can also use the services provided by the various sections of the Reference and Research Services, which are available to all Members and whose fields of responsibility match those of the individual committees. Members can request the Reference and Research Services to prepare papers and compile information dossiers and documentation on specific subjects. On average, around 2000 of these are produced every year.

The Reference and Research Services also prepare reports on topical issues on their own initiative. They include briefings and explanatory notes on concepts and

topics which are new or are increasingly featuring in the political debate, as well as in-depth studies and analyses and detailed introductions to specific issues.

Although this service is intended, among other things, to identify various options for action, the Reference and Research Services do not, on principle, recommend or endorse specific policy measures, legislative initiatives, or points of view.

The Petitions Committee

Under Article 17 of the Basic Law, every person has the right to address petitions to the Bundestag. Article 45 c of the Basic Law obliges the Bundestag to set up a Petitions Committee to deal with the requests and complaints addressed to the Bundestag.

The Petitions Committee has the right to prepare recommendations for decisions by the plenary about the complaints it receives.

The Petitions Committee consists of 25 Members of the Bundestag. During the last electoral term, the Committee received 69 421 submissions. 1634 petitions were considered individually at 76 meetings of the Committee. The Committee submitted the outcomes of these individual deliberations to the Bundestag in the form of 435 summary lists of submissions, together with recommendations for decisions to deal with the petitions conclusively.

In 2002, 17 meetings of the Committee were held in which 243 petitions were considered individually and 22 425 were considered collectively.

The Petitions Committee also submits an annual report about its activities.

The members of the Petitions Committee are assisted by a committee service, the Petitions and Submissions Directorate, which is part of the Bundestag Administration's Reference and Research Services Directorate-General. The committee service accepts the incoming submissions, examines them in terms of content, and generally obtains a statement from the appropriate Federal Government department. Once the factual and legal position has been ascertained, the committee service prepares a recommendation on how to deal with the petition conclusively, which is passed to the rapporteurs. Based on the rapporteurs' votes, the Committee then deliberates the petitions and submits, to the plenary, the recommendation for a decision on how to deal with the petition conclusively.

The committee service also prepares the meetings of the Petitions Committee, assists with the conduct of the committee meetings, and provides follow-up support after the meetings.

e) Involvement of the Parliamentary Administration in the legislative process

Specific sections of the Bundestag Administration (notably the research sections and committee secretariats which form the Reference and Research Services

Directorate-General) are involved in the critical appraisal of draft laws. However, none is involved in initiating legislation.

The Bundestag Administration does not provide a legislative support service in the narrower sense. Rather, it could be described as an “information support service” or “parliamentary and legislative information service”.

In accordance with the provisions of the Basic Law, the Federal Government submits its draft laws to the Bundestag after the involvement of the Bundesrat.

The Parliamentary Secretariat, which is part of the Parliamentary Services Directorate-General, is responsible for editing and distributing all items of parliamentary business (bills, motions, questions tabled by Members in accordance with their parliamentary right to put questions, etc.). It is also responsible for accepting, printing and distributing draft laws and reports from the Federal Government, items from the Bundesrat, and the written replies from the Federal Government to questions tabled by Members of the Bundestag.

The Parliamentary Law Section, which is also part of the Parliamentary Services Directorate-General, prepares speaking notes for the President and Vice-Presidents when chairing plenary sessions as well as lists of all items on the agenda, including the relevant bills, motions for amendments, motions for resolutions, reports, questions, etc. It also provides the staff for the plenary support service, which advises the President in the Chair on any procedural matters which might suddenly arise. The Parliamentary Law Section also advises on broad issues of parliamentary law.

The European Affairs Office, which is part of the secretariat of the Committee on the Affairs of the European Union, accepts all EU-related items transmitted to the Bundestag by the Federal Government. They are logged and forwarded to the relevant committees. Requests to deliberate the items are entered in a list and referred to the Council of Elders, which decides which committee will be the committee responsible and which committee(s) will be asked for an opinion.

The committee secretariats generally maintain good contacts with the ministries responsible for their area of work. As a rule, they are kept informed about legislative proposals by the Parliament and Cabinet Division of the relevant ministry.

There are usually also intensive contacts between the secretariat and the staff of the parliamentary groups – especially those forming the Federal Government – who are responsible for the subject areas covered by the committee.

As a rule, the Parliamentary Administration does not undertake any regular, separate or in-depth scrutiny of the draft legislation’s compliance with the rules governing the drafting of bills, as the Joint Rules of Procedure of the Federal Ministries (GGO) contain detailed provisions on the preparation of draft legislation in the ministerial bureaucracies, including rules to safeguard the substantive and formal quality of the drafts.

Before a bill is submitted to the Federal Government for a decision to be taken on it, it is forwarded to the Federal Ministry of Justice for scrutiny of its compliance with all legal requirements, i.e. not merely its form and constitutionality but also its relationship

with existing legislation. At the same time, the Ministry checks whether the proposed law is necessary, effective and clearly formulated.

Nonetheless, every Member of the German Bundestag has the opportunity, as described in section (d) above, to commission a paper on the content and form of a law from the Administration's Reference and Research Services.

f) Recent changes in the Parliamentary Administration

European Integration

European integration has presented the German Bundestag with new challenges which have an impact on all areas of legislation. New specialized bodies have been established at the same time (such as the Bundestag's Committee on the Affairs of the European Union and the European Affairs Research Section within the Reference and Research Services). The Bundestag also maintains numerous contacts with other parliaments and international parliamentary organizations, and the Bundestag Administration provides personnel support in this context.

As the European integration process gathered pace, there was a growing recognition, over time, that a separate committee was required to deal with European affairs.

Thus with the advancement and development of European integration, i.e. with the transfer of more and more sovereign powers to the European Union, the need to establish a full committee equipped with adequate rights and responsibilities, which could play a role in dismantling the "democratic deficit" at European level, became increasingly apparent. The establishment of the administrative support units took place in several stages, with a separate committee secretariat being set up at the start of the 13th electoral term. It is now one of the largest committee secretariats in the Bundestag.

Strengthening parliamentary information and control

The German Bundestag responded to the political challenge posed by scientific and technological developments in the 1970s and 1980s by setting up study commissions more frequently, e.g. on nuclear power and genetic engineering. Study commissions are set up by the Bundestag for a specific period to gather information on a given subject. They comprise not only Members of the Bundestag but also independent experts.

In this context, there was increasing debate in the Bundestag at the start of the 1970s about how the Bundestag could contribute to a more precise assessment of the risks and opportunities associated with the new technologies. In this debate, the US Congress's Office of Technology Assessment was frequently referred to as an institutional model. At the end of 1989, the Bundestag voted to establish its own Office of Technology Assessment (TAB). A respected independent research institute was

appointed to run the Office, which only accepts commissions from the German Bundestag.

The Office's contracting authority and steering body is the Bundestag's Committee on Education, Research and Technology Assessment. As an external research body funded by the Bundestag, the Office of Technology Assessment is not integrated into the Bundestag Administration.

The studies produced by the Office are published as Bundestag printed papers and deliberated by the relevant committees and in plenary.

The Office is a member of the European Parliamentary Technology Assessment Network (EPTA).

Information technology and the use of the Internet

A very high level of computerization of the Bundestag's work processes has been achieved; every office-based staff member is equipped with a PC which offers local applications (office programmes) as well as e-mail and access to the Internet and Intranet.

The Intranet is the Bundestag's central internal information platform which is used by the Bundestag Administration, the Members and parliamentary group staff. It offers a wealth of information of relevance to Parliament. The Bundestag Administration also operates a number of dedicated information systems, not only to perform specific administrative tasks (e.g. calculation of Members' remuneration, allowances towards the costs of medical expenses, and travel expenses) but also to support the conduct of parliamentary business. Furthermore, following a decision by the Council of Elders, the legislative process within Parliament will be converted entirely to electronic documentation by 2006.

The Bundestag website (www.bundestag.de) has existed since 1995 and contains information from and about Parliament, as well as databases, newsletters, forums and Web-TV with live transmissions from the Bundestag. Politicians also hold live chats with Internet users, answering questions on current issues from Parliament.

Security issues after 11 September 2001

Following the terrorist attacks on the USA on 11 September 2001, tighter security checks were introduced at the entrances to the various parliamentary buildings and restrictive preliminary checks were carried out in front of the Reichstag Building in conjunction with the Berlin police. The latter are now only carried out on specific occasions. In order to demonstrate their visible presence and thus have a preventive effect, the staff of the German Bundestag's Police and Security Service, who are not uniformed as a matter of principle, now wear jackets clearly marked with the word "Police".

All persons with a right to enter the Bundestag premises, with the exception of the Members themselves, members of the Federal and *Land* Governments, and holders of diplomatic passports, are obliged to wear their entry passes visibly. At their own request, a large majority of Members have also been issued with Members' entry passes, to be displayed prominently.

Overall, the Bundestag has maintained its policy of keeping the parliamentary buildings open to all visitors. It was agreed that the public should not be excluded, even in the interests of security. For this reason, the number of entrances equipped with x-ray machines and walk-through metal detectors has been increased. Two explosives detection units have also been purchased in order to reduce response time if suspicious objectives are discovered.

Training and development for parliamentary staff

a) Training

In view of its increasing reliance on computers, the Administration of the German Bundestag, with the assistance of Bewag Aktiengesellschaft as its partner, has set up formal training courses for persons wishing to train as mechatronic systems specialists and information systems specialists (with four training places being available in total each year) and office communications executives (currently thirteen places).

b) Staff development and staff exchange

Reflecting the ongoing process of European integration, the opportunities for parliamentary staff to undertake foreign language training, attend the training events organized by the Federal Academy of Public Administration, and participate in staff exchanges with other parliamentary administrations are considered increasingly important.

The Federal Office of Languages, for example, runs a total of 50 courses in English and French each year, which take place weekly during working hours. It also offers 13 block courses. Interest in the courses has risen significantly in the last two years.

The Federal Academy of Public Administration has increased the number of its courses on European issues (basic principles, international tasks, relations with partner states) from 40 to a total of 57 in the last two years.

This year, staff exchanges are taking place with the parliamentary administrations in France, Ireland, Poland, Great Britain and the USA.

g) Cooperation between parliamentary administrations and the avoidance of duplicate work

The examples of cooperation within the EPTA framework, between petitions committees through the European Ombudsman Liaison Network, the European Ombudsman Institute and the International Ombudsman Institute and the cooperation

between parliamentary administrations through ECPRD and its working groups show that there is both a need for, and a will to engage in, close cooperation. At the same time, it is important to note that although closer cooperation is required in response to European integration and the developments described as “globalization”, every effort must be made to avoid duplicate work and to conserve resources.

In terms of its objectives, the ECPRD would seem ideally suited to coordinate the cooperation between the various associations. It could ensure, perhaps with the aid of a user-friendly catalogue of topics which could easily be produced, that interested parties could check whether specific topics have already been – or are already being – dealt with, so that duplicate work can be avoided right from the start.

Bundestag allemand (fr.)

a) Le statut de l'administration du Bundestag allemand

L'administration du Bundestag fait partie de la fonction publique. Ses missions

L'administration du Bundestag allemand est une autorité fédérale suprême. Elle est placée sous l'autorité du président du Bundestag, et est dirigée par le secrétaire général.

La notion d'"administration du Bundestag" recouvre pour l'essentiel tous les services administratifs, scientifiques et organisationnels/techniques que le Bundestag allemand a conçus pour lui-même afin de remplir au mieux les missions diversifiées qui lui sont constitutionnellement assignées. Les domaines centraux de ces missions sont le soutien du président du Bundestag dans sa fonction de direction et de coordination, le soutien des différents organes parlementaires et le soutien de tous les députés dans l'exercice de leur mandat.

L'administration du Bundestag n'est pas structurée comme une administration courante, et ses missions ne sont pas comparables à celles d'autres autorités fédérales suprêmes. En tant qu'administration parlementaire, elle est une administration sui generis. L'administration du Bundestag n'émet quasi pas d'actes d'autorité sortant des effets à l'extérieur. De même, la préparation matérielle de la législation ne fait pas partie de ses missions - à la différence des ministères fédéraux.

L'administration du Bundestag se subdivise en trois directions générales :

- Services parlementaires
- Services des études et de la documentation, et
- Services centraux.

Ces directions générales se divisent en directions et services. À cela s'ajoutent - en dehors des directions générales - le secrétariat général de la présidence et les bureaux des vice-présidents, le centre de presse et le service du protocole, ainsi que la direction générale attribuée au commissaire parlementaire aux forces armées pour l'exercice de ses missions.

Les Services parlementaires (P) remplissent généralement des fonctions de service pour le travail parlementaire du Bundestag, au sens strict. La direction générale se divise en trois directions : "Services parlementaires", "Relations parlementaires" et "Information parlementaire".

La direction générale des études et de la documentation (W) répond aux besoins d'information résultant des contenus de la législation et des autres thèmes politiques. Les Services des études et de la documentation comprennent la direction de la

documentation, avec les services Bibliothèque, Archives parlementaires et Tables analytiques et nominatives, les services spécialisés, les secrétariats des commissions, commissions d'étude ad hoc et commissions d'enquête du Bundestag, ainsi que la direction des Pétitions et requêtes.

La direction générale des Services centraux (Z) crée les conditions élémentaires permettant le fonctionnement de toute grande autorité, concernant, par exemple, le budget, le personnel et les terrains et bâtiments. Elle a compétence pour toutes les parties du Bundestag.

Les fonctionnaires de l'administration du Bundestag ne constituent pas un corps doté de ses propres règles. Ils sont soumis aux dispositions juridiques valables pour l'ensemble des fonctionnaires de la Fédération. De même, il n'existe pas de réglementations particulières pour leurs traitements, pensions et temps de travail.

Conditions d'embauche

L'administration du Bundestag opère elle-même la sélection des ses collaboratrices et collaborateurs.

La règle générale veut que l'on ne puisse engager pour les fonctions de la catégorie supérieure que les personnes qui ont achevé des études universitaires dont la durée minimale n'est pas inférieure à trois ans.

Le remplacement, temporaire ou prolongé, de collaborateurs du Bundestag par des collaborateurs d'autres autorités fédérales est possible - tout comme dans le sens inverse. L'administration du Bundestag recrute généralement dans ses propres rangs son personnel dirigeant. Pour ce faire, elle choisit des collaborateurs qui ont fait leurs preuves dans différentes fonctions au sein de l'administration.

b) Relations entre les organes politiques et l'administration parlementaire

Fonction du président du Bundestag et du Bureau

Le président représente le Bundestag et dirige ses activités. Il veille à la sauvegarde de sa dignité et de ses droits, promeut ses travaux, dirige les débats et assure le maintien de l'ordre à l'intérieur.

Le président est l'autorité hiérarchique suprême des collaborateurs du Bundestag.

Le Bureau du Bundestag allemand est constitué par le président et ses vice-présidents - au nombre de quatre sous la législature actuelle. Chaque groupe parlementaire du Bundestag est représenté par un vice-président au sein du Bureau.

Le président et les vice-présidents sont élus pour la durée de la législature. Le Bureau se réunit régulièrement, chaque semaine de séance du Bundestag, afin de discuter des affaires qui concernent la direction intérieure de l'institution.

Le président ne peut conclure des contrats revêtant une importance particulière qu'après consultation des vice-présidents ; de même, il ne peut accomplir certaines tâches qu'après consultation ou avec l'approbation de ceux-ci.

Le Bureau intervient dans les affaires du personnel pour les fonctionnaires de la catégorie supérieure du Bundestag. Il discute également des questions de relations publiques. Le Bureau décide à la majorité de ses membres. En cas d'égalité des voix, la voix du président est prépondérante.

Le rôle du comité des doyens

Le comité des doyens est l'organe de délibération qui rassemble le président et les groupes parlementaires en vue de diriger les travaux du Bundestag ; il est composé du président, des vice-présidents et de 23 autres députés nommés par les groupes parlementaires en fonction du nombre de leurs députés, et parmi lesquels on retrouve les secrétaires parlementaires des groupes.

Le comité des doyens se réunit régulièrement, chaque semaine de séance du Bundestag, sous la direction du président du Bundestag. Le comité des doyens assiste le président dans la conduite des affaires et s'emploie à obtenir un accord entre les groupes, entre autres sur le calendrier des travaux de l'assemblée plénière. Il statue en outre, en tant qu'organe collégial, sur les affaires intérieures du Bundestag dans la mesure où elles ne sont pas réservées à la compétence du président ou du Bureau.

c) Le secrétaire général est-il le responsable principal de l'administration ou partage-t-il cette responsabilité avec d'autres hauts fonctionnaires ?

Le secrétaire général du Bundestag dirige l'administration du Bundestag sur ordre du président.

Il est le supérieur hiérarchique de tous les collaborateurs de l'administration du Bundestag et est responsable devant le président. En outre, le secrétaire général est le conseiller le plus proche du président, et il est le secrétaire des organes de direction du Bundestag, à savoir le Bureau et le comité des doyens.

Le secrétaire général peut être mis en disponibilité à tout moment.

d) La charge de travail du Parlement et la charge de travail de l'administration

Après une réduction du nombre de circonscriptions électorales, le nombre de membres du Bundestag s'élève à 603 depuis le début de la 15^e législature (669 sous

la 14e législature) : 299 ont été élus directement dans les circonscriptions, tandis que les 304 restants sont entrés au Parlement grâce aux listes de Land de leur parti.

L'assemblée plénière

Pour l'année 2003, le Parlement se réunit en séances plénières durant 21 semaines ; si l'on part des chiffres de la législature passée, on peut estimer que l'assemblée plénière siègera environ 499 heures durant la présente législature aussi.

Sachant que, depuis 1994, le Bundestag a traité en moyenne 250 projets ou propositions de loi par an, l'on peut supposer, au vu de la complexité des missions politiques assignées, du processus d'intégration européenne et de la prise en compte des différents aspects du phénomène défini comme la "mondialisation", le nombre des projets et propositions de loi à traiter au cours de la législature actuelle ne diminuera pas.

Le nombre total des votes en plénière, qui exigent tous la réunion du quorum, ne peut être déterminé. Il convient toutefois de signaler en particulier que, chaque année, environ 25 votes par appel nominal sont organisés.

Le service sténographique rédige les procès-verbaux verbatim des séances publiques, disponibles généralement le lendemain des séances non seulement pour les membres du Bundestag mais également ses organes, ainsi que d'autres organisations et institutions en dehors du Parlement : organes constitutionnels, institutions scientifiques, médias, groupements d'intérêt.

Les commissions

Sous la législature actuelle, il y a 21 commissions permanentes. Elles se réunissent régulièrement, une fois par semaine de séance du Bundestag ; une commission se réunit également lorsque son président la convoque.

Le tableau ci-après montre la fréquence des réunions de chaque commission permanente, jusqu'au 4 juillet 2003 pour la législature actuelle, ainsi que la fréquence des réunions des commissions correspondantes sous la législature passée.

Nom de la commission	Législature actuelle (jusqu'au 4 juillet 2003)	14^e législature Du 25.10.1998 au 16.10.2002
Commission de validation des élections, des immunités et du Règlement	26	128
Commission des pétitions	15	77
Commission des affaires étrangères	21	106
Commission de l'intérieur	18	103
Commission des sports	19	64
Commission juridique	23	139

Commission des finances	23	140
Commission du budget	24	114
Commission de l'économie et du travail	27	88
Commission de la protection des consommateurs, de l'alimentation et de l'agriculture	19	107
Commission de la défense	20	109
Commission de la famille, des personnes âgées, des femmes et de la jeunesse	16	98
Commission de la santé et de la sécurité sociale	32	149
Commission des transports, de la construction et du logement	15	90
Commission de l'environnement, de la protection de la nature et de la sécurité des réacteurs	20	88
Commission des droits de l'homme et de l'aide humanitaire	20	92
Commission de l'éducation, de la recherche et de l'évaluation des répercussions technologiques	15	73
Commission de la coopération économique et du développement	21	85
Commission du tourisme	21	93
Commission des affaires de l'Union européenne	26	102
Commission de la culture et des médias	16	81

Il n'est pas possible de déterminer avec précision pendant combien d'heures les commissions se réunissent en moyenne, et donc combien d'heures elles siégeront au cours de la présente législature, puisque aucun décompte horaire n'est pratiqué dans ce sens. Par l'expérience des législatures précédentes, l'on sait toutefois que le nombre d'heures de séance des commissions est nettement supérieur à celui de l'assemblée plénière.

Le Règlement du Bundestag allemand définit les commissions comme des "organes de préparation des décisions" du Parlement. Leur tâche consiste à élaborer, par la discussion des textes qui leur sont transmis par l'assemblée plénière, une recommandation de décision adressée à l'assemblée plénière. Cette recommandation de décision doit être rédigée de manière telle que le Bundestag puisse voter à son sujet.

Si un texte est renvoyé à plusieurs commissions, c'est à la commission saisie au fond qu'il appartient de rédiger la recommandation de décision.

Outre la discussion des textes qui leur sont transmis par l'assemblée plénière, les commissions peuvent également se saisir de questions qui ne leur ont pas été transmises et qui relèvent de leur domaine de spécialité. Dans ce cas, elles ne sont toutefois pas habilitées à remettre une recommandation de décision à l'assemblée plénière.

Lors des séances de commission - qui se tiennent en principe à huis clos -, des experts, des fonctionnaires des ministères et des représentants du gouvernement peuvent être entendus. Les commissions peuvent instituer des sous-commissions et des groupes de travail.

Des secrétariats sont au service de chacune des commissions. Le secrétariat d'une commission est composé de collaborateurs de la catégorie supérieure (chef de secrétariat, chef adjoint), de la catégorie moyenne supérieure (chef de bureau) et de la catégorie intermédiaire (secrétaire et secrétaire adjointe). Le nombre de collaborateurs dépend fondamentalement du nombre et de la complexité des sujets dont la discussion relève de la compétence de la commission. Le secrétariat fait partie de l'administration.

Les présidents des commissions sont conseillés et assistés par les secrétariats de commission dans toutes les affaires qui concernent la commission. Cela comporte notamment la préparation des réunions de la commission, comme la récolte des documents servant à la discussion, le cas échéant, la rédaction de résumés succincts qui reflètent la situation de la discussion, contiennent les références aux Règlements, et donnent aussi quelques indications quant aux aspects essentiels de la discussion. À cela s'ajoute le soutien au président pendant la séance, en particulier sous forme de conseil lors de questions de Règlement, et la mise en application des décisions de la commission.

Le secrétariat de la commission rédige les procès-verbaux des réunions et les projets de recommandation de décision, ainsi que des rapports pour le président et les rapporteurs.

Aucun membre de l'administration n'est au service du président de la commission en tant que secrétaire personnel. Dans l'exercice de son activité politique en tant que membre de la commission, le président est assisté généralement - comme les autres membres de la commission - par des collaborateurs de son groupe parlementaire et par ses propres assistants parlementaires (les moyens permettant l'embauche d'assistants parlementaires sont ceux mis à sa disposition en sa qualité de député, et non spécialement en sa qualité de président d'une commission).

Le secrétariat remplit en outre diverses tâches : préparation de manifestations, d'entretiens, de voyages de travail, rédaction de communiqués de presse et, le cas échéant, de discours. Lorsqu'une commission a institué des sous-commissions, celles-ci sont également confiées au secrétariat de la commission. De même, ce dernier traite la correspondance du président pour ce qui concerne les sujets de discussion de la commission.

Chaque membre de la commission peut faire appel, comme tous les députés, aux services spécialisés dépendant de la direction générale des études et de la documentation, et dont les domaines de compétence correspondent à ceux des

commissions. Ceux-ci peuvent être chargés de rédiger des études, de récolter du matériel d'information et de la documentation ; chaque année, il est répondu en moyenne à 2000 demandes de service.

Les Services des études et de la documentation préparent aussi, de leur propre initiative, des documents relatifs à des sujets d'actualité. À côté de courtes présentations et d'explications sur des notions et des sujets qui font leur apparition pour la première fois ou de manière accentuée dans la discussion politique, ils offrent également des études et enquêtes plus vastes, ainsi que des approches détaillées des contextes problématiques.

Même si l'indication de possibilités d'action alternatives est l'un des objectifs de ce type de documents, ceux-ci ne contiennent jamais de recommandation ou de soutien à l'une ou l'autre mesure politique, initiative de loi ou point de vue.

La commission des pétitions

Conformément à l'article 17 de la Loi fondamentale, toute personne a le droit de s'adresser à la représentation du peuple. L'article 45c de la Loi fondamentale oblige le Bundestag à nommer une commission des pétitions et à la charger du traitement des requêtes et recours adressés au Bundestag.

La commission des pétitions a le droit de préparer les décisions de l'assemblée plénière sur des recours.

La commission des pétitions comprend 25 membres du Bundestag. Au cours de la dernière législature, la commission a reçu 69 421 lettres. Au cours de 76 séances, 1634 pétitions ont fait l'objet d'une discussion individuelle. La commission a remis le résultat de ces discussions individuelles au Bundestag, sous forme de recommandations de décision pour le traitement des pétitions, reprises dans 435 tableaux récapitulatifs.

En 2002, la commission s'est réunie 17 fois ; 243 pétitions ont été discutées individuellement, et 22 425 ont fait l'objet d'une discussion d'ensemble.

En outre, la commission des pétitions remet chaque année un rapport sur son activité.

Les membres de la commission des pétitions sont assistés par un service de la commission, la direction des Pétitions et requêtes, qui est subordonnée à la direction générale des études et de la documentation, de l'administration du Bundestag. Le service de la commission reçoit les pétitions, examine leur contenu et demande en général un avis auprès de l'organe de compétence du gouvernement fédéral. Dès que les faits à l'origine de la pétition ont été expliqués et qu'une estimation de la situation juridique a été faite, le service de la commission rédige une proposition de traitement de la pétition et la transmet aux rapporteurs. Sur la base des décisions des rapporteurs, la commission délibère sur les pétitions et présente à l'assemblée plénière la recommandation de décision en vue de clore leur traitement.

En outre, le service de la commission prépare les réunions de la commission des pétitions et l'assiste dans la conduite et le suivi de ses réunions.

e) Implication de l'administration parlementaire dans la procédure d'élaboration des lois

Si certains secteurs de l'administration du Bundestag (les services spécialisés et les secrétariats des commissions, au sein de la direction générale des études et de la documentation) prennent part à l'examen critique de projets et propositions de loi, ils ne participent à leur conception.

L'administration du Bundestag ne fournit pas de service d'aide à l'élaboration des lois, au sens strict de celle-ci. On pourrait plutôt la définir comme un service d'aide à l'information, ou un "service d'information du Parlement pour le travail législatif".

Conformément à la Loi fondamentale, le gouvernement fédéral transmet ses projets de loi au Bundestag - après avis du Bundesrat.

Le secrétariat du Parlement, qui dépend de la direction générale des Services parlementaires, est le centre général de réception et de distribution de toutes les initiatives qui se réfèrent aux procédures du Bundestag (propositions et projets de loi, motions, questions posées dans le cadre du droit de question parlementaire). Il est également responsable de la réception, l'impression et la distribution des projets de loi et rapports du gouvernement fédéral, des initiatives du Bundesrat ainsi que des réponses écrites du gouvernement, présentées dans le cadre du droit de question parlementaire.

Le service spécialisé du Droit parlementaire, qui dépend lui aussi de la direction générale des Services parlementaires, prépare les notes détaillées pour la conduite des séances plénières : il s'agit d'un tableau récapitulatif contenant tous les points à l'ordre du jour et les projets ou propositions de loi, amendements, propositions de résolution, rapports, questions etc., qui s'y rapportent. Il comprend aussi le service de séance pour les séances plénières, qui est à la disposition du président de séance pour les questions de règlement qui sont soulevées de manière imprévue. Le service spécialisé du Droit parlementaire fournit des conseils en matière de droit parlementaire.

Le Bureau des affaires européennes, qui forme une partie du secrétariat de la commission des affaires de l'Union européenne, reçoit tous les documents relatifs aux dossiers européens que le gouvernement envoie au Parlement. Ils sont enregistrés, transmis en fonction de leur contenu aux commissions compétentes ; une liste des demandes de débat est dressée et communiquée au comité des doyens, qui établit la saisie au fond ou pour avis des commissions.

Les secrétariats des commissions ont, en règle générale, de bons contacts avec les ministères compétents pour leur secteur. Ils sont généralement informés par la division des affaires parlementaires et gouvernementales de chacun des ministères sur les projets en matière législative.

Il y a en outre des contacts intensifs entre le secrétariat et les collaborateurs des groupes parlementaires, compétents pour des domaines thématiques, notamment ceux des groupes parlementaires gouvernementaux.

Habituellement, l'administration parlementaire ne procède pas régulièrement à un contrôle approfondi supplémentaire de la conformité des projets de lois au code de rédaction des projets et propositions de loi, étant donné que le Règlement commun des ministères fédéraux règle dans le détail la production des documents pour les projets de loi dans l'administration des ministères. Il existe des réglementations qui permettent de garantir la qualité du contenu et de la forme de ces textes.

De plus, avant qu'un projet du gouvernement fédéral ne soit présenté en vue d'une décision, le ministère fédéral de la Justice en contrôle la conformité juridique, non seulement quant à la forme et la constitutionnalité du projet, mais aussi quant à son rapport aux lois déjà existantes. La nécessité, l'efficacité et l'intelligibilité de la loi proposée sont également vérifiées.

Indépendamment de ces vérifications, tout membre du Bundestag allemand a la possibilité, comme indiqué au point (d) ci-dessus, de se faire remettre par les Services des études et de la documentation une expertise sur le contenu et la forme d'une loi.

f) Modifications opérées récemment dans l'administration parlementaire

Intégration européenne

Le processus d'intégration européenne a imposé et impose au Bundestag allemand de nouvelles missions, qui produisent des effets dans tous les domaines de la législation. Parallèlement, de nouveaux organes spécialisés ont été institués, tels que la commission du Bundestag des affaires de l'Union européenne, ou le service spécialisé Europe au sein des Services des études et de la documentation. Le Bundestag entretient également un grand nombre de contacts avec d'autres parlements et avec des regroupements parlementaires supranationaux ; l'administration du Bundestag fournit un support personnel dans l'entretien de ces contacts.

Avec le temps, dans le contexte de l'avancée de l'intégration européenne, l'on a ressenti de plus en plus la nécessité d'instituer une commission parlementaire autonome chargée des affaires européennes.

Plus l'intégration de l'Europe se développait, et plus des droits de souveraineté ont été conférés à l'Union européenne, plus il devenait urgent d'instituer une commission à part entière, dotée de droits et d'obligations appropriés, qui contribue à éliminer ce qui, au niveau européen, est appelé le "déficit démocratique". Le développement des unités d'assistance administrative se fit à plusieurs niveaux intermédiaires, jusqu'à ce que, au début de la 13^e législature, un secrétariat de commission indépendant soit institué, lequel est devenu depuis lors l'un des plus gros secrétariats de commission au Bundestag.

Renforcement des possibilités d'information et de contrôle parlementaires

Le Bundestag allemand a réagi au défi que représentaient les développements scientifiques et technologiques à la politique dans les années 1970/1980 en instituant un nombre croissant de commissions dites d'étude ad hoc, comme par exemple sur l'énergie nucléaire et sur le génie génétique. Les commissions d'étude ad hoc sont chargées par le Bundestag d'une mission de recherche, limitée dans le temps, sur un problème déterminé. Elles ne se composent pas seulement de membres du Bundestag, mais aussi d'experts externes.

Dans ce même contexte, le débat s'était animé au Bundestag au début des années 1970 sur la manière dont on aurait pu contribuer à une évaluation plus précise du potentiel et des dangers présentés par les possibilités et les développements technologiques. L'exemple institutionnel, dans cette discussion, était toujours l'*Office for Technology Assessment* du congrès des États-Unis. À la fin 1989, le Bundestag décida d'instituer le Bureau d'évaluation des répercussions technologiques (TAB). Un institut de recherche extra-universitaire compétent fut choisi comme moteur du TAB.

Le TAB travaille exclusivement pour le Bundestag allemand. La commission de l'éducation, de la recherche et de l'évaluation des répercussions technologiques en est le commanditaire des travaux et l'organe de direction. En tant qu'institution scientifique externe financée par le Bundestag, le TAB n'est pas intégré à l'administration du Bundestag.

Les études du TAB sont publiées au titre d'impressions du Bundestag et font l'objet de discussions au sein des commissions concernées comme à l'assemblée plénière.

Le TAB est membre de l'*European Parliamentary Technology Assessment Network* (EPTA).

Informatisation et utilisation de l'Internet

La pénétration de l'informatique dans les procédures de travail de l'administration du Bundestag est très élevée ; chaque poste de travail dans un bureau est équipé d'un ordinateur et dispose, outre les applications locales (bureautique), du courriel et de l'accès à l'Internet et à l'Intranet.

L'Intranet est la plate-forme d'information interne centrale du Bundestag : il est utilisé par l'administration du Bundestag, les députés et les groupes parlementaires. Il offre un grand nombre d'informations importantes pour le Parlement. L'administration du Bundestag est assistée par des systèmes informatiques particuliers non seulement pour l'accomplissement des tâches administratives élémentaires (p. ex. calcul des indemnités, des allocations pour frais de maladie, des frais de voyage), mais aussi spécifiquement dans des tâches opérationnelles parlementaires (p.ex. gestion des documents parlementaires). En outre, le comité des doyens a décidé que le processus de législation au Parlement devra passer intégralement sur documents électroniques à l'horizon 2006.

Le Bundestag est présent sur l'Internet (www.bundestag.de) depuis 1995 ; le site contient des informations en provenance et à propos du Parlement, des banques de données, des services de lettres d'informations, des forums et une webtélé qui réalise des retransmissions en direct depuis le Bundestag. Dans le cadre de discussions en ligne, les représentants politiques répondent, depuis le Parlement, aux questions des internautes sur des thèmes d'actualité.

Questions de sécurité après le 11 septembre 2001

Après les attentats terroristes du 11 septembre 2001 aux États-Unis, les contrôles à l'entrée du Bundestag allemand ont été renforcés, et des premiers contrôles restrictifs étaient effectués sur le parvis du Bundestag, en collaboration avec la police du Land de Berlin. Depuis lors, ces contrôles sur le parvis opérés par la police du Land ne sont plus pratiqués que dans certaines circonstances. La visibilité de la présence des collaborateurs du service de police auprès du Bundestag, lesquels assurent en principe leur service en tenue civile, a été garantie par le port de gilets et des vestes comportant l'inscription "*Polizei*" ("Police"), visible clairement, et ce, à des fins de prévention.

Toutes les personnes habilitées à accéder aux bâtiments du Bundestag, à l'exception des députés, des membres du gouvernement fédéral et des gouvernements des Länder, ainsi que les détenteurs de passeports diplomatiques, sont tenues de porter de manière visible leur badge d'accès. Les députés ont, en très grande majorité, demandé et obtenu des badges de député à porter visiblement.

Dans l'ensemble, le Bundestag a été soucieux de maintenir ouvert à tous les visiteurs le bâtiment du Parlement. L'on a renoncé à éliminer le caractère public pour des motifs de sécurité. C'est la raison pour laquelle le nombre d'accès dotés d'appareil de contrôle à rayon X et de portiques de sécurité a été augmenté. En outre, deux détecteurs d'explosifs ont été acquis afin de réduire les temps de réaction dans le cas d'objets suspects.

Formation professionnelle et formation continue pour les collaborateurs du Parlement

a) Formation professionnelle

Face à l'extension de l'informatisation, l'administration du Bundestag allemand forme des personnes, en association avec la SA Bewag, aux professions d'"électromécanicien" et d'"expert informaticien" (pour un total de 4 places par an, actuellement), ainsi que de "préposé à la communication de bureau" (actuellement 13 places).

b) Formation continue et échange de collaborateurs

Devant la progression de l'intégration européenne, des offres de formations en langues étrangères, les programmes de formation de l'Académie fédérale

d'administration publique (BaköV) ainsi que les offres de participation à un échange de collaborateurs avec d'autres administrations parlementaires sont proposées aux collaborateurs du Parlement.

Ainsi l'Office fédéral des langues offre-t-il chaque année un total de 50 cours d'anglais et de français, qui se tiennent chaque semaine en marge des heures de bureau, auxquels s'ajoutent 13 cours intensifs. L'intérêt pour cette offre s'est considérablement accru au cours des deux dernières années.

Sur les deux dernières années, l'Académie fédérale d'administration publique (BaköV) a augmenté le nombre de ses manifestations centrées sur des questions européennes (fondements, missions internationales, relations avec les États partenaires), qui sont ainsi passées d'un total de 40 à un total de 57.

Au cours de cette année, des échanges de collaborateurs ont eu lieu ou ont lieu avec les administrations parlementaires de France, d'Irlande, de Pologne, de Grande-Bretagne et des États-Unis.

g) Collaboration entre les administrations parlementaires et prévention du double travail

Les exemples de collaboration au sein de l'EPTA, des commissions des pétitions réunies au sein du réseau du Médiateur européen, de l'Institut européen de l'Ombudsman et de l'Institut international de l'Ombudsman, ainsi que la collaboration des administrations parlementaires dans le cadre du CERDP et de ses groupes de travail montrent que la nécessité d'une collaboration étroite a été reconnue, et qu'il existe une volonté de la poursuivre. Parallèlement, il faut souligner que cette nécessité d'une collaboration, renforcée dans la foulée de l'intégration européenne et des évolutions définies comme la "mondialisation", exige aussi que tous les efforts soient entrepris afin d'éviter le double travail et le gaspillage des ressources humaines et matérielles.

Conformément à ses attentes, le CERDP semble appelé, en tant que centre de coordination de la collaboration qui a lieu au sein de différentes associations, à faire en sorte que l'on puisse repérer rapidement - éventuellement à l'aide d'un catalogue thématique facilement maniable et clair - où le problème suscitant l'intérêt à un moment donné a déjà été traité, ou est traité, de sorte que l'on puisse ainsi éviter le double travail.

Deutschen Bundestages (de.)

a) Der Status der Verwaltung des Deutschen Bundestages

Die Bundestagsverwaltung als Teil des öffentlichen Dienstes; ihre Aufgaben

Die Verwaltung des Deutschen Bundestages ist eine oberste Bundesbehörde. Sie untersteht dem Präsidenten und wird vom Direktor beim Deutschen Bundestag geleitet.

Unter der Bezeichnung „Bundestagsverwaltung“ lassen sich im Wesentlichen alle administrativen, wissenschaftlichen und organisatorisch-technischen Dienste zusammenfassen, die der Deutsche Bundestag sich zur besseren Erfüllung seiner vielfältigen verfassungsrechtlichen Aufgaben geschaffen hat. Die Kernbereiche dieser Aufgaben sind die Unterstützung des Bundestagspräsidenten bei seiner Leitungs- und Koordinierungsfunktion, die Unterstützung der verschiedenen parlamentarischen Gremien und die Unterstützung aller Abgeordneten bei der Ausübung ihres Mandats.

Die Bundestagsverwaltung ist weder wie eine übliche Verwaltung strukturiert, noch sind ihre Aufgaben mit denen anderer oberster Bundesbehörden vergleichbar. Als Parlamentsverwaltung ist sie eine Verwaltung sui generis. Die Bundestagsverwaltung erläßt kaum Hoheitsakte mit Außenwirkung. Auch die materielle Vorbereitung der Gesetzgebung gehört –im Unterschied zu den Bundesministerien- nicht zu ihren Aufgaben.

Die Bundestagsverwaltung gliedert sich in die drei Abteilungen

- Parlamentarische Dienste
- Wissenschaftliche Dienste und
- Zentrale Dienste

Die Abteilungen gliedern sich in Unterabteilungen und Referate. Hinzu kommen – außerhalb der Abteilungen- das Präsidialbüro und die Büros der Vizepräsidenten, das Pressezentrum und das Protokoll – Referat sowie die Abteilung, die dem Wehrbeauftragten zur Erfüllung seiner Aufgaben zugewiesen ist.

Die Parlamentarischen Dienste (P) leisten –allgemein ausgedrückt- Servicefunktionen für die parlamentarische Arbeit des Bundestages im engeren Sinne. Die Abteilung ist untergliedert in die Unterabteilungen „Parlamentsdienste“, „Parlamentarische Beziehungen“ und „Parlamentarische Information“.

Die Abteilung Wissenschaftliche Dienste (W) deckt den Informationsbedarf ab, der sich aus den Inhalten der Gesetzgebung und den sonstigen politischen Themen ergibt. Zu den Wissenschaftlichen Diensten gehören die Wissenschaftliche Dokumentation mit Bibliothek, Archiv und Sach- und Sprechregister, die Wissenschaftlichen Fachdienste, die Sekretariate der Ausschüsse, Enquête – Kommissionen und

Untersuchungsausschüsse des Deutschen Bundestages sowie die Unterabteilung Petitionen und Eingaben.

Die Abteilung Z schafft die elementaren Voraussetzungen für die Funktionsfähigkeit jeder großen Behörde, wie z.B. Haushalt, Personal und Liegenschaften; sie ist mithin für alle Teile des Hauses zuständig.

Für die Beamtinnen und Beamten der Bundestagsverwaltung gilt kein eigenständiges Laufbahnrecht. Es kommen vielmehr die für alle übrigen Beamtinnen und Beamten des Bundes geltenden laufbahnrechtlichen Bestimmungen zum Tragen. Auch für Bezüge, Pensionen und Arbeitszeiten gelten keine Sonderregelungen.

Einstellungsvoraussetzungen

Die Bundestagsverwaltung nimmt selbst die Auswahl von Mitarbeiterinnen und Mitarbeitern vor.

Generell gilt, dass in die Laufbahn des höheren Dienstes nur eingestellt werden kann, wer ein Hochschulstudium, dessen Mindest- und Regelstudienzeit nicht weniger als drei Jahre beträgt, abgeschlossen hat.

Ein vorübergehender oder dauerhafter Wechsel von Mitarbeiterinnen und Mitarbeitern anderer Bundesbehörden zur Bundestagsverwaltung ist – ebenso wie der umgekehrte Weg – möglich. Führungspersonal wird in der Regel aus den eigenen Reihen rekrutiert. Hierfür werden Mitarbeiterinnen und Mitarbeiter ausgewählt, die sich in unterschiedlichen Verwendungen in der Bundestagsverwaltung bewährt haben.

b) Beziehungen zwischen den politischen Gremien und der Parlamentverwaltung

Stellung des Bundestagspräsidenten und des Präsidiums

Der Bundestagspräsident vertritt den Bundestag und regelt seine Geschäfte. Er wahrt die Würde und die Rechte des Bundestages, fördert seine Arbeiten, leitet seine Verhandlungen und wahrt die Ordnung im Hause.

Er ist oberste Dienstbehörde der Mitarbeiterinnen und Mitarbeiter des Deutschen Bundestages

Das Präsidium des Deutschen Bundestages besteht aus dem Bundestagspräsidenten und seinen – in der laufenden Legislaturperiode vier –

Vizepräsidenten. Jede Fraktion des Deutschen Bundestages ist durch einen Vizepräsidenten im Präsidium vertreten.

Der Präsident und die Vizepräsidenten werden für die Dauer der Legislaturperiode gewählt. Das Präsidium tritt regelmäßig in jeder Sitzungswoche des Bundestages zusammen, um Angelegenheiten, die die Leitung des Hauses betreffen, zu beraten.

Der Präsident darf Verträge von erheblicher Bedeutung nur im Benehmen mit seinen Stellvertretern schließen und andere bestimmte Aufgaben nur im Benehmen oder mit Zustimmung seiner Stellvertreter wahrnehmen.

Das Präsidium wirkt unter anderem an Personalangelegenheiten der höheren Beamtinnen und Beamten der Bundestagsverwaltung mit. Auch Fragen der Öffentlichkeitsarbeit werden hier beraten. Das Präsidium entscheidet mit Mehrheit. Bei Stimmgleichheit hat der Präsident den Stichentscheid.

Die Rolle des Ältestenrates

Als gemeinsames Beratungsorgan des Präsidenten und der Fraktionen zur Steuerung der Arbeit des Bundestages fungiert der Ältestenrat, der sich aus dem Präsidenten, den Vizepräsidenten und 23 weiteren Abgeordneten zusammensetzt, die von den Fraktionen entsprechend ihrer Mitgliederzahl benannt werden, darunter alle Parlamentarischen Geschäftsführer der Fraktionen.

Der Ältestenrat tritt regelmäßig in jeder Sitzungswoche des Bundestages unter dem Vorsitz des Bundestagspräsidenten zusammen. Der Ältestenrat unterstützt den Präsidenten bei der Führung der Geschäfte und führt eine Verständigung zwischen den Fraktionen, etwa über den Arbeitsplan des Plenums, herbei. Außerdem beschließt er als Kollegialorgan über innere Angelegenheiten des Bundestages, soweit sie nicht dem Präsidenten oder dem Präsidium vorbehalten sind.

c) Trägt der Generalsekretär die Hauptverantwortung für die - Verwaltung oder teilt er diese mit anderen hochrangigen Beamten?

Der Direktor beim Deutschen Bundestag leitet die Verwaltung des Deutschen Bundestages im Auftrag des Präsidenten.

Er ist der Vorgesetzte aller Bediensteten der Bundestagsverwaltung und trägt dem Präsidenten gegenüber die Verantwortung. Außerdem ist der Direktor engster Berater des Präsidenten und Sekretär der Leitungsorgane des Deutschen Bundestages, d.h. des Präsidiums und des Ältestenrates.

Der Direktor kann jederzeit in den einstweiligen Ruhestand versetzt werden.

d) Die Arbeitsbelastung des Parlaments und die Arbeitsbelastung

der Verwaltung

Nach einer Reduzierung der Anzahl der Wahlkreise beträgt die Zahl der Mitglieder des Deutschen Bundestages seit Beginn der 15. Wahlperiode 603 (14. Wahlperiode: 669), von denen 299 direkt in den Wahlkreisen gewählt wurden, während die übrigen 304 über die Landeslisten ihrer Parteien in das Parlament einzogen.

Das Plenum

Das Parlament kommt im Jahr 2003 während 21 Wochen zu Sitzungen zusammen; ausgehend von den Werten der vergangenen Legislaturperiode ist davon auszugehen, dass auch während der gegenwärtigen Legislaturperiode durchschnittlich 499 Stunden lang das Plenum tagen wird.

Ausgehend davon, dass der Deutsche Bundestag seit 1994 im Durchschnitt 250 Gesetzentwürfe pro Jahr behandelt hat, ist anzunehmen, dass angesichts der Komplexität der politischen Aufgabenstellung, des europäischen Integrationsprozesses und der Auseinandersetzung mit den verschiedenen Aspekten des als „Globalisierung“ bezeichneten Phänomens die Anzahl der zu behandelnden Gesetzentwürfe auch in der laufenden Legislaturperiode nicht zurückgehen wird.

Die Gesamtzahl der Abstimmungen im Plenum, die sämtlich die Beschlussfähigkeit erfordern, kann nicht ermittelt werden. Besonders zu erwähnen ist jedoch, dass durchschnittlich 25 Namentliche Abstimmungen im Jahr getätigt werden.

Der Stenografische Dienst erstellt das wörtliche Protokoll der Plenarsitzungen, das regelmäßig am folgenden Tag zur Verfügung steht und außer den Mitgliedern und Gremien des Bundestages zahlreichen Stellen außerhalb des Bundestages – Verfassungsorgane, wissenschaftliche Einrichtungen, Medien, Verbände u.a.- zur Verfügung gestellt wird.

Die Ausschüsse

In der laufenden Legislaturperiode gibt es 21 ständige Ausschüsse. Sie tagen regelmäßig einmal in jeder Sitzungswoche des Deutschen Bundestages und darüber hinaus, wenn der Vorsitzende den Ausschuss einberuft.

Die folgende Tabelle veranschaulicht, wie häufig die einzelnen ständigen Ausschüsse bis zum 4. Juli 2003 in der laufenden Legislaturperiode getagt haben und wie häufig die entsprechenden Ausschüsse in der letzten Legislaturperiode tagten.

Name des Ausschusses	Laufende Legislaturperiode (bis 4. Juli 2003)	14. Legislaturperiode (om Vom 25.10.1998 bis zum 16.10.2002)
Ausschuss für Wahlprüfung, Immunität und Geschäftsordnung	26	128
Petitionsausschuss	15	77

Auswärtiger Ausschuss	21	106
Innenausschuss	18	103
Sportausschuss	19	64
Rechtsausschuss	23	139
Finanzausschuss	23	140
Haushaltsausschuss	24	114
Ausschuss für Wirtschaft und Technologie	27	88
Ausschuss für Verbraucherschutz, Ernährung und Landwirtschaft	19	107
Verteidigungsausschuss	20	109
Ausschuss für Familie, Senioren, Frauen und Jugend	16	98
Ausschuss für Gesundheit	32	149
Ausschuss für Verkehr, Bau und Wohnungswesen	15	90
Ausschuss für Umwelt, Naturschutz und Reaktorsicherheit	20	88
Ausschuss für Menschenrechte und humanitäre Hilfe	20	92
Ausschuss für Bildung, Forschung und Technikfolgenabschätzung	15	73
Ausschuss für wirtschaftliche Zusammenarbeit und Entwicklung	21	85
Ausschuss für Tourismus	21	93
Ausschuss für Angelegenheiten der Europäischen Union	26	102
Ausschuss für Kultur und Medien	16	81

Wieviel Stunden lang die Ausschüsse tagen bzw. im Durchschnitt der laufenden Legislaturperiode tagen werden, lässt sich nicht genau ermitteln, da es keine entsprechende Zeiterfassung gibt. Erfahrungswerte aus den vergangenen Legislaturperioden besagen jedoch, dass die Anzahl der Sitzungsstunden der Ausschüsse deutlich über der des Plenums liegt.

Die Geschäftsordnung des Deutschen Bundestages bezeichnet die Ausschüsse als „vorbereitende Beschlussorgane“ des Parlaments. Ihre Aufgabe ist, in den Beratungen der ihnen vom Plenum überwiesenen Vorlagen eine Beschlussempfehlung an das Plenum zu erarbeiten. Diese Beschlussempfehlung muss so gefasst sein, dass der Bundestag darüber abstimmen kann.

Wird eine Vorlage an mehrere Ausschüsse überwiesen, so ist der mit der Federführung betraute Ausschuss für die Beschlussempfehlung zuständig.

Über die Beratung der ihnen vom Plenum überwiesenen Vorlagen hinaus, können die Ausschüsse sich auch mit nicht überwiesenen Fragen aus ihrem jeweiligen Geschäftsbereich befassen. In diesem Fall sind sie aber nicht berechtigt, dem Plenum eine Beschlussempfehlung vorzulegen.

In den – grundsätzlich nicht öffentlichen – Ausschuss-Sitzungen können Sachverständige, Ministerialbeamte und Regierungsvertreter gehört werden. Die Ausschüsse können Unterausschüsse und Arbeitsgruppen einsetzen.

Den Ausschüssen sind jeweils Ausschussesekretariate zugeordnet. Das Ausschussesekretariat besteht aus Mitarbeitern des höheren Dienstes (Sekretariatsleiter, Referent), des gehobenen Dienstes (Büroleiter) und des mittleren Dienstes (Erst- und Zweitsekretärin). Die Anzahl der Mitarbeiter richtet sich grundsätzlich nach Zahl und Umfang der Sachgebiete, für deren Beratung der Ausschuss zuständig ist. Das Sekretariat ist Teil der Verwaltung.

Die Vorsitzenden der Ausschüsse werden von den Ausschuss-Sekretariaten in allen Angelegenheiten, die den Ausschuss betreffen, beraten und unterstützt. Hierzu gehört insbesondere die Vorbereitung der Ausschuss-Sitzungen, zum Beispiel die Zusammenstellung der Beratungsunterlagen, gegebenenfalls die Erstellung von „Sprechzetteln“, die den Beratungsstand wiedergeben, Geschäftsordnungshinweise enthalten, zum Teil auch Hinweise auf Beratungsschwerpunkte geben. Hinzu kommt die Unterstützung des Vorsitzenden während der Sitzung, insbesondere die Beratung in Geschäftsordnungsfragen, und die Umsetzung der Beschlüsse des Ausschusses.

Das Ausschuss-Sekretariat erstellt die Sitzungsprotokolle und den Entwurf der Beschlussempfehlung sowie Berichte für den Vorsitzenden und die Berichterstatter.

Ein Mitarbeiter der Verwaltung als persönlicher Referent wird dem Vorsitzenden nicht zur Verfügung gestellt. Bei seiner politischen Tätigkeit als Mitglied des Ausschusses wird er –wie die übrigen Mitglieder auch- in der Regel durch Mitarbeiter seiner Fraktion und durch seine persönlichen Abgeordnetenmitarbeiter unterstützt (die Mittel für die Beschäftigung von Abgeordnetenmitarbeitern werden ihm in seiner Eigenschaft als Abgeordneter, nicht speziell in seiner Eigenschaft als Vorsitzender eines Ausschusses, zur Verfügung gestellt).

Daneben bereitet das Sekretariat sonstige Veranstaltungen, Gesprächstermine und Dienstreisen vor, erstellt Pressemitteilungen und gegebenenfalls auch Redetexte. Soweit ein Ausschuss Unterausschüsse eingesetzt hat, werden auch diese entsprechend betreut. Das Ausschuss-Sekretariat erledigt auch den Schriftwechsel für den Vorsitzenden, soweit er die Beratungsthemen des Ausschusses betrifft.

Zudem kann jedes Ausschussmitglied auf die allen Abgeordneten zur Verfügung stehenden Serviceleistungen der Fachbereiche der Wissenschaftlichen Dienste, deren Zuständigkeitsbereiche inhaltlich denen der einzelnen Ausschüsse entsprechen, zurückgreifen. Hier können Ausarbeitungen, Materialsammlungen und Dokumentationen in Auftrag gegeben werden, von denen im Jahr durchschnittlich 2.000 angefertigt werden.

Die Wissenschaftlichen Dienste erstellen auch aus eigener Initiative Arbeiten zu aktuellen Themen. Neben kurzen Darstellungen und Erläuterungen zu Begriffen und

Themen, die in der politischen Diskussion neu oder verstärkt auftreten, werden umfangreiche Studien und Untersuchungen und ausführliche Einführungen in Problemkreise angeboten.

Auch wenn u.a. das Aufzeigen alternativer Handlungsmöglichkeiten Ziel dieser Dienstleistungen ist, werden grundsätzlich keine bestimmten politischen Maßnahmen, Gesetzesinitiativen oder Standpunkte empfohlen oder befürwortet.

Der Petitionsausschuss

Überdies ist darauf hinzuweisen, dass gemäß Artikel 17 des Grundgesetzes jeder das Recht hat, sich an die Volksvertretung zu wenden. Artikel 45 c des Grundgesetzes verpflichtet den Bundestag, einen Petitionsausschuss zu bestellen und ihm die Behandlung der an den Bundestag gerichteten Bitten und Beschwerden zu übertragen.

Der Petitionsausschuss hat das Recht, Beschlüsse des Plenums über Beschwerden vorzubereiten.

Dem Petitionsausschuss gehören 25 Mitglieder des Bundestages an. In der vergangenen Wahlperiode erreichten den Ausschuss 69.421 Zuschriften. In 76 Sitzungen wurden 1634 Petitionen zur Einzelberatung aufgerufen. Die Ergebnisse dieser Einzelberatungen legte der Ausschuss dem Bundestag als Beschlussempfehlungen zur Erledigung der Petitionen in Form von 435 Sammelübersichten vor.

Im Jahr 2002 fanden 17 Ausschusssitzungen statt, in denen 243 Petitionen zur Einzelberatung und 22.425 zur Sammelberatung aufgerufen wurden.

Darüber hinaus legt der Petitionsausschuss jährlich einen Bericht über seine Tätigkeit vor.

Die Mitglieder des Petitionsausschusses werden von einem Ausschussdienst unterstützt, der als Unterabteilung Petitionen und Eingaben zur Abteilung Wissenschaftliche Dienste der Bundestagsverwaltung zählt. Der Ausschussdienst nimmt die Zuschriften entgegen, prüft sie inhaltlich und holt in der Regel eine Stellungnahme bei dem zuständigen Organ der Bundesregierung ein. Sobald der Petition zugrunde liegende Sachverhalt aufgeklärt und die Rechtslage beurteilt ist, erstellt der Ausschussdienst einen Vorschlag zur Erledigung der Petition und leitet diesen Vorschlag den Berichterstatter zu. Auf der Grundlage der Voten der Berichterstatter berät sodann der Ausschuss die Petitionen und legt dem Plenum die Beschlussempfehlung für deren abschließende Behandlung vor.

Der Ausschussdienst bereitet darüber hinaus die Sitzungen des Petitionsausschusses vor und assistiert bei der Durchführung und Nachbereitung der Sitzungen.

e) Einbeziehung der Parlamentsverwaltung in das Gesetzgebungsverfahren

Bestimmte Bereiche der Bundestagsverwaltung (Fachbereiche und Ausschussesekretariate in der Abteilung Wissenschaftliche Dienste) sind zwar an der kritischen Prüfung von Gesetzentwürfen beteiligt, nicht aber an deren Entstehung.

Die Bundestagsverwaltung bietet keinen Gesetzgebungshilfsdienst im engeren Sinne. Man könnte sie als Informationshilfsdienst oder „Parlaments- und Gesetzgebungsinformationsdienst“ bezeichnen.

Entsprechend den Bestimmungen des Grundgesetzes, leitet die Bundesregierung dem Bundestag –nach Beteiligung des Bundesrates- ihre Gesetzentwürfe zu.

Das Parlamentssekretariat, das in der Abteilung Parlamentarische Dienste angesiedelt ist, wirkt als allgemeine Eingangs- und Verteilungsstelle für alle Initiativen, die sich auf das Verfahren im Bundestag beziehen (Gesetzentwürfe, Anträge, Fragen im Rahmen des parlamentarischen Fragerechts). Es ist auch für die Entgegennahme, den Druck und die Verteilung der Gesetzentwürfe und Berichte der Bundesregierung, der Initiativen des Bundesrates sowie der schriftlichen Antworten der Bundesregierung im Rahmen des parlamentarischen Fragerechts zuständig.

Der Fachbereich Parlamentsrecht, der ebenfalls der Abteilung Parlamentarische Dienste angehört, erarbeitet den so genannten Sprechzettel für die Leitung der Plenarsitzungen, eine Zusammenstellung aller Tagesordnungspunkte und dazu vorliegender Gesetzentwürfe, Änderungsanträge, Entschließungsanträge, Berichte, Anfragen u.ä. Hier ist auch der Sitzungsdienst für die Plenarsitzungen angesiedelt, der zur Beratung des amtierenden Präsidenten zu plötzlich auftretenden Geschäftsordnungsproblemen zur Verfügung steht. Der Fachbereich Parlamentsrecht leistet Beratung zum Parlamentsrecht im weitesten Sinne.

Beim Europabüro, das Teil des Sekretariats des Ausschusses für die Angelegenheiten der Europäischen Union ist, gehen alle von der Regierung dem Parlament zugesandten, die EU betreffenden Papiere ein. Sie werden registriert, den inhaltlich zuständigen Ausschüssen zugesandt, die Beratungswünsche in eine Liste aufgenommen und an den Ältestenrat weitergeleitet, der die Federführung oder Mitberatung festlegt.

Die Ausschussesekretariate haben in der Regel guten Kontakt zu den für ihren Bereich zuständigen Ministerien. In der Regel werden sie vom Kabinetts- und Parlamentsreferat des jeweiligen Ministeriums über die Gesetzgebungsvorhaben unterrichtet.

Darüber hinaus gibt es in der Regel intensive Kontakte zwischen dem Sekretariat und den für die Themenbereiche zuständigen Mitarbeiter der Fraktionen, insbesondere der jeweiligen Regierungsfaktionen.

Eine regelmäßige gesonderte und vertiefte Prüfung durch die Parlamentsverwaltung der Übereinstimmung der Gesetzentwürfe mit den Regeln für die Erstellung von Gesetzentwürfen findet üblicher Weise nicht statt, da durch die Gemeinsame Geschäftsordnung der Bundesministerien (GGO) die Entwicklung der Vorlagen für Gesetzentwürfe in der Ministerialbürokratie detailliert geregelt ist. Es bestehen Regelungen zur Sicherung der inhaltlichen und der formellen Qualität der Entwürfe.

Bevor ein Entwurf der Bundesregierung zum Beschluss vorgelegt wird, prüft außerdem das Bundesministerium der Justiz dessen Rechtsförmlichkeit, also nicht nur Form und Verfassungsmäßigkeit des Entwurfs, sondern auch das Verhältnis zu bereits bestehenden Gesetzen. Außerdem wird geprüft, ob das vorgeschlagene Gesetz notwendig, wirksam und verständlich ist.

Dessen ungeachtet hat jedes Mitglied des Deutschen Bundestages, wie oben unter (d) bereits ausgeführt, die Möglichkeit, durch die Wissenschaftlichen Dienste der Verwaltung ein Gutachten zu Inhalt und Form eines Gesetzes anfertigen zu lassen.

f) Jüngste Veränderungen in der Parlamentsverwaltung

Europäische Integration

Der europäische Integrationsprozess stellte und stellt den Deutschen Bundestag vor neue Aufgaben, die in die Gesetzgebung in allen Bereichen hineinwirken. Zugleich wurden auch neue Fachgremien errichtet (so der Bundestagsausschuss für die Angelegenheiten der Europäischen Union oder der Fachbereich Europa innerhalb der Wissenschaftlichen Dienste). Der Bundestag pflegt auch eine Vielzahl von Kontakten zu anderen Parlamenten und zu übernationalen parlamentarischen Zusammenschlüssen, wozu die Bundestagsverwaltung personelle Unterstützung leistet.

Die Einsicht in die Erfordernis der Errichtung eines eigenständigen Europaausschusses ist im Kontext der fortschreitenden Integration Europas historisch gewachsen.

Je höher- und weiterentwickelt die Europäische Integration war, je mehr Hoheitsbefugnisse also auf die Europäische Union übertragen worden waren, desto unabweisbarer war es, einen mit ausreichenden Rechten und Pflichten ausgestatteten Vollausschuss einzurichten, der mit dazu beiträgt, auf europäischer Ebene das zu beseitigen, was das „demokratische Defizit“ genannt wird. Die Entwicklung der administrativen Assistenzeinheiten verlief über mehrere Zwischenstufen, bis dann mit Beginn der 13. Wahlperiode ein eigenständiges Ausschussesekretariat eingerichtet wurde, das inzwischen eines der größten Ausschussesekretariate im Bundestag überhaupt ist.

Stärkung der parlamentarischen Informations- und Kontrollmöglichkeiten

Der Deutsche Bundestag reagierte auf die Herausforderung der wissenschaftlich-technologischen Entwicklungen an die Politik in den 1970/1980er Jahren mit einer häufigeren Einsetzung sogenannter Enquête-Kommissionen, so etwa zur Kernenergie und zur Gentechnologie. Enquête-Kommissionen haben einen vom Bundestag zeitlich begrenzten Auftrag zur Untersuchung eines bestimmten Problems. Sie setzen sich nicht nur aus Mitgliedern des Bundestages, sondern auch aus externen Sachverständigen zusammen.

Ebenfalls in diesem Zusammenhang steht, dass im Bundestag Anfang der 1970er Jahre verstärkt darüber diskutiert wurde, wie zu einer präziseren Einschätzung der Potenziale und Gefahren technologischer Möglichkeiten und Entwicklungen beigetragen werden könnte. Als institutionelles Vorbild wurde in dieser Diskussion immer wieder auf das Office for Technology Assessment des Kongresses der USA hingewiesen. Ende 1989 beschloss der Bundestag die Einrichtung des Büros für Technikfolgenabschätzung (TAB). Als Betreiber des TAB wurde eine kompetente außeruniversitäre Forschungseinrichtung ausgewählt.

Das TAB arbeitet ausschließlich für den Deutschen Bundestag. Auftraggeber und Steuerungsorgan ist der Ausschuss für Bildung, Forschung und Technikfolgenabschätzung des Bundestages. Das TAB als eine vom Bundestag finanzierte externe wissenschaftliche Einrichtung ist nicht in die Verwaltung des Bundestages integriert.

Die Studien des TAB werden als Bundestagsdrucksachen veröffentlicht und von den betroffenen Ausschüssen und auch im Plenum des Bundestages beraten.

Das TAB ist Mitglied im European Parliamentary Technology Assessment Network (EPTA).

Informatisierung und Nutzung des Internet

Die informationstechnische Durchdringung der Arbeitsprozesse der Bundestagsverwaltung ist sehr hoch; jeder Büroarbeitsplatz ist mit einem PC ausgestattet und verfügt neben lokalen Anwendungen (Officeprogrammen) über Email, Internet- und Intranetzugang.

Das Intranet ist die zentrale bundestagsinterne Informationsplattform, die von der Bundestagsverwaltung, den Abgeordneten und Fraktionsstäben genutzt wird. Es bietet eine Vielzahl von parlamentsrelevanten Informationen. Besondere Informationssysteme unterstützen die Bundestagsverwaltung nicht nur bei originären Verwaltungsaufgaben (z.B. Diäten-, Beihilfe-, Reisekostenabrechnung), sondern auch speziell in parlamentarisch-operativen Aufgaben (z.B. Steuerung parlamentarischer Vorgänge). Darüber hinaus soll auf Beschluss des Ältestenrates bis 2006 der parlamentsinterne Gesetzgebungsprozess vollständig auf elektronische Dokumente umgestellt werden.

Die Internet-Präsenz des Bundestages (www.bundestag.de) existiert seit 1995; sie enthält Informationen aus und über das Parlament, Datenbanken, Newsletterdienste, Foren und Web-TV mit Liveübertragungen aus dem Bundestag. In Chats stellen sich Politiker live den Fragen der Internetnutzer zu aktuellen Themen aus dem Parlament.

Sicherheitsfragen nach dem 11. September 2001

Nach den Terroranschlägen vom 11. September 2001 in den USA wurden die Einlasskontrollen zum Deutschen Bundestag verstärkt und restriktive Vorkontrollen auf dem Vorplatz des Bundestages in Zusammenarbeit mit der Berliner Landespolizei durchgeführt. Mittlerweile werden diese Kontrollen im Vorfeld von der Landespolizei nur noch bei bestimmten Anlässen durchgeführt. Die optische Präsenz der Mitarbeiter des Polizeivollzugsdienstes beim Deutschen Bundestag, die grundsätzlich in Zivilkleidung ihren Dienst versehen, wurde zu Zwecken der Prävention durch Westen und Jacken mit der deutlich sichtbaren Aufschrift „Polizei“ hergestellt.

Alle Zutrittsberechtigten zu den Liegenschaften des Bundestages mit Ausnahme der Abgeordneten, der Mitglieder der Bundesregierung und der Regierungen der Länder des Bundes sowie der Inhaber von Diplomatenpässen, sind verpflichtet, ihre zum Zutritt berechtigenden Ausweise offen zu tragen. Die überwiegende Mehrheit der Abgeordneten erhielt auf eigenen Wunsch sichtbar zu tragende Abgeordneten ausweise.

Insgesamt hat der Bundestag daran festgehalten, das Parlamentsgebäude für alle Besucher offen zu halten. Es wurde darauf verzichtet, aus Sicherheitsgründen die Öffentlichkeit auszuschließen. Aus diesem Grunde wurde die Anzahl der mit Röntgenkontrollgeräten und Türsonden ausgestatteten Eingänge erhöht. Des Weiteren wurden zwei Sprengstoffspürgeräte angeschafft, um bei verdächtigen Gegenständen die Reaktionszeiten zu verkürzen.

Ausbildung und Fortbildung von Parlamentsmitarbeitern

a) Ausbildung

Im Hinblick auf die zunehmende Informatisierung bildet die Verwaltung des Deutschen Bundestages mit Hilfe der Bewag Aktiengesellschaft als Verbundpartner im Ausbildungsberuf „Mechatroniker“ und „Fachinformatiker“ (derzeit jährlich insgesamt 4 Plätze) aus sowie im Ausbildungsberuf „Kauffrau/Kaufmann für Bürokommunikation“ (derzeit 13 Plätze).

b) Fortbildung und Mitarbeiteraustausch

Im Hinblick auf die fortschreitende europäische Integration sind für die Parlamentsmitarbeiter die Angebote zur fremdsprachlichen Fortbildung, die Fortbildungsveranstaltungen der Bundesakademie für öffentliche Verwaltung (BaköV) sowie die Angebote, an einem Mitarbeiteraustausch mit anderen Parlamentsverwaltungen teilzunehmen, von Bedeutung:

So werden vom Bundessprachenamt jährlich insgesamt 50 Kurse in Englisch und Französisch angeboten, die dienstbegleitend wöchentlich stattfinden, hinzu kommen 13 Block-Kurse. Das Interesse an diesem Angebot hat im Laufe der letzten zwei Jahre deutlich zugenommen.

Die Bundesakademie für öffentliche Verwaltung (BaköV) hat die Zahl ihrer Veranstaltungen zu europäischen Fragestellungen (Grundlagen, internationale Aufgaben, Beziehungen zu den Partnerstaaten) im Laufe der letzten beiden Jahre von insgesamt 40 auf insgesamt 57 erhöht.

In diesem Jahr wurde bzw. wird jeweils ein Mitarbeiteraustausch durchgeführt mit der Parlamentsverwaltung von Frankreich, Irland, Polen, Großbritannien und den USA.

g) Zusammenarbeit der Parlamentsverwaltungen und Vermeidung von Doppelarbeit

Bereits die Beispiele der Zusammenarbeit im Rahmen des EPTA, der Petitionsausschüsse im Netzwerk des Europäischen Ombudsmanns, des Europäischen Ombudsmann-Instituts und des Internationalen Ombudsmann-Instituts und der Zusammenarbeit der Parlamentsverwaltungen im Rahmen des EZPWD und seiner Arbeitsgruppen zeigen, dass sowohl die Notwendigkeit zur engen Kooperation erkannt wie der Wille zu ihr vorhanden ist. Zugleich muss angemerkt werden, dass gerade die Notwendigkeit einer verstärkten Zusammenarbeit im Zuge der europäischen Integration und der als „Globalisierung“ bezeichneten Entwicklungen zugleich erfordert, dass alle Anstrengungen unternommen werden, um Doppelarbeit zu vermeiden und Ressourcen zu schonen.

Das EZPWD erscheint seinem Anspruch nach dazu berufen, als Koordinationsstelle der Zusammenarbeit, die in den unterschiedlichen Verbänden stattfindet, dafür Sorge zu tragen, dass –etwa mit Hilfe eines leicht zu erschließenden, übersichtlichen Themenkatalogs- schnell erschlossen werden kann, wo die jeweils interessierende Fragestellung bereits bearbeitet wurde oder wird, so dass schon dadurch Doppelarbeit vermieden werden kann.

ITALIA

Camera dei deputati

a) The status of the Parliamentary Administration Parliamentary autonomy

Under the Italian Constitution the Chamber and the Senate enjoy a special status of autonomy. Parliamentary Regulations and judgements of the Constitutional Court have further developed and specified the various substantive aspects of this autonomy: *normative, functional, financial, administrative and accounting*.

For the Chamber approves all the rules relating to the internal organs and operations (save where otherwise stipulated directly by the Constitution); it decides on its budget, and submits its request for financial resources as part of the Central Government budget; and it decides on its agenda of work.

Autonomy and specialisation of the parliamentary administration

This particularly high degree of **autonomy** is fully reflected in the administrative organisation, where there is a high degree of **specialisation**, and hence differentiation between the administration of the Chamber and other branches of the civil service.

The administration of the Chamber has its own rules and regulations governing pay, pensions and career advancement, which are decided by the internal organs. The personnel, who are all selected through a highly specialised **public competitive examination** form part of special career structures and posts. In the event of any dispute regarding internal working relations, they do not apply to the ordinary courts of law, but must submit to their own internal judicial organs (**domestic jurisdiction** or "*autodichia*"), which are run according to the constitutional principles of 'audi alteram partem', the rendering of judgments in public, the requirement to issue reasoned decisions, and the right of appeal to a higher instance.

Parliamentary working hours

The personnel of the Chamber are required to show particular sense of duty and professional commitment to their work, for which they are rewarded with a special salary system.

Because of the particular **intensity of parliamentary work** all year round (see *paragraph d*) the working hours are particularly long: the offices are open and working normally from 9:00am until 8:00pm every day, in addition to extensions for the sittings of the parliamentary organs. The staff normally work on several daily shifts, based on flexible criteria. Those responsible for individual activities tailor their working hours flexibly to meet parliamentary requirements, and are normally present and on duty all day long.

b) Relations between politics and parliamentary administration

The Administration and the Speaker of the Chamber of Deputies

The administration is the apparatus used by the organs of the Chamber, beginning with the Speaker, to perform their work. In particular, Article 8 of the Regulations of the Chamber of Deputies requires the Speaker to guarantee the orderly running of the business of the Chamber and its administration according to the Rules of Procedure and Regulations.

The administration therefore complies with the instructions issued by the Speaker according to the Rules of the Chamber adopted by the House and any other administration rules and regulations approved by the Office of the Speaker.

The Speaker performs his functions regarding the organisation of the Chamber and its work partly by exercising his own powers, and partly through three **collegial bodies** which he always personally chairs, except on very rare occasions (*the Office of the Speaker exercises tasks connected with the organisational and administrative autonomy of the Chamber, the Conference of the Group Leaders, which exercises the tasks connected with the autonomy of planning parliamentary business, and the Rules of Procedure Board, which exercises tasks connected with regulatory autonomy*). These three organs work jointly with the Speaker to guarantee a unitary governance of the Chamber of Deputies.

Another important for policy/administrative management is the Board of Quaestors composed of three deputies elected by the House (two from the Government coalition and one from the Opposition), who are also members of the Office of the Speaker. This Board, among other things draws up the annual internal draft budget and the financial statements of the Chamber, resolves on the programming of the administrative activities and authorises expenditure. They draft budget and the financial statements are resolved by the Office of the Speaker and are then put to the House for final adoption.

The appointment of the Secretary General and other senior officers

The **Secretary General** is the head of the Administration and reports directly to the Speaker.

The Secretary General is appointed by the Office of the Speaker, acting on a proposal of the Speaker, and is always one of the officials of the Administration. In order to ensure his autonomy and neutrality in respect of the various political majorities, and remains in office for an indefinite term. For the Secretary-General may be removed from office at any time with a two thirds majority vote of the members of the Office of the Speaker.

The Deputy Secretaries-General and service heads are appointed by the Office of the Speaker acting on a proposal by the Secretary General. The appointment of the heads of individual services and the resultant transfers are proposed to the Speaker by the Secretary General. The Deputy Secretaries General act exclusively on the basis of fairly stable mandates from the Secretary General to coordinate the vast array of different functions for which many services exist.

The linkage between the Speaker and the Secretary General

The Rules of Procedure of the Chamber therefore vest the Speaker of the Chamber of Deputies and the linkage between the Speaker and the Secretary General with the responsibility of guaranteeing the overall running of the administration of the Chamber. According to all article 8 of the Rules of Procedure, the Speaker **ensures the smooth running** of the internal administration by **overseeing** the functions of the Quaestors and the Secretaries; the Secretary General, on the other hand, **heads** the services and the offices in compliance with the regulatory provisions issued by the Office of the Speaker, and **is accountable** to the Speaker of the Chamber. The whole organisation of the Administration flows from these fundamental principles.

The impartiality of the parliamentary administration

The parliamentary Administration is therefore characterised primarily by its impartiality and **total independence of individual political groupings** consistently with its role as guarantor, and as a balancing factor between the positions of the different sides required of the Speaker. The fundamental principle that is implicit in the structure and in the representative function of Parliament is therefore that the Administration as a whole must provide **uniform services with total impartiality** to the various parliamentary organs, to all the Deputies and to all the political parties.

The offices therefore perform their functions as part of the parliamentary dialectic and by supporting the work of the parliamentary organs and the political groupings, but acting autonomously and with a **distinction of roles**.

Impartiality is not only an ethical and professional duty incumbent on the individual staff members, but it is essentially the way of organising their work and a working methodology. The working techniques in different sectors are generally and laid down broadly in advance, standardised, and performed in the different services in accordance with the guidelines laid down by the Secretary General. When an unusual problem arises, it is first put to the Secretary General, who - if necessary - then submits it to the Speaker.

Work is performed using specific techniques and predetermined methods, guaranteeing transparency, controllability and uniformity of conduct throughout the Administration. This means that the Offices are able to work in a manner that is evidently objective and impartial when making very detailed assessments to prepare the work of the parliamentary organs (*see for example the reference made to the law-making procedure in paragraph d*).

c) The structure of the senior tier of administration

The unity of the parliamentary administration

The Secretary General is at the top of the administrative structure of the Chamber of Deputies. The organisational model of the administration is characterised by its **unity**. The whole organisation is essentially designed to relate the work of all the offices to the overall responsibility of the Secretary General, and through the Secretary General to the responsibility of the Speaker as the unifying organ of the whole institution. The

Offices working in the closest contact with the political organs (for example the Committees' staff) report on their work directly to the Secretary General.

Reforms of the organisation of parliament

As far as relations between the various offices are concerned, it should be remembered that the Administration of the Chamber was radically **reformed** between 1999 and 2001, which had repercussions on the organisational structure, the instruments used for the administration and on the internal rules and regulations.

This was not only made necessary by the increase in the quantity and the quality of the tasks of the parliamentary bureaucracy, but also by the increasing complexity of the administrative work. In the legislative field, parliamentary procedures have become more complex because they have to be linked to a wide variety of external law-making authorities (the European Union, the law-making powers of the Executive, the local government law-making bodies, and the independent Authorities).

From an administrative point of view the greatest complexity stems from the need to incorporate new national and Community legislation (for example legislation regarding public tenders, health and safety at work, privacy protection, etc.) (*see paragraph f*).

This greater complexity has made it necessary for the offices to break down the rigid divisions of spheres of competence and to work together on many issues that have to be considered simultaneously from many different points of view at ad hoc working groups and meetings.

The main thrusts of the reform were therefore:

- organisational flexibility, in order to constantly adjust the structures to the specific tasks of each sector and to the changing remits on a case-by-case basis;
- functional integration and horizontal coordination as an ordinary method of performing ordinary tasks.

- organisational flexibility

In this framework the **General Secretariat** was further **strengthened**, not to concentrate even more responsibilities in the hierarchy, but to involve all the offices in the issues.

- coordinated and transversal action

The **increase** in the number of **Deputy Secretaries General** and the enhancement of their functions was also designed to strengthen the function of the General Secretariat as a unitary body: they are no longer responsible merely for coordinating traditional sectors of activity (legislative, documentary, administrative, international relations) but for taking responsibility for the **coordinated management of transversal functions** relating to services closely linked to the Secretary General.

This need for a transversal approach and coordination came about mainly:

- in fact-finding activities prior to embarking on parliamentary proceedings (programming business, complex legislative measures, fact-finding surveys,

technical reports for opinions of the "filtering" Committees and the Legislation Committee);

- in administrative activities, to ensure compliance with the new complex disciplines relating to competition, security, privacy, and publicising the procedures on the basis of EU directives;

- in the organisation of new instruments for communication and of events and initiatives to liaise with external parties (initiatives with the general public, parliamentary diplomacy, relations with the EU and with the regional governments, cooperation with schools, universities and scientific establishments).

- enhancing investigative functions

In short, in every area of activity, parliamentary **investigative functions have been enhanced** to make it possible to undertake more complex tasks, thanks to the horizontal integration of powers and information distributed across the services and offices. The Administration has therefore increasingly strengthened its capacity to **work in a unitary and coordinated manner** in order to carry out complex investigations in a variety of different areas of activity. This demands a capacity to coordinate and a degree of organisational flexibility to deal with priorities, to continual emergencies, to the need to react in a timely manner to continuously changing events in parliamentary political life.

d) The intensity of parliamentary work and consequently of the work of the Administration

The Italian Parliament, especially since the 1970s, has been playing a central role in the political system and the law-making process.

The business of the House

This has created a particularly intense working regime, with the **House** (made up of 630 Deputies) sitting four or five days every week, throughout the whole year, with two recesses (one during the Christmas period and the other in the summer (from August to early September). From Monday to Friday, debates take place without a vote, and therefore with a smaller number of Deputies attending the debates. From Tuesday to Thursday, the House sits and votes. The Committees sit when the House is not in session, frequently beginning the start of business forward to 8:00 or 8:30am, and extending their sittings into the night.

In the current Parliament, up to 30 September 2003 there had been 362 sittings in the House (of which 81 in 2001, 164 in 2002 and 117 at 30 September 2003), totalling 2,081 hours and 12 minutes, of which 428 hours and 16 minutes in 2001; 947 hours and 25 minutes in 2002; 705 hours and 31 minutes in 2003). During the same period there were 14,954 formal electronic votes on a total of 342 Bills resolved by the House.

Committee business

There are fourteen **Standing Committees** which differ in powers by subject-matter. They perform law-making and policy-making functions, and scrutinise the subject matter for which they are competent. They prepare the work and assist the work of the House, but they operate wholly independently with regard to fact-finding, and under certain conditions they also adopt final resolutions on behalf of the Chamber of Deputies, by enacting laws as well as policy guidelines and controlling acts. The procedures in the Committees are therefore very similar to, and as complex as, those of the House itself.

In the current parliament, the Committees held 6,451 sittings (of which 1,091 in 2001; 2,933 in 2002, and 2,427 so far in 2003).

As stated already, because of the significant powers exercised by the Committees, the procedures are complex and formal as well.

The work of the Speakership organs

The **Speakership organs** (the Office of the Speaker, the Conference of Group Leaders and the Rules of Procedure Board) meet on average once a week. They also carry out their work simultaneously as Commissions of Inquiry or Scrutiny, which are generally bicameral, and are either under the administration of the Chamber or the Senate, depending on whether they are chaired by a Deputy or a Senator. There are currently fifteen bicameral Committees.

In addition to the **number of Deputies** and the large number of parliamentary organs (over 40 collegial organs) it is the intensity of parliamentary business that determines the organisation and the conditions under which the Administration operates. In view of the frequency of the sessions and the volume of the other business, every parliamentary organ has its own Secretariat which varies depending upon the organ itself, but it always operates throughout the whole day.

The functions of the administration in support of the parliamentary organs

Each parliamentary organ has the traditional functions of minuting the meetings and providing advice on procedure, and assisting with the preparation and reorganisation of the sittings. A summary and a verbatim report is drawn up for the House and published during the day on the Internet and printed the following day. The summary minutes of the Committees are published the following day, while the full verbatim report is published weekly (and only for certain types of sittings). On each agenda item, an official file of documentation has to be prepared containing all the technical information which is necessary to be able to address issues. When technical or legal opinions have to be made on the consistency with the rules and regulations, or financial compatibility of legislation, special technical notes are prepared with input from the documentation offices and Committee secretariats.

e) Relations between the parliamentary administration and the law-making process

The legislative function remains the central function of the Italian Parliament even though the role of Parliament in the law-making process has partly changed. The government drafts and prepares the vast majority of the Bills enacted by Parliament. Parliament thoroughly scrutinises these Bills, amending them and checking the legal and financial compliance. Parliament also lays down guidelines and oversees the laws produced elsewhere (the European Union, the Government's law-making activities, negotiations between the social partners, independent Authorities, local government authorities).

The development of the functions of the administration to support law-making

The Chamber of Deputies' function of providing legislative support has changed considerably in the course of the years, growing greatly in complexity.

Until twenty years ago, the parliamentary administration merely recorded the parliamentary proceedings and provided consultancy regarding parliamentary procedure, mainly by systematically collecting and processing precedents. Through several stages, both in the House and in Committee, consultancy regarding rules of procedure has **become far more complex** because parliamentary procedures have been diversified and substantive matters overlap with procedural issues.

In order to meet the new requirements of the parliamentary organs and the needs of the Deputies, the offices must be familiar with the substance of measures and the rules governing different types of legislation. The new forms of legislation require a much more wide-ranging knowledge of the assumptions and the background context within which to fit the individual statutory measures and instruments, to assess their impact also in terms of the constitution, compliance with European Union law and the system of local government.

The frequent laws delegating enacting powers to the government, and the enactment of decree laws adopted by the government as a result of need and urgency, have special rules. Generally speaking, the distribution of lawmaking powers varies from one subject area to another, and alters the role of legislation which is directly enacted by Parliament itself.

Because of the diversification of legislative procedures, the offices have to conduct technical examinations to link the **procedures, substance and the drafting** of the normative instruments or measures being examined by the Chamber. The **documentation** provided by the offices on every issue on the Order Paper for the day also contains information, which is as objective as possible, regarding the **aspects relating to consistency and compliance with the legal system and the financial constraints** in the texts lying before the Chamber.

It has been above all since the 1980s that, in order to meet all these demands, **all the documentation services have been upgraded**, and every Order Paper item is now backed up by sufficient documentation to give the Deputies a full documentary briefing (for example the "Servizio Studi" reports, press reviews, assessments carried out by the Central Government Budget Service, documentation from the Library and

the Office for Relations with the European Union, or the Office for International Relations).

Generally speaking, the support provided for the law-making process by the administration of the Chamber of Deputies presupposes familiarity with, and an analysis of the legislation, and is therefore based on the **constant integration between the Secretariats of the parliamentary organs and the various documentation offices**. Furthermore, the administration has enhanced its capacity **to collect and to process complex technical information** in all the areas of political and legislative concern, and to monitor the law-making process in a variety of different fora, both domestic and European.

f) The most recent changes to the parliamentary administration

The changes that have taken place in the political and institutional system have had a great impact on parliamentary functions. The administration has therefore had to adjust its organisation and its tasks.

Firstly, the development of **relations with the European Union** has put into place a fully fledged European law-making process, directly and closely involving the national Parliaments, with the creation of new organs and new procedures.

At the domestic level, there has also been a tendency to broadly decentralise and devolve law-making powers onto the **local government authorities**, and to independent Authorities.

In this connection, relations with the **Executive** have changed. It has considerably expanded its law-making powers, both nationally through powers delegated to it by Parliament, and by taking part in resolutions of the European Union Council. A considerable proportion of the Government Bills therefore reflect guidelines or policies adopted in negotiations either in Europe, or domestically, by negotiations with the social partners or with local government authorities.

All these changes, and particularly the devolution and decentralisation of law-making powers, have not curtailed parliamentary activity. On the contrary, if anything, they have made it much more complex: legislation has now taken on the main function of programming, organising and controlling the normative powers performed by external parties, and presupposes familiarity with a vast range of activities which precede and follow the laws enacted by Parliament.

Parliament has also opened a new area of activities in the development of **relations with the public**, through new technologies and modern systems of institutional communication (for example the Web site). All this has been accompanied by a vast, multifaceted outreach to the general public, leading, for example, to the organisation of cultural events and conferences, open days when the public can visit the parliamentary premises, and for specific meetings with school groups, upgrading the library facilities, whose services have traditionally been accessible to the general public and the parliamentary information system.

Furthermore, in internal **administrative terms** the **rules and regulations have been adjusted to make them compliant with Community legislation** in very complex areas which are all the more delicate because of the particular nature of parliament as a constitutional body (for example, public tenders and the protection of privacy). In the wake of 11 September, security has also become considerably more complex and technically important, requiring the development of a new professional specialisation within the parliamentary bureaucracy.

LITHUANIA

Seimas

141 MPs' comprise the Seimas of the Republic of Lithuania.

Every year the Seimas convene for two regular sessions - one in spring and one in fall. The spring session commences on March 10th and ends on June 30th. The fall session commences on September 10th and ends on December 23rd. The Seimas may resolve to prolong a session or convene extraordinary sessions (upon the proposal of at least one-third of all the Seimas members, and, in cases provided for in the Constitution, by the President of the Republic).

As a rule, four sittings a week - two on Tuesday and two on Thursday - are held during the Seimas session, whereas every three weeks plenary sittings of the Seimas are adjourned for a week. On other days of the week and in the week when no plenary sittings are held, sittings of the Board of the Seimas, the Assembly of Elders, parliamentary groups, committees and commissions as well as meetings of members of the Seimas with electors or representatives of local governments are held. The preliminary schedule of plenary sittings of a Seimas session is approved by the Board of the Seimas.

The morning sitting of the Seimas are as a rule held from 10:00 a.m. and the afternoon sitting - from 3: 00 p.m. The average duration of sittings is 8 hours.

Laws are adopted if the majority of the Seimas members participating in the sitting vote in favour.

Approximately 1000 drafts of legal acts are registered in the Office of Seimas. The Seimas adopts approximately 600 legal acts per year.

Committees

The Seimas forms committees from among its members for the consideration of draft laws and other issues assigned to its competence by the Constitution. The list of the committees is established by the Statute of the Seimas. There are 14 committees in Seimas:

- Committee on Environment Protection
- Committee on Budget and Finance
- Committee on Economics
- Committee on European Affairs
- Committee of the Development of Information Society
- Committee on Rural Affairs
- Committee on National Security and Defence
- Committee on Social Affairs and Labour
- Committee on Health Affairs

- Committee on Education, Science and Culture
- Committee on Legal Affairs
- Committee on Foreign Affairs
- Committee on State Administration and Local Authorities
- Committee on Human Rights

The committees of the Seimas are formed during the first session of the newly elected Seimas and are made up of no less than 7 and no more than 17 Seimas members (with the exception of the Committee on European Affairs) according to the principle of proportional representation of the parliamentary groups. The precise number of members of each committee is determined by a decision of the Seimas.

The Committee on European Affairs is made up of no less than 15 members according to the principle of proportional representation of the parliamentary groups. Seimas members who are on the other committees, and members of the Board of the Seimas may be members of the Committee on European Affairs.

During a session, regular committee sittings are organised at least once a week. During a Seimas sitting, committee sittings are organised only with the consent of the Seimas. Between ordinary Seimas sessions, there are normally a one-month adjournment in the work of the committees.

The trends of activities of the Seimas committees, as well as their powers and working procedure are established by the Statute of the Seimas and other laws. Under the new Statute of the Seimas which has come into effect on 1 February 1999, the scope and importance of work of the Seimas committees has increased significantly. It is at the Seimas committees that the most thorough analysis of the draft laws and other legal acts under preparation is made, consultations of specialists in different fields are provided and opinions are heard.

The committees of the Seimas are responsible and accountable to the Seimas. Committees must during the set time discuss and present conclusions on the issues referred to them for consideration, and perform other tasks assigned to them by the Seimas. Committees shall be responsible for the timely establishment of necessity of appropriate laws and other legal acts, initiation, according to their trends of activities and competence, of the preparation thereof, and the commission of detailed conclusions relative to the drafts thereof.

The Seimas committees work in accordance with the plans approved by the committees themselves, which must be co-ordinated with the work programme of a Seimas session. Such work plans state the persons responsible for the implementation and time limits of the implementation. Work plans of the committees and agendas of sittings shall be publicly announced and transferred to the Chairman of the Seimas and the Chancellor of the Seimas.

The activities of the committees are co-ordinated by the Chairman of the Seimas, the Board of the Seimas in accordance with the work programmes of the Seimas sessions and work plans of the committees. Committees may themselves approve the

rules of working procedure, which must be in compliance with the Statute of the Seimas.

In order to prepare issues which are subject to consideration, committees may form from among their members preparatory working groups. The said groups may include other Seimas members upon their consent, as well as representatives of State institutions, parties and public organisations, experts and scientists. Funds for the experts of such groups shall be allocated in accordance with the approved estimate of expenditures of the committee.

Office of the Seimas (Chancellery of the Seimas)

Office of the Seimas of the Republic of Lithuania provides services to the Seimas. The Office of the Seimas functions in compliance with the regulations of the Office of the Seimas approved By the Board of the Seimas. The Office of the Seimas is financed from the State Budget.

Main tasks of the Office of the Seimas are to ensure efficient functioning of the Seimas; to provide to the Chairman of the Seimas, Deputy Chairmen of the Seimas, Members of the Seimas, Committees, Commissions and Parliamentary Groups of the Seimas necessary assistance, information, legal, financial, material, technical and other services to ensure parliamentary activities.

By advice of the Chancellor of the Seimas the Board of the Seimas shall approve the structure of the Office of the Seimas, staff list and salary brackets.

When carrying out the tasks assigned to the Office of the Seimas, it performs the following functions:

1. assist the Seimas, Committees and Commissions of the Seimas, other institutions established by the Seimas in drafting laws, resolutions and other legal acts, carrying out parliamentary scrutiny and other functions;
2. draft laws, resolutions of the Seimas and other legal acts for the adoption by the Seimas;
3. register submitted drafts of laws, resolutions of the Seimas and other legal acts, as well as proposals, decrees of the President of the Republic, systematise and codify them, and provide information pertaining to the requirements for drafts submitted for registration;
4. consider drafts of legal acts, letters, official documents submitted by State institutions, enterprises, agencies, organisations and individuals to the Seimas, the Chairman of the Seimas, the Deputy Chairmen of the Seimas, the Chancellor of the Seimas or other Members of the Seimas, and, upon their instruction, prepare proposals and replies;
5. ensure publication of registered legal acts and legal acts adopted by the Seimas;
6. submit to the Seimas conclusions regarding drafts of laws, Seimas resolutions and other legal acts presented to the Seimas for consideration;

7. edit drafts of laws, other legal acts; prepare final texts of laws, resolutions of the Seimas, directives of the Chairman of the Seimas and other legal acts which are submitted to the President of the Republic, the Chairman of the Seimas for signing;
8. prepare verbatim records of sittings of the Seimas, reviews of legal acts and statistical data on publication of legal acts;
9. ensure translation of adopted legal acts and other documents into foreign languages, as well as interpreting at various meetings and events;
10. collect, prepare and process information necessary for Seimas activities, furnish it to the Seimas;
11. examine material pertaining to the activities of the Office of the Seimas, which is provided by the mass media, submit proposals to the Board of the Seimas;
12. prepare and furnish to State institutions, local authorities, diplomatic missions, mass media reports of the Press Service regarding drafts of laws under preparation, adopted laws and other legal acts, as well as information provided by others, concerning Seimas activities;
13. accredit employees of the mass media, develop public relations;
14. ensure the functioning of information technology equipment in the Seimas buildings and other premises where events organised by the Seimas are held;
15. manage the Seimas information system and databases contained in it;
16. organise clerical work of the Seimas and the Office of the Seimas;
17. ensure acquisition, storage and use of archival records of the Seimas and the Office of the Seimas;
18. generalise information received from the residents in oral or written form. When necessary, it shall submit information and manners of resolution to the Board of the Seimas for consideration.
19. establish and maintain contacts with foreign parliaments and their institutions, international organisations;
20. organise competitions for officials, performance evaluation of officials, qualifications improvement, and carry out other requirements regarding personnel issues;
21. administer acceptance to work, transference and dismissal from work of employees of the Office of the Seimas, assistants-secretaries of the Seimas members, advisers to the parliamentary groups; form personal files of the Seimas members.
22. administer reporting and accounting, carry out financing of the Seimas and its institutions;
23. control activities of state enterprises established by the Office of the Seimas;
24. provide servicing of events organised in the Seimas buildings by the Seimas and other institutions;
25. provide proper working conditions for the Chairman of the Seimas, the Members of the Seimas and employees of the Office of the Seimas;

26. perform other functions laid down by laws and other legal acts.

Tasks of the Office of the Seimas shall be implemented by the divisions of the Office of the Seimas.

The Chancellor of the Seimas

The Chancellor of the Seimas is the head of the Office and is responsible for the operation of the Office of the Seimas. He is appointed by the Seimas for the term of office 5 years, upon the offering of the Chairman of the Seimas. The Chancellor is accountable to the Board of The Seimas.

Powers of the Chancellor of the Seimas:

1. supervise the drafting of documents of the Seimas and the Board of the Seimas, observe the consideration of the submitted draft laws within the set time limit;

2. supervise the consideration of issues, inquiries and interpellations submitted to the Government and the heads of other State institutions and furnish related information to Seimas Members;

3. consider the issues raised by the Seimas Members concerning the functioning of the Office of the Seimas; supervise the implementation of the decisions of the Board of the Seimas by the structural units of the Office of the Seimas, as well as their compliance with the provisions and internal rules which regulate the functioning thereof;

4. assist the Chairman of the Seimas in preparing a draft work program of a session, as well as draft agendas for week- and day-long sittings;

5. assist the Chairman of the Seimas in preparing draft agendas of meetings of the Board of the Seimas, as well as the material related to the issues subject to consideration;

6. work out draft agendas of the Assembly of Elders;

7. endorse official documents prior to their being submitted to the Chairman of the Seimas for signing and, within the limits of his competence, sign official documents;

8. be responsible for the use and keeping of the Seimas Seals bearing the State Emblem;

9. propose members to the tellers group in accordance with the procedure provided for in this Statute;

10. regularly submit to the Seimas summarised data concerning proposals, wishes and letters addressed by voters to the Seimas;

11. together with the representatives of the parliamentary groups, arrange the seats in the chamber for the members of the parliamentary groups and for those members of the Seimas who do not belong to any parliamentary group and allocate premises for meetings of the parliamentary groups; and

12. resolve issues concerning the employment or dismissal of assistants-secretaries of Seimas Members.

Departments and divisions

The Directorate of the Office of the Seimas is established to advise the Chancellor of the Seimas in the main issues. Directorate includes the directors of departments.

The heads of the divisions direct the activities of the divisions or subordinate employees and are responsible for the fulfilment of the functions assigned to them.

The heads of the divisions of the Office of the Seimas are accountable and responsible to the Chancellor of the Seimas. They are appointed by competition like the others civil servants. Politicians can't make any influence on their appointment. The procedures of their appointment and replacement regulates the Law on Public Service.

The heads of the divisions of the Office of the Seimas:

- discharge functions provided for in regulations of the divisions approved by the Board of the Seimas, or assigned by the Chancellor of the Seimas;
- direct the activities of the divisions or subordinate employees and be responsible for the fulfilment of the functions assigned to them;
- assign duties to subordinate employees, ensure appropriate organisation of work, discipline and proper record keeping;
- analyse the state of affairs and main problems related to the fields assigned to him, organise the preparation of appropriate conclusions and proposals.

Civil servants

Civil servants of the Office of the Seimas are a constituent part of the civil service of the Republic of Lithuania. Their status is regulated by the Law on Civil Service. This law lays down the basic principles of the civil service in Lithuania, the status of a civil servant and the legal basis for the management of the civil service.

According to the law, civil servant is a natural person who has acquired the status of a public servant pursuant to this Law and other legislation, and who in state (central and municipal) institutions or agencies performs the functions of public administration.

There are 2 groups of civil servants in the Office of the Seimas: career civil servants and civil servants of political (personal) confidence.

Employment contracts are not concluded with civil servants. Labour laws and other legal acts regulating labour relations and social guarantees shall apply to civil servants in so far as they do not contravene the Law on Civil Service, and other laws and statutes regulating their status.

Guarantees of other employees that perform technical functions in the administration, are regulated by the labour laws applicable to all employees.

Civil servants are employed on a competition basis having passed an entrance examination. It consists of two parts - an interview (oral examination) and test. Any civil servant can be appointed to a vacant position (after the competition or performance evaluation) or any person after the competition.

Civil servants of political (personal) confidence are recruited without competition by choice of state politicians. Civil servants of political (personal) confidence are appointed for the duration of politicians' term in office. Following are the positions of civil servants

of political (personal) confidence in the Office of the Seimas: advisers to the Chairman of the Seimas and the deputy chairmen, assistants to the Members of the Parliament and assistants to the Elders of Parliamentary Groups.

Career system is common to all of civil servants. Career civil servants may on their own initiative seek for a change of the position. They can apply for another position in the same category and grade in the same or other institution or agency. They can be promoted after an annual performance evaluation.

Remuneration of civil servants is also regulated by the Law on Civil Service. Working hours, safety at work and occupational health, social security, pensions of civil servants are regulated by laws and other legal acts applicable to all employees.

The cases on dismissal from civil service are judged in the administrative courts.

Civil servants of the Office of the Seimas are employed on a competition basis, having passed qualifications examinations. Other employees of the Office of the Seimas are employed and dismissed by order of the Chancellor of the Seimas, after consultation with the head of an appropriate division.

The staff of the Standing Committees consists of civil servants. Formally they are accountable to the Chancellor of the Seimas, but in practice they obey to the orders of Chairs of the Committees.

Horizontal co-operation (often without any top-down co-ordination) between different divisions of the Office occur depending on the specifics of tasks performed.

The changes in the structure of the Office include increase in the number of civil servants who will carry out the functions connected with the European integration.

Recently, a EU Information centre was established as part of the Committee for European Affairs. Its main function is to provide the public with the information concerning the EU affairs.

Level of computerisation has increased greatly. The Seimas website is one of the best of all governmental sites. It is possible to observe all the sittings of Seimas on the Internet, all laws and draft laws are published in Seimas website.

The parliament is open to the public on certain occasions. Exhibitions and concerts are organised with the view of promoting of public relations.

The new training programs were prepared for the civil servants, particularly on the integration into the EU. Lots of training event, conferences, seminars are conducted in the Office of the Seimas. Lots of study visit are organised to the EU member states.

LUXEMBOURG

Chambre des députés

a) The status of the Parliamentary administration: is it part of the civil service (or equivalent), or an independent and special administration, with its own rules on salaries, pensions, career development?

- *The level of normative and organisational independence of the Parliamentary administration from the rest of the civil service*

The principles of independence and sovereignty of the legislative power are guaranteed through a complete autonomy of the Chamber of Deputies, for both its regulation and internal organization and the management of its human resources.

This principle of autonomy is enshrined in the statutes of the Chamber of Deputies. Article 7 stipulates that “the Bureau is responsible for running the Chamber’s business and takes all decisions relating to personnel organization and discipline”.

- *Is there an independent career structure, and what are the procedures for staff recruitment?*

The Chamber’s civil servants, employees and workers are managed by a specific status, which has been approved by the Bureau of the Chamber, as well as by the Personnel delegation. While defining the status of the parliamentary employees, attention has been paid to stick as close as possible to the status of civil servants, keeping in mind that the Chamber’s specificities and the principle of independence of the legislative power have to prevail in order to guarantee its autonomy.

The recruitment, the procedure of administering the oath, the training and daily management of the parliamentary employees of the “Grefte” is assured by the human resources department, under the authority of the Clerk who runs the administration of Parliament. Any vacancy has to be approved by the Bureau of the Chamber and made public by means of an announcement in the press. All interested candidates will have to sit a competitive examination. Civil servants who have already successfully passed entrance examination for their career in another public administration will not be exempted from the entry examination giving access to the career of parliamentary employees.

Applicants who have successfully passed the entrance examination will be invited to an interview with the examination commission, composed by a member of each political group and the Chairman, the Bureau (= Direction) and the parliamentary employees of the Grefte.

After hearing the examination commission, the Bureau will decide whether or not to admit the applicant to the training period, as stipulates article 157 of the statutes of the Chamber: “All parliamentary employees of the Chamber are nominated or revoked by the Bureau on the basis of an absolute majority vote.”

The conditions for promotions in rank and salary applicable to parliamentary employees can be compared to those of civil servants. However, the final decision as far as personnel questions are concerned is incumbent on the administration of Parliament, as stipulated by article 59: “All decisions concerning salary increases, promotions and more generally all career related questions are taken by the Bureau.”

As far as the pension rights are concerned, they underlie the same law as the one applicable to civil servants.

b) Relations between the political bodies and the Parliamentary administration

In order to guarantee absolute transparency between elected deputies and the administrative personnel, their relations are regulated by rules and procedures fixed by the Bureau of the Chamber.

- *How much does the Parliamentary speaker, the degree of his/her “super parts” nature and the breadth of the Speaker’s powers, influence the “configuration” of the Parliamentary administration*

In his quality as a member of the Bureau, the Chairman has a word to say for all questions related to personnel management and recruitment of new employees.

However, the recruitment and management of the deputies’ assistants and the employees of the various political groups is exclusively assured by the political and technical groups themselves. These working contracts are governed by Luxembourg’s labour law.

But, in order to guarantee a smooth functioning of the political and technical groups, the Bureau may put at their disposal premises with the necessary equipment, as well as credits, which will be proportional to their representation in the Chamber. On presentation of invoices and other relevant documents, the political and technical groups can even claim refunding of fees related to personnel recruitment up to a certain amount.

Furthermore and on demand, the Bureau of the Chamber puts a fully equipped office close to the premises of the Chamber at the disposal of any deputy (article 15 of the “Règlement” of the Chamber).

The working relations between the employees of the political groups and parliamentary employees are purely advisory.

- *How are Secretary General (as the person heading the administration) and the other executive officers appointed? What rules govern their replacement?*

Article 149 of the Chamber’s “Règlement” stipulates that the Clerk who runs the administration of Parliament, namely the Secretary General, is elected for the duration of the parliamentary session; he is at any time revocable. The Clerk is part of the Bureau, and has no right to vote. According to the “Règlement” of the Chamber, the Bureau takes all decisions related to the management and discipline of the personnel, and it also determines what tasks precisely will be attributed to the Secretary General. These tasks will, among others, include the daily running of the Greffe according to the missions and objectives defined by the members of the Bureau.

c) Does the Secretary General have the chief responsibility and accountability for the administration? Or are these shared with other senior officers?

It is the Secretary General’s task to run the Greffe, a mission for which he is assisted by two Deputy Clerks.

According to article 150 of the “Règlement” of the Chamber the Deputy Clerks are appointed by the Bureau. During the Secretary General’s absence, one of the two Deputy Clerks will be appointed to replace him (by either the Secretary General himself or by the President). The Deputy Clerks are not members of the Bureau.

The parliamentary administration is composed of 12 different working units, each one being run by a head of department. These middle grade executives are appointed by the Clerk who runs the administration and they can either be from the inferior, middle or upper career. Their degree of accountability and autonomy will vary according to the tasks with which the Secretary General will have entrusted them.

They are accountable either to the Deputy Clerks, or directly to the Secretary General, who will evaluate their work.

As far as the parliamentary commissions are concerned, their secretariats are free to organize their work, while respecting the needs and directives of the Presidents of

the various commissions. However, like all civil servants, they are accountable to the Clerk who runs the administration.

Finally, this means that the Secretary General can delegate the supervision of certain tasks and missions to the Deputy Clerks, who, in turn, are assisted by heads of department. However, the chief responsibility and accountability for the administration remains within the hands of the Secretary General.

d) The Parliamentary workload, and consequently the administration's workload.

- *The number of parliamentarians:*

The number of deputies is established by the Constitution at 60

- *The duration of the parliamentary sessions in the course of the year*

The Chamber of Deputies meets in ordinary session on the second Tuesday of October. The opening of the new session takes place immediately after the closure of the previous session, which means that the duration of a parliamentary session is exactly 12 months.

During the period of elections, automatically held every five years during the month of June, parliamentary sessions are closed in May.

- *The number of sittings*

Approximately 65 per session

- *The number of hours the house sits per year: approx. 250 hours*

- *The number of formal votes/divisions (which require a quorum):*

Practically all the votes require a quorum, i.e. a presence of minimum 31 deputies. Our Parliament has an average of 350 votes per session, 120 of them are on bills

- *The number of bills examined by the House in one year*

During the session 2002/2003, 126 bills have been discussed in public debates after having been examined by the Standing Committees.

- *The main activities performed by the Standing Committees and the average number of sittings of each Committee during the present Parliament*

The rules of procedure establish a Conference of Chairmen and make provision for setting up regulatory, standing and special committees.

The committees are responsible for examining Government and private member's bills and the amendments and motions referred to them by the Chairman of the Chamber, and are entitled to submit proposals and amendments themselves. They are also responsible for preparing debates, organizing public and non-public hearings and visits, and carrying out any business falling within their area of responsibility.

The committees also deal with European matters related to their field of competence.

There are 3 statutory committees, 19 standing committees and 5 special committees. During the session 2001/2002, the number of sittings of each committee was as follows:

Statutory committees:

Accounts Committee	2
Petitions Committee	16
Regulations Committee	3

Standing committees:

Foreign and European Affairs and Defence Committee	12
Internal Affairs Committee	16
Agriculture, Viticulture and Rural Development Committee	5
Committee for Middle Classes, Tourism and Housing	17
Committee for Controlling Budget Implementation	17
Committee for Economy, Energy, Post and Transport	18
Committee for National Education, Vocational Training and Sport	20
Committee on Equal Opportunities between Women and Men and Promotion of the Woman	13
Committee for Higher Education, Research and Culture	12
Environment Committee	24
Committee for Family, Social Solidarity and Youth	10
Finance and Budget Committee	28
Civil Service and Administration Reform Committee	15
Committee of Institutions and Constitutional Reform	16
Legal Committee	40
Media and Communications Committee	33
Health and Social Security Committee	22
Labour and Employment Committee	19

Committee for Public Works	27
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Special committees:

Special Committee "Ethics"	11
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Special Committee "Immigration"	12
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Special Committee "Youth at Risk"	2
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Special Committee "Employment"	3
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Special Committee "Drug abuse"	2
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Conference of Chairmen	21
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The Bureau	13
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TOTAL:	449
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- *The degree of formality of Standing Committee procedures and whether the Speaker of the House controls the regularity of the procedures adopted by the Committees' Chairs*

Standing Committee procedures are partly defined in the Rules of Procedure of the Chamber. Some of them are based on tradition and consequently not published anywhere. The Speaker of the Chamber of Deputies ensures that the regulations and procedures are observed and decides on the acceptability of the form of texts and other proposals. He may be assisted in his decisions by the Conference of Chairmen.

- *The assistance routinely provided by the Administration to Parliamentary bodies*

At the level of committees' activities, the committee secretarial services assume the organization of each sitting by providing the requested preparation, research work and documentation. At the end of the sitting, these services write a summary which is distributed to the committees' members and the secretaries of the parliamentary groups. These documents are not public.

At the level of public sittings, the dialogue between the parliamentary bodies, the Government and the Chambers' Administration is directed by the Secretary General, who also ensures the diffusion of the necessary documentation.

All advices on procedural matters are provided by the Secretary General who runs the administration of Parliament.

e) Relations between the Parliamentary administration and the legislative process

Any interpretation or explanation on the field of parliamentary procedure is done under the responsibility of the Secretary General.

Public documentation is available at the Chambers' administration and sent to all Members of Parliament and Government.

In the lawmaking process, basic documentation is provided by the Government. On demand of the Parliamentarians, the committee secretarial services, with the help of the researcher, make more extensive researches and can ask external bodies or specialists for more information.

All kinds of political information are provided by the parliamentary groups.

The external bodies and authorities whose opinion on a bill is requested are contacted by the Government, which continues this documentation to the Chamber of Deputies.

Technical notes on problems connected with ensuring statutory consistency and constitutionality are made on request by our legal department and are for internal use.

f) Latest changes in Parliamentary administration

There is a need to improve the coherence of the different aspects of European politics and to move the European issues closer to the members of national parliament. The different committees have been invited to strive for an increased dialogue on the important European issues.

- *Changes at the level of communication: computerisation and Internet are openness and outreach to the general public.*

The sessions of the Chamber of Deputies are public, except for adopting application for naturalization, for example, when the Chamber sits behind closed doors.

The Parliamentary press, television and radio included, follows the debates in public sessions, as well as in the committees and transmits summary of the debates.

Since December 2001, the Chamber of Deputies has its own TV channel. All public sessions are re-transmitted over the Internet Web-TV and on television.

Furthermore, the full verbatim report of the debates in public sessions is published and distributed free of charge to all households in the country. Information pages on national and international parliamentary business are regularly attached.

Finally, the Chamber of Deputies has an Internet site that can be viewed by anyone interested in its organization, functioning, program and work.

- *Changes of the administrative level: the need to keep domestic legislation adjusted in line with legislative developments.*

The reception of such legislation and regulations has not created specific problems in Luxembourg until now.

- *Security issues following September 11, 2001*

The security concept of the Chamber was totally renewed after this date. The taken security measures have become more severe.

NORWAY

Stortinget

a) The status of the parliamentary administration: is it part of the civil service (or equivalent), or an independent and special administration, with its own rules on salaries, pensions, career development?

The administration of the Norwegian Parliament is an independent body; not considered to be a part of the civil service. Agreements and legislation that apply to the civil service, e.g. about salaries and working conditions, must be explicitly adopted for the Parliament's administration.

The Storting's administration is organized in four departments and a Constitutional Office. The Secretary General is secretary to the Presidium of the Storting and administering senior official.

There are approximately 350 employees altogether in the administration. Around 50 of these are subjects to the Constitutional Office which provides support for the Standing Committees and the parliamentary proceedings. The four other departments are the General Services Department, Administrative Affairs Department, Information and Documentation Department and International Department.

The Parliament is independent in its recruitment-policy. It is however not unusual that the parliamentary staff is recruited from the civil service as they possess working experience which is useful to the Parliament. For a few special positions there is precedence for recruiting members of staff from specific categories of civil servants although this is not formally required. This applies e.g. to the permanent secretary of the Standing Committee on Foreign Affairs who is recruited from the Ministry of Foreign Affairs. Other staff members may have different backgrounds, e.g. from organizations or private enterprises, and can be recruited at both lower and executive level.

The courts have full jurisdiction over internal labour relations; and the working conditions in the Parliament in relation to pay, pensions and working hours are quite similar to those of the civil service. The parliamentary sessions do however influence on the working hours as there are considerable variations in the workload throughout the year, and the parliamentary staff has about 2 weeks longer vacation than employees in the civil service.

b) Relations between the political bodies and the parliamentary administration

The main features of the parliamentary administration have been formally approved by the Parliament in plenary session, and any proposal concerning changes of significance in the organization must be presented to the Presidium for approval. The Presidium is chaired by the Speaker, and consists of the six Presidents and Vice-Presidents of the Storting and the two legislative chambers – the Odelsting and the Lagting. The Presidium is also involved in structuring the administration by being responsible for the Parliament's own budget proposal. In this respect the Presidium has to approve proposals that have budgetary implications of any importance. The budget proposal is adopted by the Parliament in plenary session.

The Presidium presents proposals – usually prepared by the administration - concerning amendments in the Parliament's Rules of Procedure. Amendments have to be adopted by the Parliament. These amendments may have administrative consequences which in turn are implemented by the administration.

The Secretary General is appointed by the Parliament based on a recommendation from the Presidium for a period of six years, and may be reappointed for new periods. The heads of the departments are appointed by the Presidium, but on ordinary terms, i.e. on a permanent basis. The secretaries of the Standing Committees are also appointed by the Presidium based on a recommendation from the administration which in turn is based on a procedure where the Committee has substantial influence on the decision. Other executive officers are employed by the administration.

The administration complies with the same regulations on dismissal and replacement as the civil service in accordance with the Civil Service Act. In addition, the general rules on dismissal and replacement in the Working Environment Act apply to the Parliament's administration as to any other employer in Norway.

The Presidium's priorities and views on how the staff should support the political bodies determine the way the administrative staff provides this support. The administration will seek to meet the demands by adjusting its structure and services within the limits set by resources available.

c) Does the Secretary General have the chief responsibility and accountability for the administration or are these shared with other senior officers?

The Secretary General is accountable to the Presidium on behalf of the administration, and has the chief responsibility for the decisions made by the administration. In actual fact many day-to-day decisions are made by the executive

officers. The Secretary General is nevertheless formally responsible. Matters of some significance are normally discussed at a weekly meeting between the Secretary General and the heads of departments and the Constitutional Office before decided upon.

The staff of the Standing Committees is administratively subject to the Constitutional Office, and in that respect they report to the head of the Office – the Deputy Secretary General. Their work is however executed very independently, and the administration of the Committee is carried out in close cooperation with the Chair of the Committee. Even though the staff of the Committees has to relate to, and take instructions from both the Chair of the Committee and the Deputy Secretary General, the closest cooperation in their daily work will be with the Chair.

There is a large degree of coordination and interaction between the different offices of the administration at all levels, and the employees cooperate closely across department borders. Middle grade executive staff also inter-operates autonomously to a large extent, and the priority is to get a smoothly and flexibly working organization. This practice requires an open and direct communication both between the departments and between the executive and the lower levels of the administration. Being a relatively small administration, it is however possible for the heads of departments and the Secretary General to be informed of, and involved in, any administrative matter of some importance.

d) The parliamentary workload (numbers from session 2002-2003)

- The number of representatives: 165 (169 from the next election)
- The duration of the parliamentary sessions in the course of the year: From early October until the third Friday in June.
- The number of sittings: 156 (both plenary sessions and sittings in the two legislative chambers – the Odelsting and the Lagting). The sittings are normally completed within the time of ordinary day-sessions which last from 10 am to 15 pm. 30 of the sittings lasted longer, and the meetings were then set again at 18 pm and continued until the debate on the matters scheduled for the day had finished.
- The number of formal votes in the Storting (plenary session) was 987, and in the Odelsting (legislative chamber) 577. A total of 1001 of these were electronic votes.
- The number of bills examined by the House in one year: 138
- The Committees meet regularly on average twice a week, and more often in certain particularly busy periods of the year, e.g. when the budget is handled. The Committees travel rather frequently (fact-finding trips), both related to specific bills or proposals, and to study general issues within their field of responsibility. Such trips have to be approved by the Presidium. The Committees also arrange hearings – mostly public hearings – regarding bills or other proposals which are handled by the

Committees. There were arranged 66 public hearings during the spring session this year.

In the Parliament's Rules of Procedure there are statutes concerning the Committees' procedures in some areas, e.g. the election of the Chair and Deputy Chairs, regulations on quorum and statutes drawing up the framework of procedures used when the Committees prepare their recommendations. These formal statutes do not however present a complete regulation of the Committees' internal procedures. In actual fact, the Committees work rather independently when preparing their recommendations. The Rules of Procedure have more detailed regulations on the arrangement of public hearings. There are few formalized routines where the Presidium controls the regularity of the procedures adopted by the Committees' Chairs. The Committees are however obligated to seek the Presidium's consent if they find that they will not be able to finish a recommendation within the initial set time limit.

Assistance provided by the administration to parliamentary bodies is versatile and consists among other things of making summary records of bills and other proposals handled by the Committees, secretarial work, advice on procedural matters and technical advice on legislative matters, producing documentation at the request of the MP's or the Committees on different issues, library service, preparing travel arrangements and preparing and assisting the Presidium during debates and voting.

e) Relations between the parliamentary administration and the legislative process

The Parliament does to a large extent rely on assistance from the Ministries both in regard to providing basic documentation, technical legislative assistance needed in connection with amendments of bills, and in regard to gathering additional information on matters handled by the Committees. An important part of the relation between the Parliament and the Government is based on the duty the Government has to provide the Parliament with all relevant information connected to a bill or another proposal. A failure to do so could result in a vote of no confidence from the Parliament, and the Government would have to step down. Having a long and solid tradition of working with governments based on this parliamentary principle, the need of extensive, additional legislative assessments in the Parliament has proven limited. The Legal Department in the Ministry of Justice has a general responsibility for technical legislative control, and international legislative cooperation on a material level is to a large extent carried out by the Ministries when preparing bills.

The parliamentary administration provides advice on parliamentary procedure and organises relations with the Government and other external bodies and authorities. To some extent the administration provides information on issues connected with draft legislation. The administration has limited recourses and consequently limited capacity

when it comes to providing expert advice that demands in-depth knowledge of a specific area. The Research Section in the Information and Documentation Department can however on request offer expert assistance to MPs, Standing Committees and party secretariats. Additional information or expert advice may also be obtained from independent experts, e.g. the universities, and this is sometimes done – usually at the request of a party group.

The Constitutional Office may draft technical notes on problems connected with ensuring statutory consistency and constitutionality when requested by the Standing Committees, individual parliamentarians, party groups or the Presidium. Such service may also be rendered by the Ministries.

f) Latest changes in parliamentary administration

Securing compliance and adjustment of domestic legislation to EU-legislation which is relevant to the EEA-agreement, is first and foremost the responsibility for the Government as the Government is expected to take the necessary legislative initiatives when needed.

Computerisation and the use of Internet have become increasingly important to the administration both as a working tool and as a medium for external information. The Internet is becoming the most important source of direct information from the Parliament to the public, and increased resources have been allocated to improve the Parliament's website. The Committees' reports and the resolutions adopted by the Parliament are immediately published on the Internet. The daily work in the administration very much involves developing electronic communication systems and moving towards a "paperless" Parliament.

In regard to security issues following 11 September 2001, the Parliament has taken some steps to improve security, and has among other things strengthened the control of visitors to the Parliament.

How can parliamentary administrations better cooperate to respond to the on going challenges and to their most complex duties, without wasting their resources and avoiding duplication?

Just very briefly a couple of elements, presuming one main focus of the parliamentary cooperation should be on issues such as legislation/practice concerning the parliamentary proceedings, working methods and working conditions for the MP's:

The increased opportunity of electronic communication - represented by the Internet - may provide one of the most important instruments for further development of the

existing cooperation between the Parliaments. Some Parliaments have excellent websites which contain information about legislation, administrative routines and organizational issues. Such information has proven very valuable to our work, e.g. last session when the Parliament was evaluating regulations concerning MP's salaries and working conditions. Cooperation between Parliaments as to what kind of information should be presented on the Internet, may improve communication further.

The Nordic countries have a long tradition of cooperation both at an executive and parliamentary level. The departments in the Nordic Parliaments meet on a regular basis every year or every other year to exchange information on issues of mutual interest. Our experience is that such regional meetings are highly beneficial and most recommendable. One also arranges short fact-finding trips or get in touch on an informal level with other Parliaments when needed.

Furthermore, we have noticed that the possibility to forward questions through the ECPRD is much used and should be continued.

POLAND

SEJM

a) Status of the parliamentary administration

The Chancellery of the Sejm performs organizational, technical and consultative tasks related to the activity of the Sejm and its organs. The Chancellery of the Sejm could be defined as an integrated and full-fledged Sejm service system for legal, organizational, logistical, advisory and financial matters.

The operation of the Chancellery is based on the following rules:

- political impartiality of the Chancellery of the Sejm,
- information self-reliance of the Sejm (it relies on its own body of experts),
- full budgetary autonomy (a draft budget is passed by the Marshal of the Sejm [Speaker of the House] on the motion of the Chief of the Chancellery of the Sejm, the Finance Minister automatically incorporates this draft into the draft of the national budget),
- maximizing legislative assistance (i.a. through strengthening of legal expertise support),
- conformity to the market principles (viz. running a restaurant, a hotel and provision of other services to the Members).

The aim of the Chancellery is to enable the MPs to perform their representative functions and also provide them with professional assistance including, in particular, access to professional literature, expertise, other reports and materials related to the work of the Sejm.

The Chancellery of the Sejm provides technical, organizational and financial means for the proper functioning of MPs' offices or other organizational units rendering services to MPs in constituencies. The members of legal services of the Chancellery of the Sejm attend the proceedings relating to bills and draft resolutions and are entitled make conclusions and remarks within the field of law and legislation.

The organization of the Chancellery of the Sejm is specified in the Statute of the Chancellery, promulgated on request of the Chief of the Chancellery of the Sejm, by the Marshal of the Sejm. The organizational units of the Chancellery of the Sejm, according to its Statute, are: the Executive Office of the Marshal of the Sejm, the Information Bureau, the Legal and Organizational Bureau, the Interparliamentary Relations Bureau, the Sejm Sitings Secretariat, the Legislative Bureau, the Bureau of Research, the Sejm Committees' Bureau, the Deputies' Service Bureau, Sejm Library, Sejm Publishing Office, Computer Centre, Parliament Guard, and units of administrative and financial nature (see diagram attached).

In Poland there is a fundamental distinction among public officials. Under Article 153 of the Constitution of the Republic of Poland a corps of civil servants operates in the organs of government (the Prime Minister is superior of such corps of civil servants). The status of civil servants is regulated by the Civil Service Act (1998).

Other officials come under the provisions of Employees in State Offices Act (1982), or Employees in Courts and Public Prosecutor's Office Act (1998), or Employees in Local Government Offices (1990). They are employed under private law contracts and subject to the jurisdiction of Labour Courts.

The Employees in State Offices Act regulates the status of the administrative staff in the Chancellery of the Sejm, the Chancellery of the Senate, the Chancellery of the President, the Supreme Court, the Constitutional Tribunal, the Commissioner for the Citizen's Rights and some non-governmental bodies. The Act regulates also status of government officials who are not members of the Civil Service Corps.

Rights and duties of the parliamentary staff are specified by The Employees in State Offices Act, Internal Law enacted by the Marshal of the Sejm and by the Chief of the Chancellery and by individual private law contracts.

Recruitment of employees in the Chancellery of the Sejm is an open and competitive process. Anyone who complies with the requirements specified in notices about vacancies can apply. The vacancies are published in the newspapers and, on the web site of the Chancellery office.

Some of the posts in the structure of the Chancellery (posts connected with the legislative process) are subjected to the special procedure of recruitment which requires a 12-month preparatory service, which is a form of introductory training. This procedure is specified by the internal regulation of the Chancellery.

Such preparation gives candidates both theoretical knowledge and practical skills. Theoretical part of the preparatory service consists of (amongst others):

- information on functioning of the Sejm and legal information (legislative procedure, constitutional sources of law, rules of practice, EU law, status of a public officer),
- basic knowledge about organisational and functional principles of a given office (strategy and legal basis for the functioning of a given office, etc.)

During the preparatory service the candidate learns about the structure and tasks of the office, its specific units and the structure of subordinate organisational units, especially those, which have direct contact with the public.

The preparatory service ends with an interview before the examination committee. If the result is positive, the candidate gets a permanent contract, otherwise the contract is terminated. If the new employee demonstrates theoretical knowledge and practical skills and knowledge of organisational and functional principles relating to the exercise

of the office, the Chief of the Chancellery may shorten the period of the preparatory service up to 6 months or even waive the obligation to go with it.

The most common procedure of recruitment for higher posts is internal promotion. Sometimes these posts are filled by way of competition. The Chancellery of the Sejm has its own salary rules different from Civil Service Corps' rules.

b) The relation between the political bodies and the parliamentary administration

The Chancellery of the Sejm is directed by the Chief of the Chancellery with assistance of no more than two deputies (art. 200 of the Standing Orders). The Chief of the Chancellery is appointed and recalled by the Marshal of the Sejm in consultation with the Rules and Deputies' Affairs Committee. The opinion of the Committee is not binding for the Marshal. Deputy Chiefs of the Chancellery are appointed and recalled by the Marshal of the Sejm in consultation with the Chief of the Chancellery.

The Chief and his deputies are not subject to the provisions of Employees in State Offices Act, neither they are members of the Civil Service Corps.

The Marshal has not direct influence over the „configuration” of the parliamentary administration.

c) The responsibility of the Chief of the Chancellery

Under Article 201 of the Standing Orders, the Chief of the Chancellery of the Sejm is the official superior of all the employees of the Chancellery of the Sejm and is responsible for their activity. He is also responsible for implementation of the budget of the Chancellery of the Sejm and for the property of the State Treasury administered by the Chancellery of the Sejm. Deputies of the Chief have their own areas of activity, but responsibility to the Marshal on behalf of the whole of the administration is borne by the Chief. The consequence of the hierarchical structure of the Chancellery is low autonomy of the middle grade executive staff. However, particular units inter-operate autonomously to some extent.

In the Chancellery of the Sejm there is no Standing Committees' staff other than strictly technical one (secretarial and documentation clerks). The staff of each Standing Committee belongs to the Sejm Sittings Secretariat (one of the units of the Chancellery). The staff of the committee is accountable to the Chief of the Chancellery but also to the Chair of the Committee.

d) Data on the parliamentary workload

Poland, like most modern democracies, has a bicameral parliament. The legislative power is vested in the Sejm and the Senate. The Sejm of the Republic of Poland is composed of 460 Deputies. The two legislative bodies are elected each for 4-year terms

of office.

The Sejm debates in the course of sittings (there are no sessions). Timetable of the Sittings of the Sejm is set by the Presidium of the Sejm or by way of a resolution of the Sejm. Each sitting lasts from one to four days (usually Wednesday – Friday or Tuesday - Friday).

During the first two years of the current term (the period between 19.10.2001 and 30.09.2003) there were 57 sittings of the Sejm (19 sittings in 2003) which covered 157 sittings days.

Under article 193 of the Standing Orders:

The Sejm shall pass bills by a majority of votes in the presence of at least half of the statutory number of Deputies, unless the Constitution provides otherwise. The same procedure shall apply to adoption of resolutions and other decisions, unless provisions of the Constitution, of statutes or the Standing Orders of the Sejm provide otherwise.

In the period:

- 19.10.2001-31.12.2001 the Sejm passed 36 bills,
- 1.01.2002-31.12.2002 – 218 bills,
- 1.01.2003- 30.09.2003 – 157 bills.

During 19.10.2001-30.09.2003 the Sejm adopted almost 600 bills, resolutions, and other measures.

Sejm committees are Sejm organs established for the consideration and preparation of matters under deliberation by the Sejm, as well as expression of their opinions on matters referred for their consideration by the Sejm, the Marshal of the Sejm or the Presidium of the Sejm. Committees are also supervisory organs of Sejm, within the scope specified by the Constitution and statutes.

According to the established practice, the nature of standing committees reflects their subject-matter, functions or organizational status (i.e. its duties corresponds with the scope of activity of one of the supreme or central organs of the State). The Standing Orders of the Sejm establishes 25 standing committees.

The scope of activities of individual committees is specified in an appendix to the Standing Orders of the Sejm. The most important duties of standing committees include:

- consideration of bills and draft resolutions;
- consideration of resolutions, adopted by the Senate, relating either to introduction of amendments to the text of a bill passed by the Sejm or rejection of it,
- consideration of reports and information from ministers and heads of the supreme organs of the State administration, as well as heads of other State offices and institutions;
- analyse of activities of individual branches of administration and State economy;
- giving opinion on motions to elect or appoint individual persons to, or recall from, particular State offices, which have been referred to them by the Marshal of the Sejm.

In order to deal with the matters not covered by the competence of its standing committees, the Sejm may establish special committees. Upon the creation of a special committee, the Sejm defines, by means of a resolution, its aims, principles and procedures of operation. Such committees operate temporarily and are dissolved upon the presentation of a report to the Sejm on the activities performed.

The average number of sittings of each committee during the period between 19.10.2001 and 31.12.2002 was 62.

Main rules of the procedure of standing committee' sittings are specified by the Standing Orders. However, there are many customs and practises which are not contained in this act.

According to the Standing Orders the duty of the Marshal of the Sejm is to ensure the operation and punctuality of the work of Sejm and its organs. He has the power to control the regularity of the procedures adopted by the committees.

e) Relations between the parliamentary administration and the legislative process

There are four units of the Chancellery which offer all kind of services connected with the legislative process:

- The Sejm Sittings Secretariat is responsible for organising and preparing the plenary sittings. It sets up the order of all items of business which the Sejm will be dealing with during the sittings. It also supports the Presidium of the Sejm (the Marshal and the Vice-Marshals) in managing the internal affairs of the Sejm;
- The Sejm Committees' Bureau is responsible for organising and preparing committees' sittings;
- The Legislative Bureau is responsible for compliance of draft legislation (drafts and amendments) with the system of drafting rules;
- The Bureau of Research - on request of Deputies and the Sejm organs - gives experts' opinions and information about:
 - interpretation, contents and implementation of legal acts - mainly in the field of constitutional, administrative, civil, economy, labour and criminal law;
 - economic policy, agriculture, food industry, environmental protection, international economic cooperation, regional and transborder cooperation;
 - political systems of particular countries, legal regulations and institutional solutions binding in those countries,
 - European integration, international relations, Poland's foreign and defence policies;
 - work of ministries and other state institutions as well as non-governmental organizations;
 - taxation issues, functioning of certain financial institutions or financial mechanisms that exist in other countries;
 - general and particular solutions regarding education, health care, social security, housing policy, existing in foreign countries.

The Parliamentary Law Unit of the Bureau of Research is responsible for preparing - on request of Deputies and the Sejm organs - expert reports on consistency of bills with the Constitution.

The European Law Unit of the Bureau of Research supplies the organs of the Sejm with opinions on conformity of non-government bills with EU law.

(The Standing Order requires a written statement to be attached to every bill as to its conformity with EU legislation. If the legislation is being proposed by the government, its conformity with EU law is verified by the Department of European Law in the Office of the Committee for European Integration. If it is not a government bill, the statement on conformity with EU law is verified by the European Law Unit of the Bureau of Research of the Sejm Chancellery. If the statement concludes that a bill does not conform to EU law, it does not preclude the bill from being passed but it does provide information on areas of non-conformity. Parliament must then consider such areas of non-conformity, and amendments may be proposed to overcome points of non-compliance.

f) Latest changes in parliamentary administration

The most important changes in Polish parliamentary administration are connected with the ongoing process of European Integration. In 200, on the basis of covenant between the Chancellery of the Sejm, the Chancellery of the Senate, the Office of the European Integration Committee, the Governmental Legislative Centre and The French Parliament (Sénat and Assemblée Nationale), as well as the Spanish Senate, there was adopted a PHARE Programme: "Institutional Strengthening – Administration. Parliamentary Legislative Procedures"

The main purpose of the program was to enhance the harmonisation of the Polish legislation with the EU law. The objective of the program was to strengthen the governmental and parliamentary legislative process of transposition of the *acquis communautaire*.

The program contains the following components:

(1) preparing a report which provides a complete picture of the situation and formulates recommendations in view of the following aims:

- Improving the co-ordination between the Government and the Sejm and the Senate departments responsible for examining and appraising the conformity of the proposed domestic legislation to the EC legislation
- Improving the efficiency of the procedure for preparing bills at Governmental level, Improving the efficiency of the legislative procedures for examination by the Sejm and the Senate of bills transposing the *acquis communautaire*.

The report was prepared after:

- the assessment of the legislative procedures and methodologies at the

parliamentary level,

- the appraisal of the legislative and methodological procedures at Government level in the field of harmonisation of law (in particular the functions of the legal advice, as provided in France by the Conseil d'Etat, the SGG) and assessment of inter-ministerial co-operation,

- the assessment of the information circuits and access to relevant documentation.

(2) Training of the administrative staff (approx. 230 persons):

- training of drafters (Presentation of the techniques of transposition the Union law into the domestic legal system used in selected Member States and different methods of harmonising national laws within the European Union),

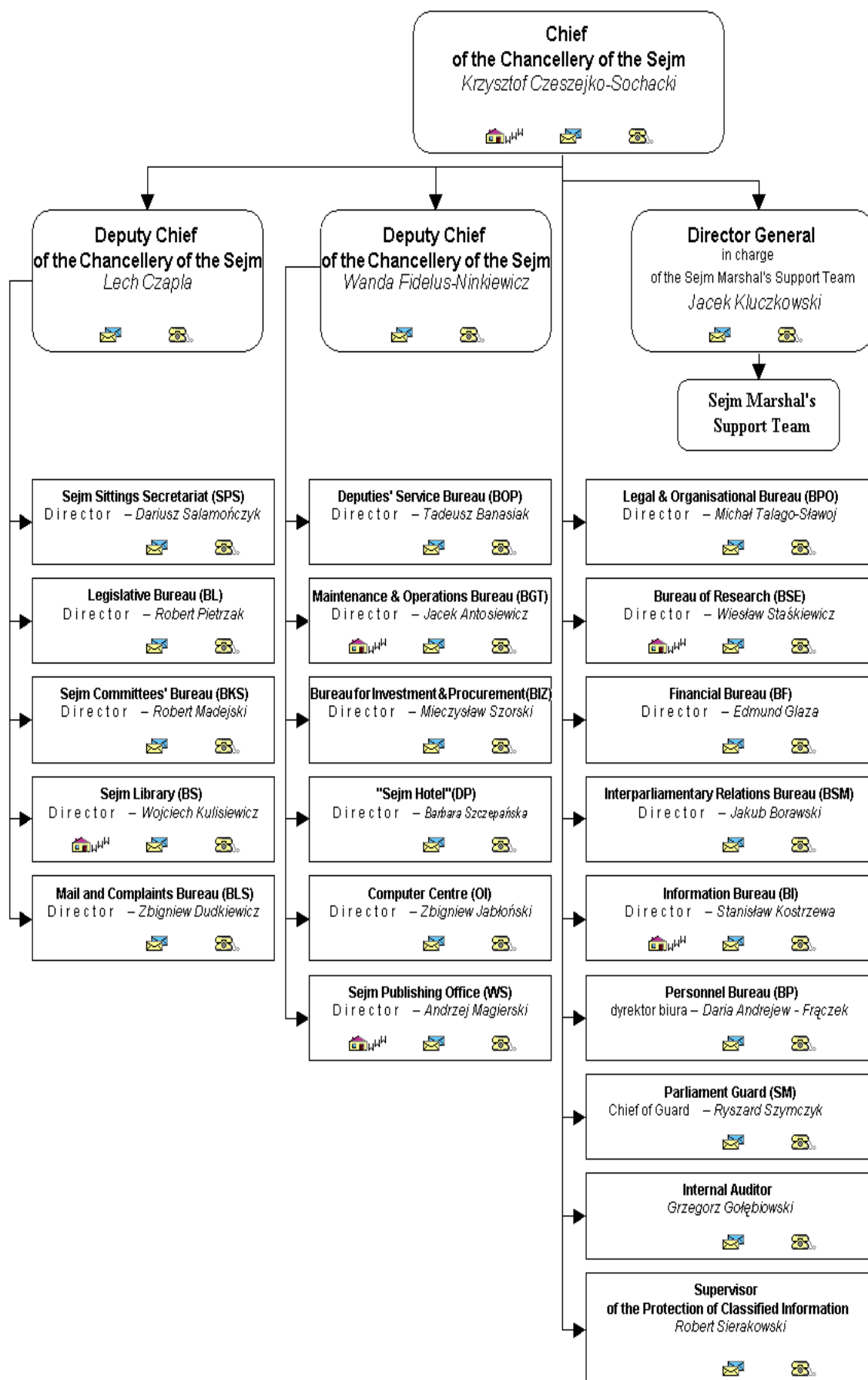
- training of Parliamentary Committee staff (the aim was to improve the quality of work and organisation of the Parliamentary Committees and developing the level of skills of the staff as regards the assimilation of the *acquis* to enable them to channel Members of Parliament's requests correctly).

- training of experts (the purpose of the training was to provide the concerned experts with a comprehensive knowledge of comparative law and of the existing procedures in different parliaments and governments of the Member States in order to enable them to identify, in minimum time, the difficulties that the transposition of the EU law to domestic law might entail).

- study visits for staff in a Member State's Parliament or governmental institutions (in France, Spain and Germany)

(3) Training and study visit of parliamentarians

(4) Setting up and development of the function of the Parliamentary Centre for European Documentation and Information (the Centre) The Centre was established at the Sejm. It provides information services for the Deputies, the staff of the Chancelleries of the Sejm and the Senate as well as for the Government officials with direct access to the European Union documentation and legislation.



POLAND

Senat

a) Administration Status

The Senate Chancellery staff do not belong to the Civil Service Corps and, consequently, are not covered by the Civil Service Act. They are employees of the State administration and hold the status of State functionaries. This status is relatively stable, although the Act on State Functionaries, contrary to the Act on the Civil Service, does not provide any particular protection to employees. Salaries of Senate Chancellery staff and their professional career path are governed by the Act on State Functionaries, the Labour Code and internal Senate Chancellery regulations (e.g. Senate Chancellery Organizational Regulations and Senate Chancellery Work Regulations). The same legal acts govern recruitment issues, however recruitment by way of competition is not imperative. Labour disputes are subject to labour court jurisdiction and are examined according to procedures set out in the Labour Code.

b) Relations between the political bodies and the Parliamentary administration

The Senate Chancellery is subordinate to the Speaker of the Senate. The Chancellery performs organizational and technical tasks associated with Senate activities, and assists senators in the performance of their mandate.

The Senate Chancellery is headed by a Secretary General, appointed and recalled by the Speaker of the Senate upon consultation with the Senate Presidium and the Rules, Ethics and Senate Affairs Committee. In practice, the Secretary General must be a person trusted by the Speaker of the Senate.

The procedure of appointing the Director of the Presidium Office constitutes another entitlement of the Speaker of the Senate associated with recruitment of administration staff (the Presidium Office is tasked with providing substantive and organizational support to the Senate Speaker and Deputy Speakers, and with handling Senate international and media relations). The Presidium Office Director is appointed by the Secretary General at the Speaker's request for the duration of the Speaker's term in office.

The Secretary General is an official superior of all Chancellery staff. He appoints and recalls directors, and recruits all other Chancellery personnel.

State functionaries employed in the Senate Chancellery must not demonstrate their political preferences publicly.

c) Position of the Secretary General

The Secretary General is fully accountable to the Speaker of the Senate for the performance of the entire Chancellery.

Each of the directors is accountable to the Secretary General within the scope of the performance of their office.

The Secretary General may appoint a Director General to handle specific issues in his name and head one of the Chancellery's statutory organizational units. The current structure of the Senate Chancellery includes a Director General who is also the Director of the Senate Proceedings Office.

As employees of the Senate Proceedings Office, Committee Secretaries are subordinate to the Office Director and, indirectly, to the Secretary General. However, in situations where relations between the secretariat of a Committee and its Chair are poor, the latter may request replacement of the Committee Secretary.

Senate Chancellery Offices and employees are required to collaborate in the performance of their tasks by assisting and directly consulting one another.

d) *The Senate workload and the administration workload*

- Number of senators - 100
- The Senate is in permanent session, sittings take place every two weeks on average. A few weeks of parliamentary recess are customarily reserved in summer and winter.
- Number of sittings in 2002 - 25
- Number of hours the Senate sat in 2002 - 239
- Number of votes in 2002 - 1560
- Number of bills examined in 2002 - 217 (adopted – 216, rejected - 1)
- Committees work mainly on legislation debated in the Senate. On senators' request, they may also debate other specific issues. Committees organise conferences and seminars.

Average annual number of Committee sittings:

- Emigration and Poles Abroad Committee	26
- Economy and Public Finances Committee	52
- Culture and Media Committee	22
- Science, Education and Sport Committee	36
- National Defence and Public Security Committee	49
- Environmental Protection Committee	35
- Social Policy and Health Committee	55
- Rules, Ethics and Senate Affairs Committee	17
- Agriculture and Rural Development Committee	45
- Local Government and Public Administration Committee	47
- State Treasury and Infrastructure Committee	36
- Foreign Affairs and European Integration Committee	58
- Legislation and the Rule of Law Committee	65

Committees act in accordance with formalized procedures set out in the Standing Orders of the Senate. Committee performance is overseen by the Speaker of the

Senate, who consults the Rules, Ethics and Senate Affairs Committee in matters of interpretation of the Standing Orders of the Senate.

Routine performance of the Parliamentary administration:

Support of Senate sittings: planning sittings, procedural support, electronic vote handling.

Preparation of verbatim records of Senate and Committee sittings. Senate and Committee sitting reports (Senate Journal).

Secretariat support.

Typing.

e) Parliamentary administration and the legislative process

Two Senate Chancellery offices are directly involved in the legislative process – the Legislative Office and the Senate Proceedings Office.

The tasks of the Legislative Office include in particular:

- providing legal advice on draft legislation to be deliberated by the Senate;
- participating in legislative work over bills prepared by the Senate and its bodies: presenting comments and suggestions, editing proposed amendments;
- preparing lists of amendments (with clarifications) to draft resolutions proposed at Senate sittings;
- preparing draft legal justifications of Senate resolutions;
- preparing materials supporting the work of the Senate and its bodies on bills and draft resolutions;
- at sittings of the Senate or its bodies, indicating emerging legal problems (including those ensuing from the Standing Orders of the Senate) that require consideration and position.

The tasks of the Senate Proceedings Office include in particular:

- tending Standing and Special Committee secretariats, maintaining Senate Committee documentation and correspondence;
- organising and supporting Senate and Senate Committee sittings;
- ensuring the circulation of documents associated with Senate and Senate Committee sittings;
- collaborating with State bodies and other institutions on issues associated with legislative work.

During the work on a bill, additional information that may assist in the evaluation of the consequences of considered solutions is presented by the Legislative Office and the Information and Documentation Office.

The Legislative Office prepares opinions on the constitutionality of considered changes for the Speaker of the Senate.

The Information and Documentation Office prepares opinions and expert reports, or

commissions them from external experts, e.g. professors in the given field, scientists at higher educational institutions, etc.

Within the framework of mandate performance, each senator may submit a request to the Information and Documentation Office for an analytical study of the considered piece of legislation.

The Senate Chancellery does not have a separate unit responsible for relations with the Government. However, each of the existing offices collaborates with the Government within its own range of responsibilities. The collaboration with other institutions proceeds in a similar manner.

f) Latest changes in the Parliamentary administration

The European Union enlargement process made it necessary to introduce significant procedural changes. The Standing Orders of the Senate were supplemented by provisions requiring that a draft of a Senate initiative as well as amendments thereto be accompanied by an opinion on their conformity to the European Union law, or specifying extent and reason for its nonconformity to that law or a statement that the matter is not governed by the EU-law. Such opinions are prepared by the European Integration Committee Office on request of the Senate Proceedings Office.

The Senate Chancellery was reorganized in March and April 2002. Several changes were brought in as a result of that reorganisation. New offices were established – the Presidium Office and the Legal and Organisational Office. New units were added to the existing Information and Documentation Office – the Public Information and Education Unit and the Internet Services Unit.

The coming into force of the Access to Public Information Act (as of 1st January 2002) created new relevant responsibilities for the Senate Chancellery. Until then, the citizens right to access public information had been partially complied with under constitutional provisions and Standing Orders of the Senate. Presently, the Senate website (www.senat.gov.pl) contains verbatim records of Senate and Senate Committee sittings as well as documents relating to the course of legislative work conducted at Senate plenary sessions (summary report in the Senate Journal and text and justification of the resolution). Providing access to public information on the activities of the Senate and its bodies is a responsibility of the Public Information and Education Unit (Information and Documentation Office). That unit is also tasked with popularising the knowledge of the Senate through publications, seminars, exhibitions and organisation of group visits to Senate facilities.

Special security measures were taken by the Speaker Guard following the terrorist attack of 11th September 2001. All parcels reaching the Senate Chancellery by mail are checked by the Government Protection Bureau.

In addition, the Speaker Guard has tightened access control measures, including compliance with the requirement to wear official name tags.

REPUBLIC OF MACEDONIA

Parliamentary Assembly

The staff in Service of the Assembly of the Republic of Macedonia has the status of civil servants. It is part of the state administration covering civil servants who work for the Executive (Cabinet of the President of the Republic of Macedonia, Service of the Government and the Ministries), the courts, the Constitutional Court and other organs whose responsibilities are related to the exercise of state functions.

The status, the rights, duties and responsibilities of the civil servants, the employment, the career development, as well as the system of salaries are specified in the Law on Civil Servants. On the basis of the principles laid down in this law, the organization, the organizational units, the tasks and the work of the Staff Service in the Assembly, as well as the their occupational rank are determined by separate acts adopted by the Secretary General of the Assembly.

The parliamentary administration, as other civil servants, exercises their pension and other labour relations' rights (right to a vacation, leave, etc.) in accordance with the general provisions of the labour legislation.

The Secretary General of the Assembly is elected by the Assembly on a proposal by the Committee on Elections and Appointment Issues and his/her mandate is the same as the parliamentary mandate of the Assembly. The Secretary General manages with the staff in the Service of the Assembly and makes sure that the work is carried out professionally and efficiently and that there is a joint cooperation among the organizational units.

The Secretary General is responsible for the employment, the organization, the assessment and the responsibility of the civil servants.

The employment of civil servants is made through public advertisements. Those employed for the first time have to pass an internship exam and to sign an oath declaring that they shall comply with the Constitution and the laws in their work and perform their duty as civil servants in full conscience.

With regard to the occupational ranks, they are divided in three groups: management, professional and technical personnel. The appointment is made by the Secretary General, depending on the educational degree, working experience, the evaluation for efficiency in their work, the tasks and other conditions envisaged by the Post Systematization Act, adopted by the Secretary General.

The Secretary General is accountable to the Assembly for his/her work and the work of the Staff Service.

All civil servants are answerable for their work to their Head of Department of the Secretary General.

The parliamentary administration carries out professional and other duties and their workload depends on the needs of the Assembly, the working bodies and the MP's.

The Assembly is consisted of 120 professional MP's and 18 standing working bodies.

The Assembly is in permanent session, holding approximately 30 plenary session annually and, according to the Rules of the Assembly, they start from 10.00 a.m. to 5.00 p.m., and as necessary, they may last for several days.

In the course of one year, the Assembly reviews and adopts between 100 and 130 laws. The majority of laws are amendments and additions to the existing laws and come as result of the harmonization process of our legislation with that of the EU and the latest amendments to the Constitution of the Republic of Macedonia.

The main activities of the working bodies are preparation of plenary sessions and their activity depends on the number and the category of issues on the parliamentary agenda.

The civil servant carry out the professional, secretarial and other duties related to the work of the working bodies.

The work of the working bodies is regulated with the Rules of Procedure of the Assembly. The President of the Assembly is responsible to ensure that the Rules are implemented.

The management personnel performs the most complex tasks that imply some degree of independence and expertise for certain issues, gives opinion and proposals, prepares laws, comparative analyses and additional information on the parliamentary procedure.

The Secretary General, as official in charge of the Staff Service, has adopted new acts for its reorganization, opening the process of public administration reform and promoting the principles of professionalism, depoliticization and efficiency.

The reforms in the organization of the Staff Service are precondition for improved efficiency and cost-effectiveness in the work and tasks and most important for a more professional, creative and politically neutral position of the civil servants to their work.

At the same time, in the overall reform process, the Assembly undertakes activities to improve the technical and other working conditions for the MP's and the Staff Service, computers, use of Internet etc. In recent times, the participation of civil servants at various seminars, study visits in parliaments of other states is a common practice, as the different forms of advanced training, especially in relation to gaining of experience for a more successful work in the harmonization process of the domestic legislation with the EU legislation.

ROMANIA

Camera deputatilor

a) Status of the parliamentary administration

Internal organization of the Chamber of Deputies

Article 61, paragraph (1) of the Romanian Constitution requires that the Chamber of Deputies structure and functioning have to be set by its own Standing Rules. According to these rules, the internal structure of the Chamber consists of: the Standing Bureau, the parliamentary committees, and the parliamentary groups. The Standing Bureau is composed of: President, four vice-presidents, four secretaries and four quaestors.

The President of the Chamber of Deputies is President of the Standing Bureau as well. He is elected by secret ballot at the beginning of legislature and for the whole mandate of the Chamber; the other members of the Standing Bureau are elected at the beginning of each parliamentary session.

The Agenda Committee shapes the working schedule and the agenda of the Chamber of Deputies; it is composed of the leaders of parliamentary groups.

The deputies can organize themselves into parliamentary groups, which are structures of the Chamber of Deputies.

Deputies having run on the list of the same party or belonging to the same political alliance join together in order to build up parliamentary groups.

A parliamentary group has to have at least 10 deputies. Parliamentary groups reflect the political configuration of the Chamber of Deputies.

The Chamber of Deputies has 16 standing committees. The standing committees are working bodies of the Chamber.

In addition to standing committees, inquiry committees and other special committees can be constituted.

The political groups profile engenders the political configuration of the Chamber, which has to be, as strong as possible, at the foundation of parliamentary committees. The role of the standing committees is to draw up reports and provide notices on the documents that will be put on the agenda.

Organization of the Chamber of Deputies administration

The General Secretariate runs the administration of the Chamber of Deputies. The organizational structure of the General Secretariate is approved by the plenum of the Chamber and the Standing Bureau approves the operational structure of its units. The Standing Orders, as sanctioned by the Standing Bureau, set up the attributions of the General Secretariate.

The General Secretariate is in charge with supporting the parliamentary activity inside the Chamber and in constituencies, providing all the technical and specialized assistance needed.

Generally the organization of the Chamber administration is structured on the following fields:

- I. units for parliamentary proceedings, as the most important activity of the administration, including units for parliamentary proceedings organization and development, parliamentary information, library, foreign and domestic relations and other related activities;
- II. administrative units, including food and transportation sectors;
- III. financial and accounting units;
- IV. audit and internal control units.

The main activities of the General Secretariate are to:

- I. support the groundwork and development of parliamentary business;
- II. give good reason for required financial, technical and personnel resources, as well as for their efficient use, according to law;
- III. make proposals concerning the Chamber interactions with public authorities, foreign and home organizations and implement the endorsements, within the limits of its authority;
- IV. perform internal audit;
- V. achieve the managing of supplies and of the supplementary units.

In order to support the groundwork and development of parliamentary business, the General Secretariate should:

- I. provide the Chamber of Deputies or both Chambers, as the case may be, with best possible circumstances intended for their sittings; provide with bill records and other documents that will be submitted to the Chamber;
- II. provide the MPs. with guidance during bills debates in the plenum of the Chamber of Deputies or of both Chambers, as the case may be; put down on paper draft laws or laws, according to the passed texts and keep their record;
- III. provide parliamentary standing committees with specialized assistance;
- IV. provide Standing Bureau and Agenda Committee with guidance and technical assistance;
- V. provide Standing Bureau, parliamentary groups and parliamentary committees members with the required information and documentaries.

Liability pertaining to groundwork and development of parliamentary business goes to the following units: Department for parliamentary activities, Technical Secretariat and Directorate for parliamentary information.

Giving good reason for required financial, technical and personnel resources, as well as for their efficient use means:

- I. keeping correct financial records;
- II. making proposals, within its competences, concerning public bids for supplies procurement and distribution;
- III. managing the investments level, preparing and monitoring the investments works, according to law;
- IV. providing with necessary informational programs and communication resources;
- V. providing General Secretariate units and constituencies with the required human resources, according to the approved tables of organization.

The following units are in charge with giving good reason for required financial, material and personnel resources, as well as for their efficient use, according to law: Directorate for human resources and payroll; Directorate for public procurements; Directorate for deputies reimbursements, Financial and accounting Directorate, General Directorate for development and Directorate for information technology and communications.

Making proposals concerning the Chamber relations with public authorities, foreign and home organizations and implementing the endorsements, within the limits of its authority mean:

- I. giving the Chamber's units specialized assistance in setting up their multilateral relationships with international parliamentary organizations and also the Chamber of Deputies and its General Secretariate bilateral relationships with other parliaments;
- II. accomplishing protocole activities for official delegations or foreign guests reception and organizing some internal protocol procedures;
- III. giving the Chamber of Deputies units specialized assistance in defining its internal relations with the media, the NGOs, the civil society, as well as with citizens.

The activity of making proposals concerning the Chamber relations with public authorities, foreign and home organizations and implementing the endorsements, within the limits of its authority, is performed by the following departments: General Directorate for foreign relations and protocole, Directorate for communication, press and public relations.

Certain attributions regarding the relations with public authorities, domestic and foreign organizations are also accomplished by the Chamber of Deputies President Chancellery, the technical body of the Foreign Policy Committee and the technical body of the Committee for the investigation of abuses, corrupt practices and for

petitions, by the staff of the parliamentary offices within constituencies and by the Secretary General Office.

The Department for administrative and logistic services, Directorate for transportation and International Conference Centre perform activities of supplies and services administration.

The General Secretariat of the Chamber of Deputies is organized on following levels:

- I. departments and general directorates;
- II. independent directorates and directorates within departments and general directorates;
- III. units, sections, sectors and offices usually within directorates; the structure display includes some independent units, composed merely of executive personnel; they are organized within directorates and run directly by heads of these directorates.

In order to accomplish the duties established by the members of the Standing Bureau, the leaders of the parliamentary groups and the deputies, different structures are set up as follows:

- a) The Chancellery of the Chamber of Deputies' President, by the President of the Chamber of Deputies;
- b) The cabinets of the Standing Bureau members and their secretariates, by each of the members of the Standing Bureau;
- c) The Secretariate for the Parliamentary Groups, by the leader of each parliamentary group;
- d) staff of deputies, hired for activities in the constituencies, by each deputy.

The staff number for activities in the constituencies, their positions and attributions are established by each of the deputies; these staff are paid from the lump sum received by each deputy.

The personnel belonging to the General Secretariate of the Chamber of Deputies has the same statute as the contractual personnel from the budgetary sector. The payment and other rights due to the personnel of the General Secretariate of the Chamber of Deputies are established by a special law. The limits of the basic salary are those of the contractual personnel from the budgetary sector.

Personnel recruitment procedures

The staff nomination of the General Secretariate of the Chamber of Deputies is made by order of the Secretary General, after a contest, according to the law.

The nomination of the general directors is made by the Secretary General of the Chamber of Deputies with the prior notice from the Standing Bureau.

The staff nomination of the Presidential Chancellery is made on recommendation of the President of the Chamber of Deputies.

The staff nomination of the cabinets of the Standing Bureau members is made on the recommendation of each member of the Standing Bureau.

The staff nomination of the parliamentary groups is made on recommendation of the leader of that parliamentary group.

The staff nomination of the parliamentary bureaux from the constituencies is made on proposal of that deputy.

The Secretary General concludes with these nominated staff individual employment contracts according to the Labor Code.

b) Relations between politic bodies/offices and the parliamentary administration

According to the Standing Orders of the Chamber of Deputies provisions, the Standing Bureau manages and controls the services of the Chamber of Deputies.

The vice-presidents and the secretaries of the Standing Bureau coordinate certain domains of activity of the General Secretariate of the Chamber of Deputies, according to the decision taken by the Standing Bureau.

The quaestors accomplish checking and controlling duties on the financial and budgetary activities, as well as on patrimony management.

Bureaux and chairmen of the Chamber of Deputies committees accomplish leading duties concerning the personnel activities of the committees.

The leaders of the parliamentary groups manage and control the personnel activity of their parliamentary group.

The leading structure of the General Secretariate of the Chamber of Deputies is compound of the:

- a) Secretary General, Deputy–Secretary General;
- b) general directors, directors of independent directorates and chief accountant;
- c) directors within departments and general directorates;
- d) heads of services, sections, sectors and bureaux.

The powers of these leading persons are established by order of the Secretary General.

The Secretary General is nominated and released by a Chamber of Deputies decision, on proposal made by the President of the Chamber of Deputies, and adopted by the majority of the present deputies.

As long as the office of Secretary General is or becomes vacant, his attributions, competences and responsibilities are passed to and exercised by the Deputy–Secretary General.

The Secretary General leads the General Secretariate personnel.

The personnel which activates at the Chamber of Deputies' President cabinet, the cabinets of the Stating Bureau members, the secretariates of the parliamentary groups

and at the parliamentary committees is subordinated to the Secretary General only with respect to professional training and internal rules of conduct.

c) Responsibilities of the Secretary General

The Secretary General of the Chamber of Deputies leads the General Secretariate activity and is responsible for its proper unfolding.

The Secretary General is the main credit officer and has the competences and responsibilities established by law.

The Secretary General accomplishes the attributions established by acts, decisions, resolutions adopted by the Chamber of Deputies or by the Standing Bureau.

The Secretary General leads the General Secretariat staff.

The Secretary General is responsible in front of the Chamber of Deputies and of the Standing Bureau concerning the way of accomplishing of his competences and duties.

The Secretary General co-ordinates mainly the activity related to the ensuring the conditions for the preparation and unfolding of the parliamentary works.

For certain issues, the Secretary General is assisted by the Deputy–Secretary General.

The Deputy–Secretary General coordinates mainly the administrative activity, and the investments.

The Deputy–Secretary General is subordinated to the Standing Bureau and to the Secretary General and is responsible in front of them for the accomplishment of his competences and duties.

As for the time being the Secretary General position became vacant and his attributions were handed-over to the Deputy-Secretary General, the attributions in the parliamentary area connected, mainly, to the legislative activity of the Parliament and to the functioning of the Chamber of Deputies structures are co-ordinated by the Deputy-Secretary General who delegated them to the Head of the Department for Parliamentary Activities.

The size and structure of the technical body of the parliamentary committees are established for each committee by the approved tables of organization.

The technical body of the parliamentary committees has a double subordination:

- a) a direct subordination to the committees chairman and bureau;
- b) a functional subordination to the leadership of the directorate and department.

d) Parliamentary activity problems and the attributions related to administration

The Chamber of Deputies has a number of 345 deputies.

The Chamber of Deputies meets in two ordinary sessions, but may also meet in extraordinary sessions.

In the current legislature, for the period December 2000 - June 2003, the Chamber of Deputies has held 253 plenary sessions and 59 joint sessions with the Senate.

The Parliament of Romania adopts laws, decisions and motions, in the presence of the majority of its members. The laws adopted by the legislative body are constitutional (modifying the Constitution), organic and ordinary laws. The procedure of adopting the laws is the same for each of the Chambers of the Parliament.

The organic laws and decisions concerning the Standing Orders of the Chambers are adopted by the majority vote of its members.

The ordinary laws and decisions are adopted by the majority vote of the members present in each Chamber.

The law on amending the Constitution (the constitutional laws) is adopted by the Chamber of Deputies and the Senate with the majority of at least two thirds of the members in each Chamber.

During the first 5 sessions of the current legislature (December 2000–June 2003) the Chamber of Deputies adopted 2565 laws, of which: 1193 in 2001; 912 in 2002; and 460 during the 2003 first session.

The standing committees of the Chamber of Deputies and the main fields of activity are the following:

1. Committee for Economic Policy, Reform, and Privatization

- restructuring of the economy at macro-economic level and at sectorial level; reconstruction development programmes; economic forecast; specific means and institutions of the market economy; issues of prices and competition; free enterprise; privatization; economic activity of the Authority for Privatization and Administration of the State Shares, of the financial investment companies, of the autonomous regions and of the trading companies with fully state-owned or joint ventures; capital import and export;

- other issues concerning the strategy of economic development and reform policy.

Number of meetings in February - June 2003 session: 42.

2. Committee for Budget, Finance and Banks

- the state budget and the budgetary execution; the state social insurance budget and its execution; financial policy; taxes and duties system, insurance and reinsurance; monetary balance, monetary circulation, credits and credit system, interest, discount; stock exchange and commercial papers; external loans of the State or guaranteed by the State; investments from budgetary credits.

Number of meetings in February - June 2003 session: 42.

3. Committee for Industries and Services

- industry and its branches; transport, telecommunications, trade (home and foreign), tourism: consumers' protection; strategy of development of industries and services; ensuring the resources of raw materials and energy for the national economy; development of small and medium-sized enterprises in industry and services; specific problems of privatization in industry and services, of development of the private sector in these branches; the commodities exchanges for industrial goods and services; investment strategies; quality of industrial goods and of services; standards and brands; protection of investments and brands; technical progress and technological development; efficiency and competitive capacity of the goods and services on the home and foreign market.

Number of meetings in February - June 2003 session: 42.

4. Committee for Agriculture, Forestry, Food Industry and Specific Services

- programmes in the field of agriculture, horticulture, animal breeding, fishery, forestry, hunting fund; specific problems of privatization in agriculture; free initiative, forms of ownership, of association, of crediting, of leasing; the management of the land resources; the activity of the companies and autonomous regies with state or mixed capital in agriculture, forestry and food industry; services for agriculture, land improving, food industry and forestry.

Number of meetings in February - June 2003 session: 42.

5. Committee for Human Rights, Cults and National Minorities Issues

- human and citizen's rights; issues related to minorities; freedom of conscience; issues related to religious cults; freedom of expression through other means than press.

Number of meetings in February - June 2003 session: 42.

6. Committee for Public Administration, Territorial Planning and Ecological Balance

- local autonomy; administrative reforms; administrative-territorial organization: status of the civil servant; urban systems; urban and rural networks; local public finances; ecological systems and ecological balance; quality of air, water and soil; protection of flora, fauna and human settlements; recovery of the deteriorated areas; technologies for the control and elimination of polluting emissions; administration of waters; territorial planning; constructions.

Number of meetings in February - June 2003 session: 42.

7. Committee for Labour and Social Protection

- individual labour relations (individual labour contract, working time, leaves, work safety, wages system, labour jurisdiction, legal status of employed woman); collective labour relations (collective negotiation, collective agreement, jurisdiction of collective labour conflicts); legal status of unions and of employers' organizations; social insurance system (pensions, indemnities, unemployment benefits, state allowance); social assistance (material assistance, gratuities); material assistance for deprived persons; aged people, disabled persons, minors and others; issues related to employment.

Number of meetings in February - June 2003 session: 42.

8. Committee for Health and Family

- protection of population's health; sanitary assistance; forms of organization of sanitary network; social matters of family, mother and child, aged and disabled persons; demographic problems.

Number of meetings in February - June 2003 session: 42.

9. Committee for Education, Science, Youth and Sport

- education of all forms and degrees; scientific research; sports activity; youth's problems; protection of intellectual property.

Number of meetings in February - June 2003 session: 42.

10. Committee for Culture, Arts and Mass Information Means

- institutions of art and culture; protection of the national cultural values; activity of press and other mass media.

Number of meetings in February - June 2003 session: 42.

11. Committee for Legal Matters, Discipline and Immunities

- the constitutionality of draft laws and of legislative proposals; regulations in the field of civil, penal and contravention law, and also of civil, penal and administrative procedure, as well of judicial organization; other regulations with prevailing juridical character; issues related to parliamentary discipline, incompatibilities and immunities.

Number of meetings in February - June 2003 session: 39.

12. Committee for Defence, Public Order and National Security

- matters regarding defence, public order and national security.

Number of meetings in February - June 2003 session: 46.

13. Committee for Foreign Policy

- matters and programmes of foreign policy of Romania; bilateral dialogue with the similar committees of the parliaments of other countries and of international parliamentary bodies; endorsement of treaties, conventions and other international instruments to which Romania adheres; the hearing of the persons proposed to be appointed in the position of ambassador of Romania abroad, followed by an advisory opinion.

Number of meetings in February - June 2003 session: 43.

14. Committee for the Investigation of Abuses, Corrupt Practices and for Petitions

- examination of the petitions received and investigation of the abuses pointed out in those petitions; effecting an inquiry on the intimated abuses, cases when the Chamber orders that as a result of the submission, according to the regulations, of an application in the Chamber.

Number of meetings in February - June 2003 session: 42.

15. Committee for Standing Orders

- interpretation of the Standing Orders; record and regularity of the parliamentary customs; elaboration and submitting of proposals to the Standing Bureau for the modification of the Standing Orders; the examination and operative notification of the Chamber and of the Standing Bureau about the parliamentary proceedings in other states or parliamentary pan-European assemblies; the examination of the notifications sent by the Chamber, the Standing Bureau or by the President of the Chamber with regard to the actions for the implementation of the Standing Orders and the presentation of the standpoint in the Chamber of Deputies.

Number of meetings in February - June 2003 session: 1.

16. Committee for Information Technologies and Communications

- technology of information and communications, specific advanced technologies in the field, lining up with the international regulations and standards, the intellectual property in the field.

Number of meetings in February - June 2003 session: 40.

The units within the structure of the General Secretariate of the Chamber of Deputies provide specialized assistance and draw up the specific documents in order to examine the legislative initiatives within the parliamentary committees and for their debate in the plenary session of the Chamber of Deputies, or in the plenary sessions of the two Chambers; provide information and documentation for the Chamber of Deputies members; ensure the secretarial works for the Chamber of Deputies structures and for the General Secretariate.

The units with attributions in the accomplishment of the activity connected to the parliamentary works are the following:

a) Department for parliamentary activities; ensures the preparation of the Chamber of Deputies parliamentary works unfolding, or that of the two Chambers, as well as of the parliamentary committees.

b) Directorate for technical secretariate; ensures the preparation of the Chamber of Deputies Standing Bureau works, of the Standing Bureaux of the two Chambers and of the Agenda Committee; supervises the accomplishment by the units of the General Secretariate of the tasks resulting from the Chamber of Deputies and of the Standing Bureau decisions, as well as from the Chamber of Deputies President's written dispositions; accomplishes certain attributions connected to the activity concerning the parliamentary works.

c) Directorate for parliamentary information; elaborates specific studies and researches and provides with documentation the parliamentary structures.

Certain attributions concerning the parliamentary works are also accomplished by the personnel carrying out their activity at the Chamber of Deputies President's Chancellery, at the Standing Bureau members' cabinets, at the parliamentary groups' secretariates, at the Secretary General Cabinet, as well as at the constituencies offices; their attributions are established by each head of unit, or by deputies, as the case may be.

e) Relations between the parliamentary administration and the legislative process

One of the main activities of the Chamber of Deputies General Secretariate consists in ensuring the necessary conditions for the preparation and unfolding of the parliamentary works.

The activity of the Chamber of Deputies General Secretariate concerning the preparation and unfolding of the parliamentary works is carried out by:

a) preparing and ensuring the necessary conditions for the proper unfolding of the Chamber of Deputies sessions and of those of the two Chambers; ensuring the record of the bills and other documents submitted to the Chamber of Deputies debate;

b) providing the specialized assistance related to the debate of the bills in the Chamber of Deputies plenary sessions or the two Chambers' plenum; processing or drawing up of bills, respectively of laws on the basis of the texts adopted by the plenary session of the Chamber of Deputies, or by the two Chambers' of the Parliament plenum;

c) providing the specialized assistance for the activity of the parliamentary committees;

d) ensuring the specialized assistance and the secretariate activity of the Standing Bureau and of the Agenda Committee;

e) providing the information and documentation for the Standing Bureau members, for the parliamentary groups and the parliamentary committees.

The activity of the Chamber of Deputies General Secretariate for setting up the necessary conditions for the preparation and unfolding of the parliamentary works is carried out by: the Department for parliamentary activities, the Technical secretariate and the Directorate for parliamentary information.

f) Implementation of the European legislation

The process of Romania's accession to the European Union requires the alignment of the Romanian legislation to the European legislation, the Parliament of Romania making efforts in this direction.

Thus, according to the Chamber of Deputies Standing Orders, all the bills concerning Romania's legislation harmonization with that of the European Union are adopted by right under emergency procedure. At the same time, at the beginning of each session, the Government submits the legislative priority programme for the respective session to the Parliament; this programme contains the legislative priority bills meant to ensure the necessary legal framework for the accomplishment of the objectives of Romania's planning process for the integration into the European Union.

The Department for parliamentary activities follows permanently the situation of these bills adoption and their stage in the legislative process and informs weekly in this respect the Chamber of Deputies President and the Minister for the relation with the Parliament, who directly monitorizes this issue together with the Ministry of European Integration.

- Security issues

1. Means of ensuring security

The Chamber of Deputies activity is carried on in the Palace of Parliament.

Security in the Palace of Parliament is provided by electronic systems and specialized security bodies.

The Palace of Parliament is equipped with perimeter electronic surveillance appliances placed outer the building and inside it (on the corridors); at the building's entrances there are metal detecting electronic appliances.

As State specialized service, the Service for protection and guarding is responsible with the Palace of Parliament entrances guarding.

The Directorate for order and guarding, as specialized service of the Chamber of Deputies General Secretariate, assures the inside order and the protection of the Chamber of Deputies President.

The two structures cooperates on the basis of a joint regulation, approved by these institutions leaderships.

2. Access to the building

Deputies and Senators have access on the basis of the Deputy/Senator identification card.

The access of the Chamber General Secretariate staff is permitted on the basis of the magnetic card, which, at the same time, constitutes the badge to be worn at sight.

The official foreign delegations, made up of ministers, members of diplomatic missions accredited in Romania and other foreign officials are always accompanied by specially designated employees of the General Directorate for foreign relations and protocole.

The persons invited by the members of the Standing Bureau, standing committees, parliamentary groups, by the Secretary General, Deputy-Secretary General or by the General Secretariate units are accompanied by a representative of the Directorate for order and guarding and, respectively, that of the General Secretariate units which invited them.

The access of the media representatives is granted through a sole entrance, on the basis of the accreditation cards issued for the Chamber of Deputies.

The public's access to the Chamber of Deputies plenary sittings is granted through a sole entrance on the basis of a nominal list; in the sittings room, the place reserved to the public is at gallery.

- Staff training

Sistematically, the National Institut for Administration organizes training programmes for the central and local administration staff and for the parliamentary administration staff as well.

ROMANIA

Senat (en.)

In Romania, the two Chambers of Parliament have a specialised service system and their own administrative bodies, those ensuring the autonomous functioning of the Chambers. The structure of the Romanian Senate's services has its legal basis in the provisions of the *Senate's Standing Orders*, a document having the status of an internal law, and the provisions of the *Senate's Decision Nr 20/2001 regarding the structure of the Senate's services*, approved by the Standing Bureau on the Secretary's General proposal.

The President and Standing Bureau of the Senate coordinate and control the entire activity of the Senate and its services. The activity of the services at the disposal of the Senators during their offices is managed and controlled by the Secretary General of the Senate, who is the main chief accountant and issues orders in exercising his powers. For the fulfillment of his attributions in ensuring the proper functioning of the Senate, the Secretary General is responsible before the Senate and the Standing Bureau. The Secretary General of the Senate coordinates the activity of the expert departments, provides the documents necessary to a proper development of the Standing Bureau's works and plenary sessions, ensures communication between this legislative Chamber and the other institutions of the state by right.

According to the Standing orders, the services ensuring the functioning of the Senate are divided into departments, divisions, services, bureaux, and workshops.

The services of the Senate are thus conceived as to ensure the fulfillment of the attributions specific to the institution and contribute to the proper development of the legislative activity. To respond to those exigencies, the services of the Senate are organised taking into account the constitutional prerogatives of the institution, the requirements of the legislative process and modern management criteria operating in the domain of public institutions. The Senate of Romania has two large departments: the Legislative Department and the Department for IT, Budget, Accounting and Logistics. Those ones, in turn, are organised by divisions and services, depending on their specific activity. The Secretary General subordinates three autonomous divisions: the Division of the General Secretariat, the Foreign Relations Division, and the Human Resources and Passports Division.

The Legislative Department is the expert structure providing a direct support to the legislative activity, at each and every stage. The Legislative Department organises and ensures the conditions for the works of the plenum and the committees' works, coordinates and controls the activity of the services that complete the legislative acts in accordance with the norms of legislative technique, and elaborate studies, syntheses, comparative analyses on issues from the legislative field, delivering information, documentary syntheses and other materials necessary to the legislative activity.

The staff employed in the Legislative Department ensures the expert assistance for senators on legislative matters, both as organising and documentary basis. In that

respect, the experts of the department follow the path covered by bills and legislative drafts, keep the evidence of the nominal composition of the Senate's Committees and that of the Parliament, of the parliamentary groups, of the senators and of the changes that come up during the parliamentary office and bring them to the knowledge of the Standing Bureau and the interested services, deliver synthesis data on the legislative activity for the Standing Bureau, Secretary General, press conferences organised in the Senate, and whenever those might be asked for; they design and maintain the legislative database in IT system; prepare and ensures the necessary conditions for the proper development of the works of the Senate's plenum.

At the same time, by its expert divisions, the Legislative Department provides the senators, Standing Bureau and standing committees, parliamentary groups and the other departments in the Senate, by their request, with information, research syntheses, expert papers and other materials necessary to the legislative activity; it elaborates studies, syntheses and comparative analyses on legislative, economic, social matters, by the request of the Standing Bureau, standing committees, parliamentary groups, head of department or the Secretary General; elaborates comparative law analyses, by the request of the Standing Bureau, parliamentary groups, standing committees, and the Secretary General; manages the informative materials sent to the Senate by the public institutions in the country, as well as the materials sent by parliaments of other countries and international inter-parliamentary institutions and elaborates bulletins and subject syntheses on those materials; ensures the exchange of informing materials referring to the Senate's legislative and parliamentary activities with similar departments of other countries' parliaments.

The present structure of the Legislative Department gives the possibility to the members of the Senate to have quick easy access to the legislative information, at each and every stage, from the moment when the Senate is notified with the bill to the stage when the normative act is published in the Official Journal.

The working structures of the Senate, parliamentary groups and standing committees, benefit by an expert tank that elaborates the documents of the above mentioned and substantiates the adopted standpoints.

According to their sizes, the parliamentary groups establish their own technical secretariats with a structure settled by the Standing Bureau. The appointment and salaries of the secretariat's members is established by order of the Secretary General, with determined period labour contracts, during the legislature. The appointment and dismissal of the staff working for the parliamentary groups are done when proposed by the respective parliamentary group.

From the material point of view, the parliamentary groups have the necessary logistics in order to perform their activities, as well as transport means, settled by the Standing Bureau in accordance with the size of the group.

In their turn, the standing and non-standing committees of the Senate have at their disposal a technical secretariat and an expert tank, employed on a undetermined

period labour contract, and they contribute to the drawing up of the specific documents and a good performance of their activities.

For exercising the senatorial mandate, the constituencies organize, for each senator, a senatorial office, having as employed staff a head of senatorial office, a driver and a secretary-typist, staff included in the technical staff of the Senate. The employment of the senatorial office's staff is on a determined period labour contract, by the Secretary General of the Senate, on the proposal of the respective senators. During their employment, the staff is considered as temporarily detached, under the stipulations of labour law. The labour contract of the senatorial office's staff ceases on the senator's order or, when the holder of the mandate ceases to be a senator, on the date when the new holder disposes.

The present organizational functional structure of the Senate, corresponding to the present legislating concept, has the mission to increase the share of the legislative activity within the standing committees, in order to render the legislative process efficient in the plenum of the Senate, to increase the role and quality of the staff's activities and obviate the bad functioning by laying stress upon homogeneity, flexibility and good functioning, everything corroborated to optimize the informational flux of the legislative process and the activity of the Senate's experts involved in the process.

Reorganising the services of the Senate, in June 2003, has taken into account the experience of other parliaments in this respect as well as the necessity of a structure as close as possible to the Chamber of Deputies, starting from the equal competencies of the two Chambers. Under the conditions when the Parliament adopted the bill for the revision of the Constitution, which was validated by popular referendum on the 19th of October this year, the partition of the legislative powers of the two Chambers requires a revision of the structure of the Senate's services, especially of those directly involved in the legislative process, in order to better correlate them with the new constitutional concept."

ROMANIA

Senat (fr.)

En Roumanie, les deux Chambres du Parlement disposent d'un système de services de spécialité et d'un appareil administratif propre; qui leur assure le fonctionnement autonome. La base juridique de l'organisation des services du sénat de Roumanie trouve sa fondamentation dans les dispositions du *Règlement du Sénat*, document à caractère de loi interne et de la *Décision du Sénat* numéro 20/2001 concernant la structure des services du sénat, approuvé par le Bureau permanent, à la proposition du secrétaire Général du Sénat.

Le président et le Bureau Permanent du Sénat exercent la coordination et le contrôle sur toute l'activité du Sénat et de ses services. L'activité des services dont les sénateurs bénéficient pendant l'exercice de leur mandat est dirigée et contrôlée par le Secrétaire Général du Sénat, qui est l'ordonnateur principal de crédits et émet des ordres dans l'exercice de ses attributions. Le Secrétaire Général est responsable, devant le Sénat et le Bureau Permanent de celui-ci, concernant la manière dont il accomplit ses attributions visant le bon fonctionnement du Sénat. Le Secrétaire Général du Sénat a en sa charge la coordination de l'activité des départements de spécialité, il gère l'élaboration et la distribution des documents nécessaires pour le bon développement des travaux du Bureau Permanent et des séances plénières, il assure la communication entre cette Chambre législative et les autres institutions de l'État de droit.

Conformément au Règlement d'organisation et fonctionnement, les services qui assurent, le fonctionnement du Sénat sont répartis en départements, directions, services, bureaux et ateliers.

Les services du Sénat sont conçus de telle manière qu'ils puissent assurer l'accomplissement des attributions propres à cette institution et de contribuer au bon développement de l'activité législative. Pour pouvoir répondre à ces exigences, les services du Sénat sont organisés de manière à pouvoir tenir compte des prérogatives constitutionnelles de cette institution, des exigences du processus législatif et des critères du management moderne qui agissent dans le domaine des institutions publiques.

Le Sénat de Roumanie a dans sa structure deux grands départements: le Département législatif et le Département pour l'informatique, budget, comptabilité et logistique. Ceux-ci, à leur tour, sont organisés en directions et services, en fonction du spécifique de leur activité. Le Secrétaire Général a dans sa subordination trois directions autonomes qui sont: la Direction du Secrétariat Général, la Direction pour les Relations Parlementaires Extérieures et la Direction pour les Ressources humaines et Passeports.

Le Département législatif est la structure de spécialité qui offre un soutien direct à l'activité législative, le long de toutes ses étapes. Celui-ci organise et assure les conditions pour le développement des travaux dans le plein du Sénat et des commissions, assure la coordination et exerce le contrôle sur l'activité des services qui finalisent les actes législatifs, en concordance avec les normes de technique législative, en élaborant aussi des études, des synthèses, des analyses comparatives concernant les sujets tenant au domaine législatif, ayant aussi le rôle de fournir des informations, des synthèses documentaires et d'autres matériaux nécessaires à l'activité législative.

Le personnel engagé dans le cadre du Département législatif assure l'assistance de spécialité pour les sénateurs sur des problèmes législatifs, en ce qui concerne autant l'organisation, que la documentation. En ce sens, les spécialistes de ce département poursuivent le trajet parcouru par les projets de lois et les propositions législatives, tiennent l'évidence de la composition nominale des commissions du Sénat et du Parlement, celle des groupes parlementaires, des sénateurs et des modifications intervenues pendant l'exercice de leur mandat et les font parvenir au Bureau Permanent et aux services concernés; fournissent les principales données législatives destinées au Bureau Permanent, au Secrétaire Général, aux conférences de presse organisées au Sénat et à toutes les occasions qu'on en a besoin; ce département fait le projet et entretient la base de données législatives sous leur forme informatisée; il prépare et assure de bonnes conditions nécessaires au développement des travaux du Sénat.

Il met en même temps, par l'intermédiaire de ses directions de spécialité, à la disposition des sénateurs, du Bureau Permanent et des commissions permanentes, des groupes parlementaires et des autres départements du Sénat, à la sollicitation de tous ceux-ci, des informations, des synthèses documentaires, des travaux de spécialité et d'autres matériels nécessaires- à l'activité législative; à la sollicitation du Bureau Permanent et des commissions permanentes, des groupes parlementaires, du Secrétaire Général ou du chef de Département, ses fonctionnaires élaborent des études, des synthèses et des analyses comparatives sur des problèmes tenant au domaine législatif, économique ou social, ainsi que des analyses de droit comparé concernant des problèmes législatifs de large intérêt; ce département gère aussi des matériels d'information transmis au Sénat par les institutions publiques de tout le pays, ainsi que ceux transmis par les parlements d'autres pays et les institutions interparlementaires et élabore, corame suite, des brochures et des synthèses sur des thèmes compris dans ces matériels; il assure aussi l'échange, entre ses compartiments législatifs et ceux des autres Parlements nationaux, des matériels d'information concernant les activités parlementaires du Sénat.

La structure actuelle du Département Législatif offre aux membres du Sénat la possibilité d'avoir accès rapidement et facilement à l'information législative, fournie pendant toutes les étapes de son élaboration, c'est-à-dire du moment où le Sénat est saisi par le projet de loi et jusqu'à l'étape de la publication dans le Journal Officiel de l'acte législatif concerné.

Les structures de travail du Sénat, les commissions permanentes et les groupes parlementaires bénéficient d'un groupe d'experts qui élaborent les documents dont ils ont besoin et mettent en place la fondation juridique et politique des points de vue y compris.

Les groupes parlementaires disposent d'un secrétariat technique, correspondant à leur dimension et dont la structure est établie par le Bureau Permanent. La nomination et la rémunération du personnel de ce secrétariat technique est faite par un ordre émis par le Secrétaire fonctionnaire, associés à l'amélioration des flux informationnels du processus législatif et des activités des spécialistes du Sénat impliqués dans ce système.

La réorganisation des services du Sénat, réalisée en juin 2003, a tenu compte de l'expérience traversée, à cet égard par d'autres Parlements, ainsi que de la nécessité de mettre en place une structure fonctionnelle qui soit très rapprochée de celle de la Chambre des Députés, étant données les compétences égales des deux Chambres.

Dans les conditions actuelles, après avoir dépassé un référendum populaire par lequel on a voté la révision de la Constitution de Roumanie, on se trouve devant une séparation des attributions de nature législative des deux Chambres et, par la suite, il s'impose une révision de l'organisation des services du Sénat et notamment de ceux impliqués directement dans le processus législatif, pour une meilleure corrélation avec la nouvelle conception constitutionnelle.

RUSSIA

Duma

1. The legal basis for professional activities of the State Duma Apparatus staff is the Russian Federation public service and labour laws, and besides the local statutory acts effective in the State Duma apparatus.

The Government Service legislation is composed of:

- The Constitution of the Russian Federation, which states equal access to public service of all its citizens (Article 32);
- The Federal Law "About the principles of government service", which defines the legal status of public officers and is the basic legislative act. On its base the statutory legal acts are enacted, regulating governmental service on the federal level as well as on the level of subjects of the Russian Federation.

The Presidential Decrees on the issues of the government service execution, which may be divided into 2 groups:

- the decrees effective before enactment of appropriate federal laws (e.g. the decrees approving regulations of federal government service, certification of federal government officers, awarding of a skill category etc.);
- the decrees on the issues that should be regulated by the presidential decrees (e.g. the decree on the Register of Government Posts of the Russian Federation Government Service).

Decrees by the Government of the Russian Federation, which are mainly adopted in execution of the law and decrees and apply to arrangement of government service (e.g. about social protection of government officers, about arrangement of retraining and improvement of qualification of public officers etc.).

Decrees by the Russian Ministry of Labour, which explain on the instructions of the RF Government how to use the regulations of the law and decrees in the field of labour, employment and social protection.

However, not all the stages of government service execution are regulated by these acts. That's why the State Duma Apparatus worked out and uses a number of regulations and methodical materials, which reflect the specific character of government service execution in the Apparatus and regulate some provisions of the law, not fully regulated by the Federal Law or the presidential decrees. They include:

- general statutes on conducting of personal interviews with the State Duma Apparatus` officers;
- the statute on certification of the Apparatus` officers;
- the statute on the procedure of forming and training of personnel reserve for senior posts;
- the statute on payment of labour;
- the statute on the students` practice and arrangement of training in the Apparatus;

- the statutes on taking a job as a public officer in the Apparatus;
- on procedure of awarding of skill category;
- on arrangement of training of the Apparatus officers;
- the recommendations on arrangement of probation;
- the rules of internal order for the officers of the State Duma Apparatus;
- a number of other local statutory acts.

The second edition of the Collection of Statutory Legal Acts, regulating the execution of government service in the Apparatus, had been issued with inclusion of all the abovementioned documents.

The statutes on structural subdivisions of the Apparatus and duty regulations of governmental officers are worked out with consideration of qualification requirements related to the groups of administrative posts and peculiarity of job in every subdivision. They are used on entrance to work, conducting of certification of employers and giving them skill categories.

The following are the stages of execution of government service.

2. Special features of entrance to public service

Keeping the right of each citizen of the Russian Federation to enter the government service, the Federal law defines a number of additional terms when compared with the Labour Code:

knowledge of the state language;

age – not younger than 18 (according to the Labour Code -15);

qualification requirements, relating the groups of government posts, to the level of professional education, length and experience of service, knowledge of statutory legal acts of the Russian Federation. The Qualification requirements are defined by the Federal Law and the Presidential Decree #123 of 30 January, 1996, "About the Qualification Requirements to the Government Posts of the Federal State Service".

the documents, submitted when entering the government service

It is additionally required to submit information from the Internal Revenue Service about the personal property, medical conclusion about the state of health, and what's more, the given information is to be verified (the measures on arrangement of verification of the information are defined by the Presidential Decree #641 of 1 June, 1998, "About the Measures on Arrangement of Verification of the Information, Given by the Individuals, Appointed to the State Posts of the Russian Federation and the State Posts of the Federal State Service");

conditions, creating obstacles for entrance to public service:

disability, recognized by the court; refusal to execute the required admittance; refusal to submit the required information; citizenship of a foreign state (excluding the cases regulated by the interstate agreements) and others;

peculiarities of conclusion of labour contract:

- to fill a vacant post of category B, a presentation is required by the person for fulfillment of whose duties an employee is taken (i.e. the post of category A is the

state post of the Russian Federation, set in the Constitution of the Russian Federation); to fill a junior post of category B, a presentation by the head of structural subdivision of the Apparatus is required; to fill the rest of the posts of category B, *contest for a vacancy* is required, if there is no reserve [(a statute on the contest is approved by the Presidential Decree 604 of 29 April, 1996, "About Approval of the Statute on the Contest for a State Vacancy of Federal Government Service)];

- compulsory *determination of the period of probation* from 3 to 6 months (according to the Labour Code a period of probation is determined on agreement and is not more than 3 months)];
- the length of the labour agreement with a public officer, filling the vacancy of category B, is limited by the term of powers of an adequate person, filling the vacancy of category A.

The state post of the government service in the State Duma Apparatus is the state post of category B or C, included into the Register of Government Posts of the State Service of the Russian Federation. The posts are classified by 5 groups.

All the above mentioned peculiarities and conditions of taking to work to the Apparatus are shown in the Status on the Procedure of Entrance to the Federal Government Service in the State Duma Apparatus of the Russian Federation Federal Council.

In addition to the Statute, *the recommendations have been worked out for the heads of structural subdivisions on the arrangement of probation*, set on appointment for the state post in the Apparatus.

During the probation time the officer of the Apparatus should get acquainted with *the Statute on the State Duma Apparatus, the Statute on an appropriate structural subdivision, the duty regulations, the internal Rules and Regulations for the officers of the State Duma Apparatus, the Statute on remuneration of labour* and other statutory acts, regulating the execution of public service in the State Duma Apparatus. A head of a structural subdivision should in his turn to interview the employee to reveal in time the factors, preventing to fulfill his duties.

3. Distinctives of the government service execution

The Federal Law sets a number of restrictions for the government officers: for the ability to perform another paid work excluding pedagogical and scientific one; to be a deputy of a legislative body or of a subject of the Russian Federation; to be engaged in enterprise; to be a member of a managerial body of commercial organization; to use his official position in the interests of political parties and other organizations; to take part in strikes and so on.

Among the basic rights of the government officer, set in the law, are: the right to get familiar with documents, to get information, to visit organizations, to take decisions in accordance with his official duties; the right for the job promotion considering

qualification, the results of work and the length of service; the right for the pension provision; the right for retraining (reeducation) and upgrading at the expense of the federal budget.

The main duties of the government officer are: support of constitutional system of Russia and observation of the Constitution of the Russian Federation; execution of orders, excluding illegal ones; keeping of a state secret. A public officer must maintain his skill level, adequate to performance of his duties. A skill level and adequacy for the job are evaluated on personnel certification or qualification examination.

Which are the legal guarantees for the government officer? First of all, they are:

job conditions, assuring performance of his official duties;

upkeeping, comprised of: a salary, the increments for specific conditions of government service (up to 20%), long-service bonus (up to 30%) and the increments for the skill category and bonus for the results of work. The increment for the skill category is set after the category had been awarded, according to the results of certification or qualification examination, where the adequacy of professional standard and qualification requirements by the groups of government posts is defined. (The Decree of the President of the Russian Federation #578 of 22 April, 1996, "About Awarding and Keeping of Skill Categories to the Federal Government Officers"). Moreover, for every group of posts their own skill categories of the 1-st, 2-nd and 3-rd class are established (5 groups of posts, 15 skill categories).

Thus, a special system of labour payment is established for the government officers, being regulated currently by the Decree of the President of the Russian Federation #310 of 9 April, 1997, "About Upkeeping of the Federal Government Officers".

The annual *paid leave* of the government officer is not less than 30 calendar days [(according to the Labour Code 28 working days)], an extra leave for a length of service and besides, the leave without pay for the one-year term maximum is allowed. *Medical service* of the government officer and his family's members is provided, as well as the *pension provision* for the length of service and a number of other guarantees associated with social insurance.

Principle distinctives are set by the Federal Law in respect of the government official's *responsibility* for performance of the duties placed on him. The list of disciplinary penalties is enlarged in comparison with the Labour Code and added with the notice of incomplete adequacy for the job and suspension (the Decree of the President of the Russian Federation #810 of 6 June, 1996, "About the Measures on Strengthening of Discipline in the Government Service System". Besides, the principle of non-party-membership of government service is determined. It is set by the Federal Law "About the Principles of Government Service in the Russian Federation" (Article 5, part II). The officers of the secretariats of the deputies Chairman of the State Duma and the officers of the aus of deputy unions are government officials. Regardless of the fact, what category of government officials they may be referred to (B or C, i.e. if their service is limited by the term, for which deputies are elected or not), they must follow the principle of non-party-membership in their activity.

The officers of the secretariats of the deputies Chairman of the State Duma and of the apparatus of deputy unions really work with the “party” leaders, but as government officials they can not use their status for collection of funds for any political campaigns, promote the programmes and goals of political parties, social unions and movements when performing their duties.

When an officer fails to comply with the requirement of the law, he will be dismissed. Such cases happen but they are single ones. On the whole, taking into account the experience of the work of the Apparatus of the State Duma of the 2-nd and 3-rd callings, one can note, that the specialists of high professional level work successfully with deputies, belonging to different parties. The labour contracts with more than 40% of category B officers, admitted to the Apparatus of the State Duma of the 2-nd calling, were concluded and these officers continue their work in the 3-rd calling.

The principle of non-party-membership does not apply to assistant deputies. They are allowed to run delegations, associated with political activity in accordance with paragraph 4, Article 37 of the Federal Law “ About the Status of the Member of the Federation Council of the Russian Federation”.

The length of government service is calculated in accordance with the presidential decrees and is taken into consideration when setting an increment to salary and a monthly extra charge to government pension. According to the Presidential Decree #755 of 15 June, 1999, it is defined, that the above mentioned extra charge to government pension is set when the length of government service is not more

4. Distinctives of government service termination

According to the Federal Law, government service is terminated on the officer`s dismissal, including retirement. Apart from the grounds, stipulated in the Labour Code, the government officer may be dismissed in the following cases:

on reaching age limit, defined for filling of government post vacancy. It is 60, and moreover, for senior and chief posts it is possible to prolong government service to 65 years with annual confirmation. After reaching this age, they may fill non-government post vacancies.

termination of citizenship of the Russian Federation;
non-observance of duties and restrictions, set by the legislation;
disclosure of state secrets and other circumstances;

On dismissal the government officer is granted *a number of benefits and compensations*. The specific procedure of dismissal is set in connection with liquidation or staff reduction. In this case the government officer should be proposed a government post in another state body, considering his occupation and qualification. If it is impossible, the government officer is proposed retraining (reeducation) on retention of upkeep and availability to fill another government post vacancy after that.

On dismissal the average earnings is paid for 3 months (without offsetting of dismissal wage unlike the Labour Code).

In the final part of my speech I would like to dwell particularly upon the set procedure of skill categories` awarding and training of the State Duma Apparatus officers.

5. Awarding of skill category

After termination of the probation time, the officer of the Apparatus is awarded the adequate skill category in accordance with the results of government qualification examination. For this purpose in 1999 the Status on the Procedure of Awarding and Keeping of Skill Categories for Government Officers of the State Duma Apparatus of the Russian Federation Federal Council was approved, where the procedure of holding of government qualification examination by the certifying commission is set. The examination is held by the certifying commission, which comprises the representatives of educational establishments, providing professional retraining and upgrading of our officers, i.e. base educational establishments. The decision on access to examination is taken by the Administration for personnel and government service jointly with the heads of structural subdivisions.

As the examination is not only one of the means of objective appraisal of the officer`s knowledge, but also the efficient control by authorities of a skill level and professional advance of government officers, when holding it, the level of not only general but also professional knowledge of the Apparatus` officer, pretending for awarding of initial or next government skill category, is appraised. Besides, it is important that the person being examined showed not only the knowledge of the Constitution and statutory-legal acts, but also such professional properties as the ability to analyze, define and evaluate strategic and current changes in jurisdictional field; the ability to find information sources for his professional activity; the ability to master new skills and use them in application to his authority. And first of all he should naturally show his knowledge of the functional duties, stipulated by the duty regulations.

Currently, the Personnel Administration prepared a list of specific tests, oriented to reveal knowledge of the Constitution, the Russian Federation legislation on the issues of activity of the State Duma and of government service. The testing of the Apparatus` officers will be computerized in the nearest future.

Reference:

For today more than 92% of the Apparatus` officers have been awarded skill categories.

6. Training of the Apparatus` officers

One of the main rights of the government officer, set in the legislation, is the right for retraining (reeducation) and upgrading at the expense of the federal budget.

According to the abovementioned documents, they worked out and approved in the Apparatus *the Status on Arrangement of Training of the State Duma Apparatus`*

Officers. To coordinate the work on training of the Apparatus` officers, the Educational-Methodical Council at the Head of the State Duma Apparatus was established.

We have the whole developed system of arrangement of continued officers` training, which allows to carry out uninterrupted upgrading of them for all the years of service in the Apparatus. On the issues of arrangement of training we cooperate closely with the Russian Academy of Government Service by the President of the Russian Federation, the Academy of National Economy by the Government of the Russian Federation, the Academy of Finance by the Government of the Russian Federation, the Moscow State Juridical Academy. We have more than 10 our own "duma`s" educational programmes, built up with consideration of specific character of the activity of the State Duma Apparatus` structural subdivisions. That is particularly important, as nobody trains the specialists for legislative body purposefully and effects their professionally oriented retraining. Only for the period of work of the State Duma of the 3-rd calling (2000 – 2003) 243 persons got training on the programmes of reeducation and professional retraining, 728 persons improved their skills, 2254 attended short-term courses, 1800 got computer training.

Besides, we are keen as actively as possible to use international cooperation to improve the skills of the deputies, as well as of the Apparatus` officers. First of all, this work is built up within the framework of inter-parliamentary relations. Today we actively implement the Russian-Canadian programme, the Russian-British programme and other ones. We hold in Moscow the subject seminars and round tables. Within the framework of the programmes` implementation, the most active participants of the seminars and round tables, i.e. the Apparatus` officers, leave for training in the parliaments of Canada, Great Britain, Germany, the United States of America, France and other countries.

The State Duma Apparatus is going now through the complicated and interesting times; before the beginning of work of the Duma of the next calling it has the new tasks to accomplish. It is connected with the fact, that the main task of the Duma of next calling will not be a wave approach to law making with focus on making up for deficiencies in legislation and adjustment of out-of-date legislative acts in the conditions of modern times, but the new in its properties development of the formed Russian legal system. And it is the Apparatus` officers who should provide placing for the deputies` consideration of the federal constitutional draft laws and enactments, elaborated juridically. From this the need to improve the research and analytical support of the State Duma`s activity, optimization of the Apparatus` structure and its staff number arises. All this requires the reform of manpower policy in the Apparatus of the State Duma of the Russian Federation Federal Council. And we have already started to put into effect the measures on its realization. We believe that they will promote building of professional personnel potential of the Apparatus, its development, efficient usage and as a result, the successful accomplishing of the tasks, set for the State Duma.

7. The working load of the parliament and hence, the working load of the Administration

The number of parliament members

According to the Article 94 of the Constitution of the Russian Federation the Federal Council - the Parliament of the Russian Federation - consists of two chambers: the Federation Council and the State Duma. The Federation Council is represented by 2 (two) members from each of 89 subjects of the Russian Federation: by 1 (one) from both the representative and the executive state power bodies (for September, 18, 2003, these are 175 from 178 members of the Federation Council). The State Duma consists of 450 deputies (for September, 19, 2003, their number is 440).

The duration of the year session and the number of meetings. How many hours a year the Chamber had been sitting in conferences during the current calling.

As usual, according to its Regulations, the State Duma meets in the following sessions:

- the spring session – from 12 January up to 20 June;
- the autumn session – from 1 September up to 25 December.

In the course of work of the State Duma of the 3-rd calling (for September, 19, 2003):

Year	Number of meetings		
	Spring Session	Autumn Session	Total
2000	41	28	69
2001	44	28	72
2002	42	29	71
2003 (includ. 19.09.2003)	38	5	43
Total	165	90	255

On the day of its meeting the State Duma usually works from 10.00 a.m. till 6.00 p.m. with two breaks – one is 30 minutes (12.00 – 12.30 a.m.) and the other is 2 hours (14.00 – 16.00 p.m.), i.e. five and a half hours of practical work in the hall of meetings. However, the deputies spend much more time to discuss some draft laws when compared with the Regulations.

The number of votes for having a quorum

The State Duma`s meeting starts with the registration of the State Duma members attended. The meeting is considered to be lawful, if the majority of the total number of deputies attends it (not less than 226 deputies of the Chamber).

The quorum for adoption by the State Duma of a federal law – the majority of votes of the total number of the State Duma deputies – not less than 226 votes of deputies (Part 2, Article 105 of the Constitution of the Russian Federation).

The quorum for approval by the State Duma of a federal constitutional law should not be less than two thirds of the total number of deputies – 300 votes of deputies (Part 2, Article 108 of the Constitution of the Russian Federation).

The quorum for adoption by the State Duma of the federal law, rejected by the Federation Board or the President of the Russian Federation, in its early approved wording should not be less than two thirds of the total number of deputies – 300 votes of deputies.

The quorum for adoption by the State Duma of the law about the revision of provisions of Chapters 1, 2 and 9 of the Constitution should not be less than two thirds of the total number of the Federation Board members and the State Duma deputies (270 votes).

The quorum for adoption of the law about amendments to Chapters 3-8 of the Constitution is 300 votes.

The number of bills being under consideration by the Chamber within a year:

	2000	2001	2002	2003 (for 19 Sept. 2003)
The number of laws adopted	177	258	228	128

The main activity of standing committees and the average number of the Chamber`s meetings in the current calling

In accordance with the Regulations of the State Duma the meetings of committees are held as required, but not less than twice a month.

The order of work of the State Duma of the 3-rd Calling provides the meetings of committees on Mondays and Thursdays.

In 2000 the committees held 688 meetings, in 2001 – 873 meetings, in 2002 – 771 meetings. The major part of the committees of the State Duma has one meeting a week, as a rule.

8. *The relation between the Parliament's Apparatus and the legislative procedure*

Consulting on parliamentary proceeding.

Just at the Chamber's meeting the specialists being in the State Duma conference hall and in the premises of technical secretariat placed near the State Duma conference hall, do consulting on parliamentary proceeding and provide the required materials on the items included into procedure of the State Duma.

Provision of basic documentation

According to the procedure of work of the State Duma, for the regular meeting the officers of the Department of Organizational backing of the State Duma's meetings form packages of materials on each issue for the State Duma authorities, the President of the Russian Federation, the Federal Council of the Federation Assembly of the Russian Federation, the Government of the Russian Federation, take stock of the materials submitted by the State Duma Board and forward them to be multiplied and distributed among the deputies for further debates at the Chamber's meetings.

Arrangement of relationships with the Government of the Russian Federation and other authorities, preparation of requests for information to these authorities

The Department of Organizational Backing of the State Duma's Meetings prepares for each week of parliament's work the information about examination by the Government of the Russian Federation of the draft laws being included into the drafts of the State Duma's procedure of work in accordance with the Calendar of examination of the State Duma's issues for the current month. The information is prepared on the base of data of the Department on Relations with the Federal Council, Public Organizations and Religious Associations of Apparatus of the Russian Government and sited in the electronic informational pool of the State Duma. The Department for Conciliation Procedures Arrangement of the Governing Board provides participation of Government representatives in the meetings of conciliation commissions on the laws adopted by the State Duma and rejected by the Federation Council, if there is a provision on their invitation in the resolution of the State Duma.

For the period of work of the State Duma of the 3-rd Calling (for September, 18, 2003) the Department of Organizational Backing of the State Duma's Meetings had prepared for the State Duma Board 32 informational materials about the progress of examination by the Chamber of the draft laws introduced by the President of RF, the Federation Council and its members, the Government of RF. The data with analytical notes and resolutions of the State Duma Board are forwarded for examination by the President of the Russian Federation, the committees and the deputies unions in the State Duma, the Federation Council and the Government of the Russian Federation.

Concluding the month, the information on the progress of implementation of approximate programme of the State Duma's legislative draft work for the period of current session and the calendar of examination of the State Duma's issues for the last month is sited in the electronic information pool of the State Duma.

Preparation of technical notes on the issues connected with provision of constitutionality (indicating whether the notes are prepared for individual parliamentarians or for the authors of bills, members of standing committees, the speaker of a chamber, the whole chamber and the like)

In accordance with the regulation requirements the deputies are promptly notified about the issues submitted for the Chamber's examination (through placing in the State Duma electronic informational pool of the draft order of work for the next meeting). The Department of Organizational Backing of the State Duma's Meetings prepares for examination by the State Duma Board the draft procedures of the State Duma's work for the next meetings of the Chamber. In the draft procedure of work of the State Duma they draw attention to the presence in the bill of contradictions to constitutional provisions or absence of resolutions of the Government, the committee-co-executor, the Juridical Board (the necessity of getting of renewed resolutions of the Juridical Board, as the available resolution was made by the Juridical Board more than 6 months ago).

For the person acting as a chairman at the meeting the draft procedure of work of the State Duma is prepared with the above mentioned remarks, as well as with the date of distribution of materials on all the issues and other information, required for conduct of the State Duma's meeting.

The committees' apparatus help the deputies to:

- work out the conceptions of bills (in 2000 – 161, in 2001 – 249, in 2002 – 101);
- prepare bills for the 1-st, 2-nd, 3-rd reading, for the second examination by the State Duma;
- prepare meetings of expert councils and working groups on the bills of a Committee (in 2000-977, in 2001 – 1390, in 2002 – 1048);
- prepare draft resolutions on the bills received by the Committee for examination (in 2000 – 1870, in 2001 – 2079, in 2002 – 1174);
- prepare draft texts of other normative-legal acts (in 2000 – 291, in 2001 – 225, in 2002 – 275).

The committees' apparatus take part in preparation and holding the Committee's meetings, prepare the issues to be considered at the Committee's meetings.

Number of issues prepared: in 2000 – 3906, in 2001 – 4646, in 2002 – 3762.

Together with Governing Department the committees' apparatus participate (methodical, organizational and organizational-technical assistance) in arrangement and holding parliamentary hearings (PH), conferences, round tables and other arrangements of Committee.

Number of PH prepared and held: in 2000 – 101, in 2001 – 124, in 2002 – 95.

Number of conferences, round tables and other arrangements of Committee prepared and held: in 2000 – 336, in 2001 – 461, in 2002 – 540.

Governing Department developed the Procedure of arrangement and holding PH in order to help the organizers of PH.

The committees` apparatus implement resolutions, protocol orders of the State Duma, orders and charges of the State Duma Chairman (vice-chairmen), the State Duma Board (besides the ones connected with drafting and examination of bills) (in 2000 – 965, in 2001 – 836, in 2002 – 670).

The committees` apparatus take part in reception of citizens, writing the letters to organizations, the Russian citizens and foreign correspondents.

The committees` apparatus execute the flow of documents on all the questions of their activity.

Together with Governing Department the committees` apparatus arrange the meetings of conciliation and special commissions (in 2000 – 93, in 2001 – 121, in 2002 – 126).

RUSSIA

Federal Assembly

Joint work within the framework of the international seminar testifies to the positive dynamism of inter-parliamentary connections which expresses itself *inter alia* in fact that the contacts of parliaments and parliamentarians are supported by cooperation of the services called to ensure their activity.

In contrast to parliaments in many other countries where secretariats, administrations or directorates are functioning, similar divisions in the Russian Parliament are called apparatuses* (* - the English equivalent of the Russian word "аппарат" /"apparat"/ is the word "staff").

As it is known, not a single parliament can work without a staff, while not only the quality of the activity of supreme legislative and representative State authority bodies but the degree of their influence on the formation and realization of State policy as well depend on the successful work of the Staff.

Certainly there is a definite complex of functions and tasks characteristic of all parliamentary staffs. Still, it's obvious that each staff has it's peculiar features. That's why it's so important to make oneself familiar with practices of each other's work. I hope for fruitful exchange of views on the problems which are the subject of our common interest.

With us, this interest is conditioned by quite a short period of functioning of the modern parliamentary system in Russia. It started in 1993 when the new Constitution of the Russian Federation was adopted.

One of the basic principles in the organization of a democratic law-governed state is the principle of the division of authority. The Constitution of the Russian Federation, the 10-th anniversary of which we are celebrating this year, has consolidated the above mentioned principle as one of the constitutional foundations of the Russian Federation. As it is known, the principle of the division of authority is connected directly with the system of restraints and counterbalances since it is not so much a guarantee from usurping power by one of it's three branches as it works as a mechanism of interaction between the State authority branches. The analyses of the modern system of State authority in democratic countries, in our opinion, allows to draw a conclusion that the staffs of the State authority bodies make a most important and inalienable constituent part of this system. That is why we deem it to be of most topical importance to consider the issues pertaining the status and organization of work of the staffs of State authority bodies, parliaments specifically.

The place and role of a parliament's staff is defined by the legal status of the parliament itself. For example, the Federation Council of the Federal Assembly of the Russian Federation is functioning on a permanent basis, it is one of the chambers of the Federal Assembly – parliament of the Russian Federation, a representative and legislative body of the Russian Federation exercising the State authority within the limits stipulated by the Constitution of the Russian Federation. The constitutional

authority of the chamber predetermines many other aspects of the status of the Federation Council Staff.

Ensuring the activity of the Federation Council it's Staff is solving the tasks of legal, informational, organizational, analytical, managerial support to the upper chamber as a whole, as well as to it's committees, commissions and parliamentarians. And as it is, the Staff officials don't make any decisions by themselves on behalf of the chamber or it's bodies, but provide for the elaboration of a lot of draft decisions.

Each structural subdivision of the Federation Council Staff fulfills it's specific tasks while as a whole they constitute a single integrated body functioning in accordance with the prescribed parameters, rules and aims.

As a rule, the procedure for the forming of the bodies under consideration and the order of their activities are determined by the parliamentary Rules of Procedure, regulations concerning structural subdivisions as well as regulations on the status of officials, for example, regulations pertaining the assistants to deputies. In some countries special legislative acts have been adopted which regulate the structure and functions of the parliament's staff .

As for the Russian Federation, its Constitution incorporates only a general provision stipulating that each of the chambers of the Federal Assembly shall adopt its Rules of Procedure and resolve issues relating to the routine procedures for their activities independently.

The Rules of Procedure of the Federation Council contain some norms which set up the tasks of the Federation Council Staff, its general structure and main directions of activities in its structural subdivisions. These norms are set forth in detail in the Regulations on the Staff of the Federation Council, which are approved by the Council of the Chamber (it's a body of the Federation Council formed for the preparation and consideration of issues of the activities of the Federation Council) upon submission by the Chairman of the Federation Council.

For the realization of the missions laid upon it, the Staff of the Federation Council carries out the following functions: ensuring the preparation of sittings of the Federation Council and its bodies, parliamentary hearings and other arrangements held in the Federation Council; carrying out legal, analytical, financial and economical examination of federal constitutional laws, federal laws approved (adopted) by the State Duma, as well as carrying out legal and linguistic examination of draft legislations submitted to the State Duma by the Federation Council within the framework of realization of its right of legislative initiatives; provision for the accompanying of conciliatory procedures between the chambers of the Federal Assembly of the Russian Federation. The Federation Council Staff also provides the public with information on the activities of the Federation Council, its committees and commissions and members of the Federation Council through mass media and by means of spreading information and analytical materials and publication of books and periodicals. It represents the Federation Council in the international information network.

Work intensity of the Staff depends directly on the work intensity of the parliament and parliamentarians. For example, during the spring session the Staff of the Federation Council provided for carrying out 11 sittings of the chamber, where 117 federal laws were examined. All in all, 1500 draft laws passed legal examination, 10 legislative initiatives were worked out, 70 parliamentary hearings and other arrangements of public importance were organized.

The Staff of the Federation Council is always oriented towards cooperation with staffs of other public authorities. Meetings of the heads of the Staff and its structural subdivisions on issues of updating legislative activities are regularly organized with the colleagues from the Administration of the President of the Russian Federation, the Staff of the Government, and staffs of the judicial authority bodies as well as with staffs of parliaments of foreign countries and inter-parliamentary organizations.

At the same time we attach primary importance to our cooperation with the Staff of the State Duma. We are united by common legislative process. We manage to maintain constructive and benevolent relations.

Whereas Russia is a federative state (it consists of 89 constituent entities of the Russian Federation) and the Federation Council by virtue of the peculiarities of its formation is called a “chamber of regions”, one of the most important directions in work of the Federation Council Staff is its interaction with staffs of legislative (representative) State authority bodies of the constituent entities of the Russian Federation as well as providing them with methodical support.

Regularly we hold zone seminars with heads of staffs of legislative and executive State authority bodies of the constituent entities of the Russian Federation, with representatives of local government bodies, training practices for staff members of legislative state authority bodies of the constituent entities of the Russian Federation in the Federation Council.

Besides, the Staff of the Federation Council carries out legal, organizational and other provision for work of the Council of Legislators which was set up not long ago and consists of the heads of legislative (representative) state authority bodies of the constituent entities of the Russian Federation.

The Chief of Staff of the Federation Council exercises the guidance of the Staff. He is personally responsible for carrying out missions and functions laid upon the Staff of the Federation Council and he is accountable to the Chairman of the Federation Council. The Chief of Staff of the Federation Council coordinates and controls the work of structural subdivisions, concludes and dissolves labor treaties with Staff officials of the Federation Council, ensures certification of civil servants in the Federation Council Staff, confers qualification grades on certain categories of civil servants and stimulates the distinguished workers.

The legal status of the Staff officials of the Federation Council is characterized by some special features. Staff officials of the Federation Council may be only citizens of the Russian Federation, they are considered to be federal civil servants and must be guided in their activity by the principle of non-partisanship of the civil service.

The rights, duties, responsibility and labour conditions of the workers of the Federation Council Staff are determined by the Federal Law on Civil Service and the Labor Code of the Russian Federation.

Among the main tasks carried out by the Staff of the Federation Council we should outline ensuring the participation of the Federation Council in the legislative process.

On the federal level the legislative process has the following stages:

- 1) submission of a draft law to the State Duma;
- 2) examination of the draft law in the State Duma and its adoption or rejection;
- 3) approval or rejection of the adopted federal law by the Federation Council (federal laws adopted by the State Duma on the issues determined in Article 106 of the Constitution of the Russian Federation must compulsorily be examined by the Federation Council);
- 4) signing and promulgation by the President of the Russian Federation of the federal law adopted by the State Duma and approved by the Federal Council or the use of the right of veto;
- 5) official publication and entering into force of the federal law, signed by the President of the Russian Federation.

In accordance with the constitutional jurisdiction of the Federation Council the main stages of the legislative process for the chamber are the first and the third stages.

But the main stage of the legislative process in which the Federation Council takes part is the stage of approval (or rejection) of a federal law adopted by the State Duma and the submission thereof to the President of the Russian Federation to be signed and promulgated. The Federation Council is vested with the right of legislative initiative and may submit draft laws elaborated by it to the State Duma.

According to the Rules of Procedure of the State Duma the Federation Council introduces amendments to draft legislations adopted by the State Duma at the first reading.

While examining a federal law adopted by the State Duma at its sitting, the Federation Council, realizing its constitutional right, may approve the federal law or reject it on the whole or postpone it owing to the chamber's disagreement with some provisions of the law, in the latter case the Federation Council may offer the State Duma to set up a conciliatory commission of the chambers to settle the differences. The conciliatory commission is set up on a parity basis from among members of the Federation Council and deputies of the State Duma.

The ensuring of the activity of the Federation Council's deputation in a conciliatory commission of the chambers of the Federal Assembly is laid upon the staffs of the committees and standing commissions of the Federation Council which have prepared conclusions on the federal law adopted by the State Duma and rejected by the Federation Council as well as on the other structural subdivisions of the Federation Council Staff within the limits of their competence. As the practice shows, representatives of the Legal Department of the Federation Council Staff usually are present at the sittings of conciliatory commissions and render legal assistance in

working out and drawing up proposals aimed at the settlement of the differences between the chambers.

In accordance with the Rules of Procedure of the Federation Council the Staff officials of the chamber, on obligatory basis, carry out legal and linguistic examination of both the federal laws adopted by the State Duma which are submitted to the Federation Council and the draft federal laws which are worked out in the Federation Council in line with the scheme of realization of the right of legislative initiative. The staff officials of committees and commissions of the Federation Council prepare draft conclusions on the mentioned federal laws or draft legislations and other necessary materials taking into account the results of the examination.

The special role in this process is given to the juridical service of the Staff – the Legal Department - which carries out legal and linguistic examination of draft legislations, federal laws and other official documents adopted by the Chamber. Conclusions of the Legal Department are considered to be the basis for making decisions on laws, draft legislations, resolutions and other documents of the Federation Council which are examined by the Chamber. As the rule the legislators pay great attention to the conclusions of the Legal Department. At the same time, the legislative process not always goes smoothly. And the jurists sometimes have to defend the purity of the law in heated debates.

The work with laws and draft legislations demands mobilization of all analytical and informational resources not only from parliamentarians but from the staffers as well. In this connection, the providing of the legislators with the materials on different socioeconomic and social and political problems of the country and regions is very important.

Since the quality and efficiency of the realization by the Federation Council its constitutional powers depend on the efficient work of the Staff, the leadership of the Federation Council and the Staff of the Federation Council pay much attention to the perfection of its work. Greatly conducive to this end are regular arrangements aimed at continued education of parliamentary officials, enhancing the level of their qualifications, organization of meetings and experience exchanges with officials of parliamentary staffs of European countries, which are experienced in organizing parliamentary activity. Periodical renewal of the Staff membership of the Federation Council and the involvement of young promising personnel into the civil service are of essential importance. The improving of work conditions of the workers of the Federation Council, application of the advanced informational technologies are also called to play a substantive role. The forthcoming adoption of special federal law on federal civil service in which specific features of parliamentary service will be reflected *inter alia*, is believed to become a vital contribution to the optimization of the mentioned processes.

The fulfillment of the enumerated tasks facing the Staff of the Federation Council will help to create prerequisites for the effective ensuring of the whole federal legislative process and will contribute to the goal-oriented and coordinated activity of all auxiliary staffs of federal bodies of all the branches of State authority.

SLOVAK REPUBLIC

National Council

a) *The status of Parliamentary administration in the Slovak Republic*

The status of the Chancellery of the Slovak Republic is governed by the *Act on Rules of Procedure* of the National Council of the Slovak Republic No. 350/1996 Col. as amended.

The Chancellery of the National Council of the Slovak Republic provides professional, organizational and technical services necessary for the operation of the National Council of the Slovak Republic, its committees and special supervisory committees, including parliamentary documentation, recording and printing services. It also carries out the duties set out by other regulations, particularly in the area of employment regulations, protection and administration of public property and spending of public funds as the administrator of one individual Budget Chapter.

These tasks are accomplished by civil servants and other employees. The number of employees is approved by the President of the National Council, who is limited by the budget of the Chancellery.

Working relations of the employees of the Chancellery are governed by *Act. No. 312/2001 on civil service*, *Act. No. 313/2001 on public service* and *Rules of Procedure* of the National Council, which specifies the status of the Chancellery within the civil service. The Chancellery has managed to preserve its specific status in the civil service by special provisions of these acts, that respect the tasks of the National Council which are different from those of civil service in the executive field.

State servants are admitted to civil service under the *Act on civil service*, with certain modifications of their working relation with the Chancellery laid down by the *Act on civil service* and the *Rules of Procedure*.

The Chancellery is a Service Office, the Head of the Chancellery is at the same time the Head of the Service Office. The Chancellery, unlike the Civil Service Office with jurisdiction over civil service in general, projects and analyses the necessary number of civil service employment posts, manages education in civil service, keeps the records on civil servants and performs administration of their personal files on termination of their civil service. It also elaborates the principles for professional growth of civil servants and of their professional careers in civil service and determines criteria of service assessment of civil servants.

Draft systemization (determination of the number of civil service posts in a Service Office ranked by positions resulting from organisational structure) shall be prepared by the Chancellery and submitted to the National Council and the Ministry of Finance of the Slovak Republic for approval.

Admission to the civil service in the Chancellery is governed by the Act on civil service. Civil servants may be admitted to preparatory or temporary civil service and later appointed to permanent civil service after passing qualification exams. A citizen, who applies for civil service may be admitted to the position in the Chancellery, if such a person meets requirements set out by the Act on civil service and the Chancellery. Vacant civil service posts in preparatory or temporary civil service shall be staffed on the basis of the results of selection procedures, that shall verify the skills and professional knowledge and other facts on an applicant necessary or suitable with regard to the terms of the nature of the tasks which such civil servant is to perform in the civil service.

Selection procedure is carried out by the Chancellery, not by the Civil Service Office. It is carried out by a selection commission established by the Head of the Chancellery and consisting of civil servants in permanent civil service. Details on the selection procedure is laid down by a generally binding regulation issued by the Head of the Chancellery. Civil service employment relationship is established on the basis of appointment to a civil service employment post.

Other areas – rights and obligations of civil servants, deepening and extending qualification, remuneration and other entitlements, sickness security, pensions, activities of trade unions – are fully governed by the Act on civil service.

As for *remuneration*, civil servants of the Chancellery are remunerated according to the Act on civil service and the Salary Order of the Chancellery, which is annexed to the Rules of Procedure. The Salary Order also contains catalogues of activities of civil servants and scale of salary tariffs. A civil servant of the Chancellery is according to salary class and salary category (years of practical experience) entitled to a tariff salary plus other bonuses.

It is however important to say, that there are efforts of the government to lift the specific features of the parliamentary administration as laid down by law and subordinate the regime of the parliamentary civil service to the one at the executive level. The draft law has been submitted to the National Council in September 2003, it should be decided upon in late October 2003.

b) Relations between the political bodies and the Parliamentary administration

Under The Slovak Constitution, the President of the National Council shall direct and organize the business of the National Council, in particular he appoints and discharges the *Head of the Chancellery* and performs other activities as may be determined and authorized by the National Council or set out by the Rules of Procedure. The pay roll of the Chancellery and the number of its employees shall be approved by the President of the National Council. The position of the Head of the Chancellery is defined by the Act

on civil service as a special function with respect to his links with the President of the National Council through his appointment.

Vice-Presidents of the National Council shall direct and organize the business of the parliament in the areas authorized by the President of the National Council.

The Chancellery is under control and represented by the Head of the Chancellery. For its activities, the Head of the Chancellery is responsible to the President of the National Council. The President of the National Council determines the amount of salary and other particulars for the Head of the Chancellery. The Head of the Chancellery, authorized by the Rules of Procedure, issues Organizational Rules, Rules for Printing and Disposal of Documents, including filing, discarding and other internal rules.

Other civil servants are appointed and dismissed pursuant to the Act on civil service.

c) The responsibility of The Head of the Chancellery for the administration

The Head of the Chancellery is responsible only to the President of the National Council for activities of the Chancellery. This responsibility is not shared with anyone. The heads of particular sections and departments are responsible for the work of their offices and employees, but do not share responsibility with the Head of the Chancellery.

The Head of the Chancellery is a statutory body of the Chancellery and coordinates its work. He performs his function and brings decisions in accordance with legal rules, resolutions of the National Council and decisions of the President of the National Council. He is superior to all Chancellery employees, whom he may impose duties and tasks regarding their work position.

The business of a committee is directed and organized by the Secretariat of a committee, which is headed by a Secretary to whom one or more employees are subordinated. The Secretary of a committee is subordinated to the Head of the Chancellery, not to the President of the National Council. Above all, the President of the National Council may not be a member of any committee.

Secretaries of committees are governed in their work by resolutions of the National Council and corresponding committee, by instructions of the Vice-president, the director of the Section of Parliamentary activities, his deputy for Secretaries of committees and in the field of exclusive activities of the committees, also by instructions of the Chairs of the committees.

The Secretariat of the President of the National Council and Internal Control desk of the Section of Parliamentary activities are subordinated to the President of the National Council. The Secretariats of the Vice-presidents are subordinated to the Vice-presidents. Employees of the MPs' clubs are subordinated to the Chairpersons of the MPs' club.

In employment relations are these offices subordinated to the Head of the Chancellery, who also directs the Secretariat of the Head of the Chancellery, directors of sections of the Chancellery and director of Department for petitions, complaints and internal control. Directors of sections govern directors of departments, who govern directors of divisions.

The basic principles of the work in the Chancellery are laid down by the Organizational Rules. Among others, they are close cooperation and mutual notification among offices of the Chancellery and teamwork while elaborating conceptual tasks.

d) The Parliamentary and administration's workload

There are 150 MPs in the Slovak parliament, the number of the Chancellery employees is 531, of which 171 are civil servants (about 155 are in direct support of the legislative tasks of the National Council).

In general, the National Council sits regularly in the course of the year, there are 9 – 10 regular sessions during a calendar year, that last on the average 10 days, approximately 10 hours a day. In addition, the parliament holds special sessions discussing and deciding on current political developments. There were 63 sessions in the second election term.

In the *second election term* (1998 – 2002) the parliament in general casted 10 000 votes (does not include voting in the committees).

Laws passed in: 1998/1999 – 17/100

2000 – 126

2001 – 133

2002 – 158

total: 532

The most workload lies on the Constitutional committee, that discusses all draft legislation submitted to the National Council. The Constitutional committee has the most sittings of all the committees. The least extracted from the legislative view is the European Integration Committee. It discussed 6 laws. The procedures of the committees are strictly formal, governed by the Rules of Procedure and more detailed procedural rules issued by each committee as authorized by the Rules of Procedure.

Committees deliver to the President of the National Council all decisions they bring, he may request additional explanation.

The role of the parliamentary administration is defined by the Rules of Procedure (§ 143). See e) for details.

e) Relations between the Parliamentary administration and the legislative process

The process of adoption of a bill is divided into three readings, where particular branches of the Chancellery are directly engaged in the process.

The *President of the National Council (and his Secretariat)* to whom a bill is submitted, reviews it as for requirements of the Rules of Procedure and Legislative rules. If a bill complies with the prescribed requirements, the President of the National Council arranges for immediate delivery to all MPs and puts it onto the agenda of the next session.

Secretariats of the President of the National Council and the Vice-presidents prepare documentation to allow carrying out the tasks of the committees, elaborate opinions on the materials presented at sessions of the parliament or committees, process papers and personal agenda of the President and the Vice-presidents.

Organizational department performs conceptual and coordination activities and organizational and administrative tasks in preparation of sessions of the National Council while cooperating with particular formations of the Chancellery as well as with ministries and other bodies of state administration and institutions within the range of its activities. In particular, it elaborates draft time table and agenda of sessions, provides consultation on implementation of the Rules of Procedure and other acts regarding constitutional status of the parliament, provides for the conditions for the discussion to the materials submitted to the National Council – recording and documentation of the due numbered materials, their delivery to addresses, provides transcription of audio-records from the proceedings of each session, elaborates complete documentation from the proceedings of the National Council including producing of verbatim records and minutes from the proceedings.

Department of legislation and law approximation carries out tasks regarding the legislative function of the parliament, in particular reviews bills from their submission and elaborates legal opinions, where it also gives opinion on compliance of the bill with the Constitution of the Slovak Republic, constitutional bills, the Rules of Procedure and Legislative rules, provides professional assistance concerning bills discussed at a session or procedural issues, provides information on material issues of the legislative process for internal needs of the National Council, reviews bills as for their compliance with the EC/EU law and international agreements.

Department of analyses and training performs tasks of a analytical, scientific, training, consultant and information centre for the National Council, committees and the Chancellery. In particular, it provides advisory services concerning material issues connected with draft legislation, elaborates information and analyses and publishes the results of scientific research, reviews the material issues of the bills and elaborates opinions, cooperates with committees in discussion on the draft legislation, elaborates information on request of MPs, international organizations, national parliaments and other institutions.

Department of information technologies manages information systems and provides technical support and operation of the electronic voting system in the National Council, tests and establishes technical devices, so that it facilitates administrative work, provides consultations and maintenance.

Department of communication with media and public communicates information on the activities of the parliament through the mass media to general public and joins the task of creating good relationship between the National Council and general public within the Information and Visit centre for public.

The centre of legislative process rests with the committees, the *Secretariats of committees* performs coordination activities and administrative and organizational tasks within preparation and realization of the sessions of committees.

f) Latest changes in Parliamentary administration

Some important changes are being made regarding the accession process to the *European Union*. There is a new Department on European affairs in process of creation, that will deal with the EU matters after Slovakia joins the EU. A position of the parliament defining relation of the National Council to the Slovak executive branch is being prepared (expected 01.05.2004).

There have also been some legislative changes, especially in the Constitution and consecutively in the Rules of Procedure.

At the level of *communication*, from beginning of the new election term (2002) there are major changes in the attitude of the parliament to the communication with the public. Within the Project *Open Parliament*, launched by the President of the National Council, a new Department of communication with media and public has been established, that keeps public informed about the activities of the National Council and its committees through the mass media and the Information and Visit Centre for Public. There is a new information desk in the foyer of the parliament building, TV sets are located in the halls of the parliament.

A new electronic voting system (“digital conference“) has been introduced.

In the field of *security*, the National Council has been supplied by modern equipment, the personal capacities were strengthened (special police corps – Office of the Protection of the High Public Servants).

Parliamentary staff takes part in *training and educational* projects and programs within PHARE and various bilateral projects (e.g. British Know-How Fund).

SLOVENIA

National Assembly

a) The status of the Parliamentary administration: is it part of the civil service (or equivalent), or an independent and special administration, with its own rules on salaries, pensions, career development?

The status of the staff employed in the services of the National Assembly of the Republic of Slovenia is equal to the status of the staff employed in the public service and other state authorities (state administration, local communities administration, National Council, Constitutional Court, the Judiciary etc.).

For all persons employed in the public sector, employment relations are regulated by the Civil Servants Act that determines the basic provisions and principles, the provisions concerning the organisation, disciplinary and compensation liability, the beginning and termination of employment as well as positions and titles, appraisal of employees, promotions and recognitions, education and training, qualification exams, and the establishment of incapacity for work. The Civil Servants Act allows the possibility of different legal regulation for certain categories of officials or civil servants, if such is necessary due to the specific nature of their tasks (e.g. employment in deputy groups). The National Assembly adopts general acts to regulate the organisation and work of the services carrying out expert, administrative and other technical tasks necessary to provide the conditions for the work of the National Assembly, such as the Ordinance on the Organisation and Work of the Services of the National Assembly and the Rules on the Organisation and Job Systemisation in the services of the National Assembly.

At the moment, wages of civil servants are still regulated by the Wage Ratios in Public Institutions, Government Bodies and Local Community Bodies Act which defines the basic wage structure, regulates the promotions and performance appraisal of civil servants and determines supplements to wages. In addition to the said Act, there are 40 more regulations regarding wages in the public sector which altogether lead to a lack of transparency and impossibility of comparisons among wages in the public sector. In June 2002 a new act on the wage system in the public sector was adopted to come into force on 1 January 2004. The new act introduces a joint wage system for civil servants and senior officials and defines appropriate ratios between their wages, meaning that the wage system in the public sector will be more transparent and easy to monitor in terms of public finance.

As far as pension and disability insurance is concerned, civil servants are part of the national pension and disability insurance system. Since 1 August 2003 a collective supplementary pension insurance is being introduced for all civil servants.

Although the legal basis regulating the status of civil servants is the same for all employees in state authorities, it should be stressed that the National Assembly is absolutely autonomous in terms of human resources (selection of leading and other staff, number of posts, evaluation of posts, definition of working conditions etc.) and in terms of finance – as an independent recipient of budgetary funds, the National Assembly is independent in preparing its financial plans, including the funds intended for wages, and monitoring the use of such funds.

b) Relations between the political bodies and the Parliamentary administration

The basic relations between the National Assembly (hereinafter: NA) as a political body and the administration are determined in its Rules of Procedure. There are provisions on:

- the definition of the services of the NA:

» *Rule 26*

The services of the National Assembly perform specialised, administrative and other activities and technical tasks that provide the conditions for the work of the National Assembly.”

- the relations between the administration and the Secretary General:

“Rule 25

(1) The Secretary General of the National Assembly (hereinafter referred to as Secretary General) runs the services of the National Assembly and performs other tasks provided by regulations, these Rules of Procedure and other acts of the National Assembly.

(2) The Secretary General is appointed by the National Assembly at the proposal of the Bureau for the time until the end of the term of the National Assembly which appointed him.

(3) In his work, the Secretary General is accountable to the National Assembly...”.

- acts that determine the internal organisation and system of positions in the NA:

“Rule 287

The Act on Internal Organisation and System of Positions in the National Assembly is adopted within two months from the coming into force of these Rules of Procedure. Pending the adoption of such act, the Ordinance on the Organisation and Work of the Services of the National Assembly (Official Gazette of the Republic of Slovenia, Nos. 19/97 and 124/2000) and the Rules on the Organisation and System of Positions in the National Assembly apply, unless contrary to these Rules of Procedure.

The Secretary General, appointed by and accountable to the NA, heads the services of the NA. The Secretary General performs his/her duties autonomously in accordance with the provisions of the Rules of Procedure. The Secretary General is assisted by:

- the Deputy Secretary General (Head of the Secretariat of the NA; the Secretariat of the NA carries out professional, organisational and administrative tasks relating to the work of the NA and its working bodies),

- three Assistants to the Secretary General (Head of the Research Sector, Head of the Information and Documentation Sector, and Head of the Operational and Technical Sector),
- Office of the Secretary General (includes: Finance and Accounting Department, Personnel Department, Protocol Department, Internal Auditor, Security Adviser, Legal Adviser),
- Head of the Legislative and Legal Service of the National Assembly.

With the exception of the Head of the Legislative and Legal Service, all the above persons are **accountable to the Secretary General** who chooses among the candidates and proposes their appointment to the **Commission for Mandates and Elections** (a special working body of the NA). The Commission for Mandates and Elections **appoints them** upon the recommendation of the Secretary General (such rule applies to all civil servants in the NA administration).

Considering the spirit of the new Civil Servants Act, the new **Act on Internal Organisation and System of Positions in the National Assembly** (Rule 287 of the Rules of Procedure) will modify the procedure of appointment of civil servants in the NA. Appointments will probably be left within the sole responsibility of the Secretary General.

The **Legislative and Legal Service of the National Assembly** has a special status within Parliamentary administration. The head of the service is a senior officer with limited term of office (corresponding to the term of the NA), appointed by the Bureau at the proposal of the President and *accountable to the NA*.

For details, see Article 27 of the Rules of Procedure:

“Rule 27

(1) The National Assembly comprises a Legislative and Legal Service which delivers opinions on the conformity of draft laws, other acts and amendments with the Constitution and the legal system, and on legislative and technical aspects of drafts (hereinafter referred to as Legislative and Legal Service).

(2) The Head of the Legislative and Legal Service is appointed by the Bureau at the proposal of the President of the National Assembly.”

The **new Act on Internal Organisation and System of Positions in the National Assembly** (Article 287 of the Rules of Procedure) has not been adopted yet and at the moment the **Ordinance on the organisation and work of services of the National Assembly of the Republic of Slovenia** (Official Gazette of the Republic of Slovenia No. 19/1997) and the **Act on the System of Positions** (of 1997) apply.

The **National Assembly** adopted the above **ordinance** at its plenary session in 1997. In the same year, the **working body** of the NA responsible for mandates, elections and administrative affairs **gave its consent** to the **Act of the System of Positions**.

According to the said ordinance, a special working body of the NA – **the Commission for Mandates and Elections** – appoints **civil servants of higher ranks**. Every Slovene citizen with adequate education and working experience may apply for the posts in Parliamentary administration. After the candidates **have been chosen by the Secretary General** on the basis of competition, they are **appointed** (and eventually **discharged**) by the **Commission for Mandates and Elections** (this rule applies for civil servants only and does not apply to technical and administrative posts).

Civil servants that work for **deputy groups** are **chosen by deputy groups** and – at their proposal – **appointed by the Commission for Mandates and Elections**. These civil servants must fulfil the conditions required by the posts for which they apply (provided by the Act on the System of Positions, e.g. education, working experience, special knowledge etc.) and are supposed to be of the same political affiliation as the deputy group for which they wish to work. They are usually **appointed for a limited period of time**: for one term of the NA. They are **accountable to the deputy group** (its leader), but they must work and behave in accordance **with the general rules applied in the NA** (Civil Servants Act, Rules of Procedure, ordinances of the NA, rules determined by the Secretary General).

Until the expiry of the current term of the NA, each deputy group may recruit one administrative secretary or expert assistant per deputy (until October 2004).

The **Speaker/President of the NA** has a decisive word in choosing the **Head of the President Office**.

Civil servants who work for the working bodies – committees and commissions – must be experts on their specific fields. They are **accountable to the Secretary General** as head of Parliamentary administration as well as to **the chairpersons of the working bodies**, but not in a political sense. They must work and act in the interest of all members of the working bodies, although the major part of the work and activities is performed by the chairpersons of the working bodies who coordinate all the operations within the working bodies and maintain relations with other institutions. Civil servant must help them by providing information and organisational and administrative assistance in accordance with the Rules of Procedure.

Table 1: Number of persons employed in the services of the National Assembly

Organisational unit	No. of employees as of 30 Sept. 2003
<i>The President Office</i>	8
Office of the Secretary General	6
- Finance and Accounting Department	9
- Personnel Department	6
- Protocol Department	4
<i>Secretariat of the National Assembly</i>	60
- Department for Elections, Appointments and Administrative Affairs	3
- International Relations Department	8
- Department for Petitions	5
Research Sector	9
Legislative and Legal Service	14
Information and Documentation Sector	2
- Documentation and Library Department	15
- Department for the Development of the Information System	12
- Dept. Dealing with Materials and Mail	19
- Printing Service	10
- Operator Service	8
<i>Information Department</i>	5
<i>Operational and Technical Sector</i>	1
- Investment and Maintenance Department	24
- Catering Department	20
- Transport Department	5
- Reception and Telephone Service Dept.	10
Deputy groups – Article 16*	
Liberal Democracy of Slovenia	14
Slovene Democratic Party	7
United List of Social Democrats	6
Slovene People's Party	6
New Slovenia	5
Democratic Party of Pensioners of Slovenia	4
Slovene National Party	4
Slovene Youth Party	4
Italian and Hungarian national communities	3
TOTAL	316

Note: * Article 16 of the Ordinance on the Organisation and Work of the Services of the National Assembly:

»To each deputy group, the National Assembly provides a secretary of the deputy group, two specialised staff members and an assistant, as well as one additional assistant per every eight deputies; to deputy groups consisting of more than eight deputies, the National Assembly provides an additional specialised staff member per every six deputies.«

The above posts are determined also in the Rules on the Organisation and System of Positions in the Services of the National Assembly and differ from those of other employees in the services of the National Assembly only in their duration – employment in deputy groups is temporary and terminates with the expiry of the parliamentary term.

Pursuant to **Article 17** of the Ordinance on the Organisation and Work of the Services of the National Assembly, each deputy group is entitled to **additional expert assistance**. Additional expert assistance to deputy groups is provided with the funds the groups are granted for such purpose by recruiting specialised staff members on temporary employment contracts, by concluding work contracts with individuals or legal entities, by concluding copyright contracts or by hiring students. Until 2004, for each deputy, his/her deputy group will be granted - as funds for additional expert assistance - an amount corresponding to a monthly salary of an adviser to the National Assembly.

Pursuant to the Article 17, employment contracts are concluded for the time necessary to carry out the relevant work, yet no longer than until the cessation of the deputy group or termination of the deputies' term of office.

The table below indicates the number of persons employed in deputy groups pursuant to Article 17.

Table 2: Number of persons pursuant to Article 17

Deputy groups	
Liberal Democracy of Slovenia	2
Slovene Democratic Party	5
United List of Social Democrats	2
Slovene People's Party	2
New Slovenia	7
Democratic Party of Pensioners of Slovenia	-
Slovene National Party	-
Slovene Youth Party	1
Italian and Hungarian national communities	-

The leader of the deputy group decides on the conclusion of employment contracts pursuant to Article 17 and on the selection of the applicants. Contracts are concluded by the Secretary General who represents the National Assembly (deputy groups are not legal entities).

If expert assistance is provided through work contracts, the work performed in such manner is reviewed and approved by the leader of the deputy group, which is also the basis for the issuing of the contractor's bill and the payment thereof.

The funds intended for expert assistance are planned and approved in the budget of the National Assembly.

c) Does the Secretary General have the chief responsibility and accountability for the administration? Or are these shared with other senior officers?

The **Secretary General** is **responsible** for the organisation and work of the administration and **accountable to the NA**. With regard to the Legislative and Legal Service of the National Assembly, both the **Secretary General and the Head of the Service are responsible for the work of the Service**. The Head of the Service is **accountable to the NA**.

The **Deputy Secretary General and the three Assistants to the Secretary General** (see above) are responsible for the work of their sectors/departments and are **accountable to the Secretary General**.

Civil servants who work for the working bodies – committees and commissions – must be experts on their specific field. They are **accountable to the Secretary General**. For their work, they are also accountable to the members and chairpersons of the working bodies, particularly with regard to the adequate application of the Rules of Procedure. Chairpersons can complain, with regard to their work, only to the Secretary General. The Secretary General is the sole person authorised to take disciplinary measures against them.

In accordance with the Act on the System of Positions, all civil servants (particularly those of higher ranks) are expected to **act autonomously within their responsibilities and mandate**. They are responsible for the adequate, proper and due carrying out of their duties. They are expected to perform all the activities within their powers which are necessary for a smooth performing of everyday activities in the NA, its working bodies, parts of the parliamentary administration. They are expected to coordinate their work between different offices when necessary.

For details see Organisation chart of the NA – Appendix 1

d) The Parliamentary workload, and consequently the administration workload – statistical data

The National Assembly has 90 deputies – 88 are representatives of all Slovenian citizens, 2 are representatives of the Italian and Hungarian national communities (minorities).

The National Assembly meets in **regular and extraordinary sessions**. Regular sessions are called during regular annual terms of the National Assembly: during the spring term between 10 January and 15 July, and during the autumn term between 1 September and 20 December. (Rule 6 of the Rules of Procedure).

Table 3: Statistical data on the work of the National Assembly in 3rd parliamentary term (October 2000 – 15 July 2003) - sessions

Sessions of the National Assembly	2000	2001	2002	2003 (till 15 July)
Regular sessions	1	10	10	7
Extraordinary sessions	3	9	14	6
Duration in days	9	91	87	33
Duration in hours and minutes	26:40:00	382:35:00	384:53:00	182:02:00
No. of items on the agenda	31	340	421	148

Source: - Reports on the National Assembly's work in the parliamentary term 2000 – 2004 for 2000, 2001, 2002;
- National Assembly database in Lotus Notes

Table 4a: Laws discussed by the National Assembly (October 2000 – year 2001)

Type of laws	2000			2001		
	Adopted	Rejected	Withdrawn	Adopted	Rejected	Withdrawn
Constitutional acts						
Laws	2	3	5	41	4	12
Laws amending laws	5	7	6	63	13	14
Ratifications	6			58		5
Total	13	10	11	162	17	31

Source: - Reports on the National Assembly's work in the parliamentary term 2000 – 2004 for 2000, 2001;

Table 4b: Laws discussed by the National Assembly (2002 – 2003 till 15 July)

Type of laws	2002			2003		
	Adopted	Rejected	Withdrawn	Adopted	Rejected	Withdrawn
Constitutional acts				1		
Laws	53	3	21	19	4	12
Laws amending laws	63	9	17	34	13	14
Ratifications	58		1	21		5
Total	174	12	39	75	17	31

Source: - Report on the National Assembly's work in the parliamentary term 2000 – 2004 for 2002;
- National Assembly database in Lotus Notes

Table 5: Other acts discussed by the National Assembly (October 2000 – 15 July 2003)

Other adopted acts	2000	2001	2002	2003 – 15 July
Obligatory interpretations				1
Rules of Procedure and amendments to the Rules of Procedure		3	2	1
National programmes			3	
Budget		3	1	1
Supplementary budget			1	
Annual accounts			3	1
Resolutions		1	2	
Declarations		2	2	2
Decisions (pursuant to new Rules of Procedure)			11	6
Official consolidated texts of laws (pursuant to new Rules of Procedure)			9	
Ordinances	31	118	70	8
Calling of referendum			2	
Others				1
Total	31	127	106	21

Source: - Reports on the National Assembly's work in the parliamentary term 2000 – 2004 for 2000, 2001, 2002;
- National Assembly database in Lotus Notes

Table 6: Activity of the working bodies (sessions) in 2000, 2001, 2002, 2003*

Working body	Year	Sessions	Duration	Year	Sessions	Duration
Committee on the Economy	2000	1	1:35	2002	19	60:02
Committee on the Economy	2001	24	56:42	2003	10	12:25
Committee on Foreign Policy	2000	6	9:30	2002	50	82:14
Committee on Foreign Policy	2001	57	88:50	2003	26	43:45
Committee on Defence	2000	1	2:13	2002	7	12:34
Committee on Defence	2001	14	16:43	2003	4	8:25
Committee on Health, Labour, the Family, Social Policy and the Disabled	2000	3	6:25	2002	21	74:35
Committee on Health, Labour, the Family, Social Policy and the Disabled	2001	19	56:07	2003	9	19:01
Committee on Finance and Monetary Policy	2000	4	7:27	2002	34	64:21
Committee on Finance and Monetary Policy	2001	32	65:06	2003	15	24:56
Committee on Agriculture, Forestry and Food	2000	1	1:57	2002	21	54:48
Committee on Agriculture, Forestry and Food	2001	30	65:45	2003	10	32:24
Committee on Home Affairs	2000	3	8:30	2002	31	144:07
Committee on Home Affairs	2001	30	72:42	2003	8	26:08
Committee on Culture, Education, Youth, Science and Sport	2000	1	4:18	2002	10	33:53
Committee on Culture, Education, Youth, Science and Sport	2001	12	43:34	2003	5	15:09
Committee on Infrastructure and the Environment	2000	2	6:09	2002	25	74:31
Committee on Infrastructure and the Environment	2001	21	52:32	2003	10	27:42
Commission for Petitions	2000			2002	9	10:34
Commission for Petitions	2001	6	10:18	2003	5	9:19
Commission for the Rules of Procedure	2000	1	2:36	2002	7	11:41
Commission for the Rules of Procedure	2001	8	20:04	2003	5	4:33
Commission for European Affairs	2000			2002	14	16:28

Commission for European Affairs	2001	8	10:00	2003	6	12:00
Commission for Budgetary and Other Public Finance Control	2000			2002	8	28:03
Commission for Budgetary and Other Public Finance Control	2001	11	33:14	2003	7	16:52
Commission for Elections, Appointments and Administrative Affairs (from July 15 th , 2002 it operates under name Commission for Mandates and Elections)	2000	5	12:11	2002	16	11:49
Commission for Elections, Appointments and Administrative Affairs – Commission for Mandates and Elections	2001	18	19:31	2003	8	3:47
Mandate and Immunity Commission (from July 15 th , 2002 is part of Commission for Mandates and Elections)	2000	3	0:17	2002	8	1:12
Mandate and Immunity Commission (from July 15 th , 2002 is part of Commission for Mandates and Elections)	2001	9	3:04	2003		
Commission under the Incompatibility of Holding Public Office with Gainful Activity Act	2000	1	1:35	2002	6	2:26
Commission under the Incompatibility of Holding Public Office with Gainful Activity Act	2001	7	7:30	2003	5	1:45
Commission for Relations with Slovenes in Neighbouring and Other Countries	2000			2002	11	13:35
Commission for Relations with Slovenes in Neighbouring and Other Countries	2001	13	22:47	2003	8	10:38
Commission for Supervision of the Work of the Security and Intelligence Services	2000			2002	13	46:59
Commission for Supervision of the Work of the Security and Intelligence Services	2001	13	69:25	2003	8 7 (supervispry visits in institutions)	31:32 31:15
Commission for National Communities	2000			2002	5	7:19

Commission for National Communities	2001	7	9:59	2003	3	6:33
Constitutional Commission	2000			2002	9	21:45
Constitutional Commission	2001	2	2:50	2003	2	22:55
Slovene delegation to the Joint Parliamentary Committee	2000			2002	6	16:15
Slovene delegation to the Joint Parliamentary Committee	2001	10	22:22	2003		
TOTAL				2002	330	789:11
TOTAL	2000 2001	381	804:54:04	2003	161	361:08

Source: Data provided by the secretaries of the working bodies, collected and sorted by the Research Sector

Note: * - The year 2003 comprises data until 15 July.

The basic principles and duties of working bodies of the National Assembly are determined by the Rules of Procedure and by ordinances on the composition and election of working bodies of the NA. The activities of the working bodies are rather formalised (this applies to responsible standing committees, for commissions on inquiry, supervisory commissions).

The Rules of Procedure determine that *“working bodies are established in the National Assembly to monitor the state of affairs in individual areas, to prepare policy decisions in such areas, to formulate positions on particular issues and to discuss draft laws and other acts of the National Assembly”*. (Rule 32)

Further on, the Rules of Procedure determine in detail the **tasks of the working body**. **“The working body responsible”** must draw up a report concerning the discussion of a particular issue and must send it to the President of the National Assembly. Such report includes:

- *“the subject matter of the debate and the proposals made during the debate,*
- *the positions adopted with regard to the opinions of the working bodies concerned, the Legislative and Legal Service, the National Council, the President of the Republic and the Government,*
- *the positions regarding the proposals given during the debate,*
- *the opinion delivered by the working body responsible, including the proposed decisions to be adopted by the National Assembly,*
- *separate opinions if so required by individual members.”* (Rule 42)

Working bodies may request data and information:

“Rule 45

(1) *Within its scope of work, a working body may ask the Government and other state authorities as well as public institutes, public enterprises and public funds founded by the state, to provide explanations and information which it needs to perform its tasks.”*

The working bodies (standing committees) responsible play an important role in **the second reading of the legislative procedure:**

In the second reading, individual articles or parts of the draft law are discussed and voted on.

The second reading is held first within the working body responsible.

Amendments to the draft law may be tabled by deputies, a deputy group, the working body concerned and the working body responsible for public finances, as well as the Government where it is not itself the proposer of the law.

Amendments are tabled in writing, in normative form, together with an explanation stating the reasons for the amendment, the implications for the state budget and other public finance resources, as well as other consequences that the adoption of the amendment might have.

The working body responsible may adopt its own amendment.

After the discussion of amendments and articles within the working body responsible, a new draft law is drawn up including the draft law ready for the second reading and all the adopted amendments. The new draft law is part of the report drawn up by the working body responsible for the second reading of the draft law. (Rules 125 - 133)

The Parliamentary administration provides working bodies with all the necessary services: secretarial work, advice on procedure, writing reports, additional documentation, research papers upon request, verbatim records, access to databases in the NA information system and to databases on the Internet, dictionaries etc.

e) Relations between the Parliamentary administration and the legislative process

All parts of the Parliamentary administration support the lawmaking process, some of them directly, some indirectly.

Secretary General of the National Assembly

The Secretary General organises and coordinates the work of the services in carrying out tasks for the National Assembly, its working bodies and deputies, ensures the uniform functioning of the services, ensures the development of the organisation and work and carries out other tasks in accordance with the Rules of Procedure of the National Assembly and other regulations and general acts.

Secretary General helps the President with legal advice in performing his/her tasks in the lawmaking process.

Source: Rules of Procedure, Ordinance on organisation and work of services of the National Assembly of the Republic of Slovenia

Office of the Secretary General

The Office of the General Secretary carries out professional and administrative tasks for the Secretary General. Civil servants in the office usually do not work directly for the NA in the lawmaking process but help the Secretary General in carrying out his/her tasks. The Office of the Secretary General comprises:

- a financial and accounting department
- a personnel department
- a protocol department,
- a security adviser,
- an internal auditor,
- a legal adviser.

Source: Ordinance on organisation and work of services of the National Assembly of the Republic of Slovenia, Act on the System of Positions

Secretariat of the National Assembly

The Secretariat is directly involved in the lawmaking process.

The Secretariat (secretaries of the working bodies and experts – all with university degree in law, political/social sciences, economics, etc; administrative secretaries) carries out professional, organisational and administrative tasks relating to the work of the National Assembly and its working bodies, examines problems and proposals of laws and other acts submitted for adoption by the National Assembly, delivers expert opinions and takes a position thereon, prepares reports, resolutions, analyses and information, prepares expert basis for the formulation of opinions or replies by the National Assembly to the Constitutional Court of the Republic of Slovenia in the procedures for the review of constitutionality and legality of acts, prepares expert basis for the decisions by the National Assembly in connection with the compulsory interpretation of laws and other acts of the National Assembly, formulates expert basis in connection with policy-making in a specific area and monitors its implementation, carries out administrative and secretarial work and provides deputies and other interested parties with information related to the work of the National Assembly and its working bodies. The secretariat organises the necessary contacts with the Government and individual ministers, other external bodies and authorities (also local government authorities where the Rules of Procedure require an opinion on draft laws from local government institutions), NGOs etc. Civil servants in the Secretariat prepare notes (and an expert opinion in most cases) and information available on issues connected with draft legislation. They must offer advice to the chairpersons and members of the working bodies about the provisions of the Rules of Procedure.

Civil servants in the Secretariat provide for the databases of the lawmaking process as well as for the databases of the working bodies' sessions. They enter all the documents discussed in the lawmaking process into the databases of the NA information system in Lotus Notes environment.

The Head of the Secretariat of the NA is the **Deputy Secretary General**. He/she organises and coordinates the work of the Secretariat and, assisted by the secretaries of the working bodies, provides for the accuracy, correctness and timeliness of the documents in the lawmaking process.

Source: Rules of Procedure, Ordinance on organisation and work of services of the National Assembly of the Republic of Slovenia, Act on the System of Positions

Legislative and Legal Service

In accordance with the powers conferred to it by the Rules of Procedure of the NA, the Legislative and Legal Service examines – with a view to ensure conformity (consistence, compliance) with the Constitution and the legal system as well as a uniform expert and methodological approach in the procedure to adopt laws and other regulations in the National Assembly – all laws and other regulations that are submitted for adoption by the National Assembly and provides the Assembly and its working bodies with expert opinions thereon. It prepares the expert basis for the formulation of opinions or replies by the National Assembly to the Constitutional Court of the Republic of Slovenia in procedures for the review of constitutionality and legality of acts and prepares the expert basis for decisions by the National Assembly regarding the compulsory interpretation of laws and other acts of the National Assembly.

The Legislative and Legal Service consists of lawyers with university degree and state legal exam.

Source: Rules of Procedure, Decree/Ordinance on organisation and work of services of the National Assembly of the Republic of Slovenia, Act on the System of Positions

Research Sector

The Research Sector prepares expert analyses concerning issues relating to the work of the National Assembly, its working bodies and other services of the National Assembly, and in particular, comparative reviews in connection with specific legal solutions, provisions of the Rules of Procedure, the status of deputies and the functioning of the parliament. Services are commissioned to the Research Sector by the National Assembly, its working bodies, the deputies and the Secretary General of the National Assembly.

The papers prepared by the Research Sector are mostly used in the lawmaking process as additional material. In most cases, when draft laws are forwarded by deputy/deputies and *»a presentation of the regulation in other legal systems»* (at least three legal systems of EU Member States) *“and of the harmonisation of the proposed*

regulation with the acquis communautaire” as provided by Rule 115 of the Rules of Procedure for draft laws is necessary, comparative overviews are prepared by the Research Sector on special request by deputies.

The Research Sector’s papers are often used in debates of the working bodies (as expert basis), too.

Civil servants employed in the Research Sector must have university degree or higher level (master, PhD.) of education – in law, social and political sciences, economics, environmental sciences, history etc. They all have foreign language skills (at least two).

Source: Rules of Procedure, Ordinance on organisation and work of services of the National Assembly of the Republic of Slovenia, Act on the System of Positions

Information and Documentation Sector

This sector heads and coordinates issues regarding the development of the information system, documentation and library tasks, and work with documents and mail.

They are indirectly involved in the lawmaking process: the Documentation and Library Department provides documents and publications upon request by deputies, working bodies, experts etc. The Department for the Development of the Information System provides for the computerisation of the legislative procedure within the Lotus Notes application (for documentary bases) and for the electronic voting system.

This sector provides for the webcasting of plenary sessions, produces audio and video signals from the plenary room and audio signals from the working bodies' meeting rooms and passes signals to broadcasters.

Source: /Ordinance on organisation and work of services of the National Assembly of the Republic of Slovenia, Act on the System of Positions

Technical Operations Sector

This sector heads and coordinates the maintenance of the building, receptionist and telephone services, transport and catering services. The Technical Operations Sector has the following departments: investment department, transport department, catering department and the department for receptionist and telephone services.

They have no special role in the lawmaking process.

Source: Ordinance on organisation and work of services of the National Assembly of the Republic of Slovenia, Act on the System of Positions

Office of the President of the National Assembly

The Office of the President carries out professional, organisational and administrative tasks for the President and the Vice-Presidents of the National Assembly.

No special tasks are envisaged in the lawmaking process.

Source: Ordinance on organisation and work of services of the National Assembly of the Republic of Slovenia, Act on the System of Positions

Information Department

Provides information to the public about the work of the National Assembly and its working bodies, ensures the conditions for representatives of the media to carry out their work within the Assembly, monitors media reporting on the work of the National Assembly and sees to the issue of the NA bulletin and other publications. In cooperation with the individual departments it prepares the necessary explanations in accordance with the regulations on the provision of information to the public and proposes or prepares information and reports which are of interest to the general public.

No special tasks are envisaged in the lawmaking process.

Source: Ordinance on organisation and work of services of the National Assembly of the Republic of Slovenia, Act on the System of Positions

Deputy Groups – services

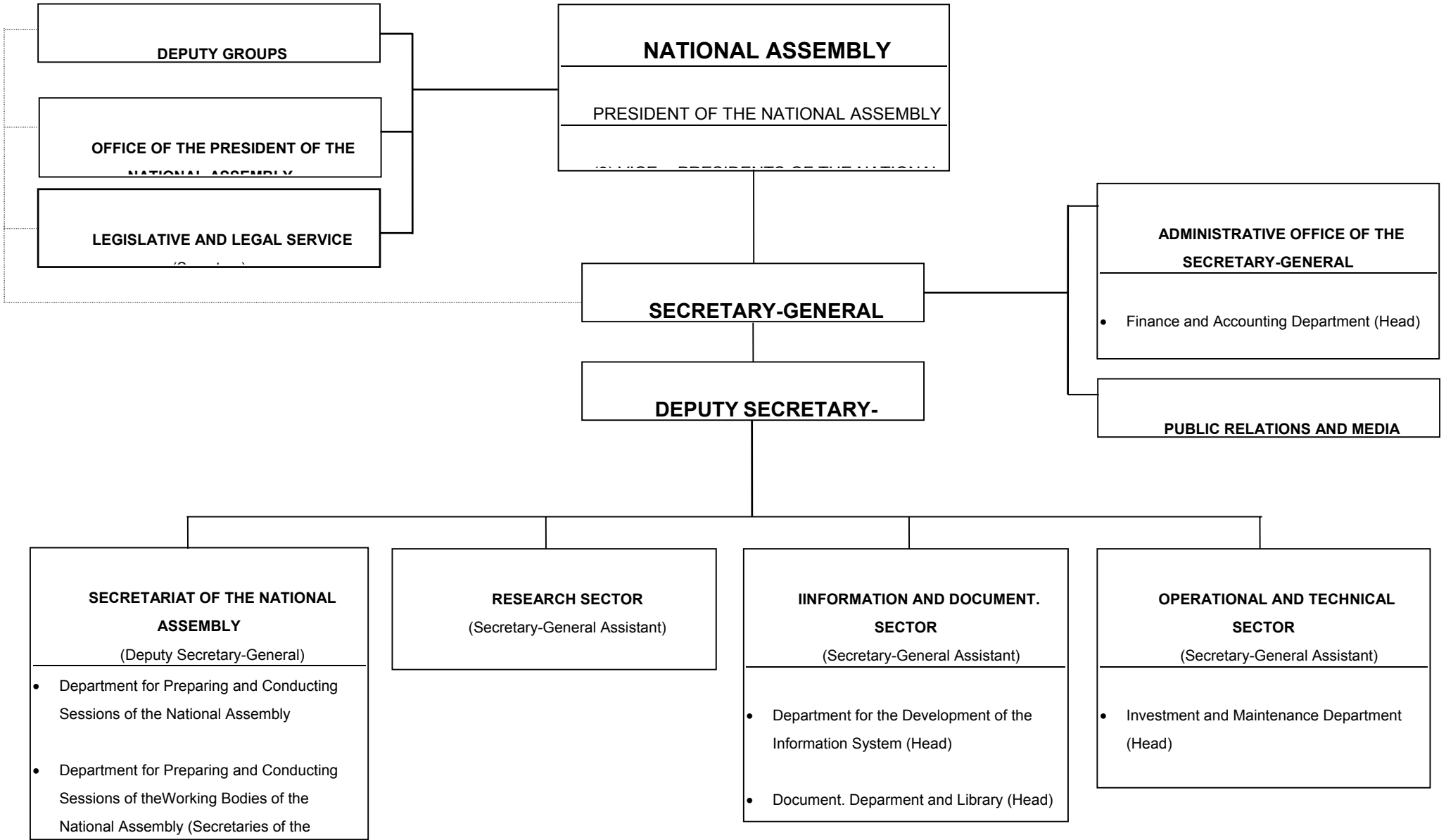
Since 1997 every deputy group has had its own service to help deputies in their activities in the NA. Civil servants and other persons who work for deputy groups prepare political and expert documents, opinions, amendments, consultations for the group and for individual deputies.

f) Latest changes in Parliamentary administration

Significant changes to the organisation and functioning of Parliamentary administration have been made or planned:

- since 1996 the working process (preparatory work, sessions, documents produced on sessions – of the plenary and of working bodies) has been entirely computerised. All documents are entered in the databases of the information system of the NA. Computerisation of the legislative procedure has become a compulsory framework for the production, entry and use of documents prepared during the legislative procedure. All documents should be accessible in a common and user-friendly environment enabling fast and simple insight into different registers, lists and reviews (in a network, not locally). The users of the information system also have access to the Internet and to special databases (Slovene and

- some other countries' legislation, dictionaries, databases of the Official Gazette of the Republic of Slovenia, Constitutional Court's databases etc.);
- in 1998 the Research Sector was established to help MPs with quality information in their everyday tasks as deputies and provide specific information for working bodies, the NA and the Secretary General;
 - after 1995 the first discussions about the process of harmonisation of Slovene legislation with the *acquis communautaire* began. As legislator, the National Assembly played a decisive role in the process of harmonisation and Parliamentary administration thus had to adapt to the new situation. An extensive project of expert staff training was carried out so that the parliamentary services are now able to provide expert assistance to the political bodies of the National Assembly in the said process. In addition, the staff is continuously trained in EU matters and institutions, individual specific issues, foreign languages, personal development and computers;
 - the NA established the Commission for European Affairs (23 July 1996) and the Slovene delegation to the EU-Slovenia Joint Parliamentary Committee;
 - in the spring of 2003, the Slovene Constitution was amended to determine the role of the National Assembly and the relations between the National Assembly and the Slovene Government in the legislative process in EU institutions. Thus, Parliamentary administration is now in the process of adapting to new tasks and challenges (defining the adequate role of the NA);
 - following the events of 11 September 2001, an adviser for security matters was employed;
 - Parliamentary administration is also in the process of adapting to the challenges of greater openness to the citizens – broadcasting and webcasting the activities of the National Assembly, new forms of communication with the citizens and ensuring them to play an active role in the political process.



SLOVENIA

National Council

a) The status of the office of the National Council of the Republic of Slovenia

Under the Public Servants Act (hereinafter PSA), which entered into force in Slovenia on 28 June 2003, all individuals employed in the public sector, in other words in state bodies and state administration bodies, are public servants. Under this act the National Council has the status of other state body, as do the National Assembly, the Constitutional Court, the Court of Audit, the Human Rights Ombudsman and justice bodies, from which certain exceptions derive in providing for the status of public servants employed in the public sector.

The status of public servants, their rights and duties are regulated by the Public Servants Act, the Employment Act and the collective agreement for non-commercial activities, yet state bodies may nevertheless arrange certain areas independently:

The PSA allows the state bodies that have the status of other state body to regulate issues governed by this act in greater detail through their own general acts, in contrast to state administration bodies, for which the government regulates in detail issues from this act by issuing regulations. In this regard, parliamentary employees are partly removed from the comprehensive provisions for the status of public servants in the public sector.

The National Council therefore determines its own systemisation of jobs.

The **Systemisation** of jobs is an official act that every state body,¹⁷ local community administration and person of public law must have, and this determines in line with the body's internal organisation the employment positions required for the performance of tasks, with a description of the conditions for filling jobs and a description of the tasks involved in individual positions.

The Act systemising jobs in the National Council is adopted by the National Council on the proposal of the Council's secretary. The internal organisation of the work in the office of the National Council and its remit are governed by the Rules on the internal organisation and systemisation of jobs in the office of the National Council. It is composed of three internal organisational units: the secretariat, legal service and the office of the president.

The systemisation of jobs in the National Council is an annexe to the Rules on the internal organisation and systemisation of jobs in the office of the National Council. The systemisation sets out in detail the number of employees in a specific position, its

¹⁷ Unless otherwise provided by a special law

tasks, the conditions for filling positions and the coefficient used to calculate the level of the employee's personal income.

The formal hiring of personnel and the management of staff on the basis of the PSA are conducted in state bodies in compliance with a **staff plan**, which the head of staff at the National Council must submit to the proposed budget, and must also be harmonised with the budget.

The staff plan is a document that shows the actual situation of employment levels by position, and in line with the working area and programme of the body, it determines for two years the envisaged target employment level by position for which permanent employment and envisaged fixed-term employment is offered.

It should be stressed, however, that the planning of new employment is only possible in the event of a permanent or temporary increase in the volume of work, and this increased volume cannot be performed by the existing number of public servants.

Before the head of the Council decides to take on new employees, he verifies whether it is possible to fill the vacant position by transferring public servants from the same body. If this is not possible, the position can be filled by transferring public servants from another body, and to this end an **internal advertisement** is issued. This procedure is carried out in state administration bodies such that it also covers other state bodies and local community administrations, for which state bodies and local communities conclude a special agreement.¹⁸

If a public servant from the same or another body cannot be transferred to the vacant position, the procedure for new employment is set in motion with a **public advertisement**.¹⁹

Public advertisements are posted in the Official Gazette of the Republic of Slovenia or in the daily newspapers, as well as at the employment office. The full content of such posting of a public advertisement is provided by the PSA.

From all the candidates that apply a selection is made of those who on the basis of submitted evidence fulfil the conditions of the advertisement, and they are thereby placed in the selection procedure.

The number of employees in the National Council is small,²⁰ so the selection procedure is conducted by the head – the secretary – himself.²¹ In respect of formal employment of staff in the office of the National Council, the Council's secretary has the right and duty of a head of department in compliance with the Public Servants Act.

¹⁸ For state administration bodies the agreement is concluded by the government.

¹⁹ Article 57 of the PSA

²⁰ Around 24 employees

²¹ 60/3 PSA

The selection of candidates is carried out in a selection procedure that tests the ability of the candidate to perform tasks in the clerical position. The procedure may be conducted in several stages, in order to gradually filter out candidates. Testing may be carried out in the form of testing professional ability indicated in the documentation submitted by the candidate, a written test of ability or in some other form.²²

When the procedure is finished, the candidate that has convinced the committee as being most capable is then selected.

It should be stressed that this kind of open competition must be performed throughout the state administration, irrespective of what position is being filled, in other words irrespective of whether it is a vacant clerical position or a professional/technical position.

Following selection, a contract of employment is made with the candidate.

Public servants in the National Council may not be contractually required to work a weekly schedule exceeding 40 hours. If they do work beyond the legally provided number of hours, they may in agreement with the head (the secretary) take the excess hours in the form of a day off, leaving work early and similar.

The employment contract also sets out the level of personal income for the public servant, and this is regulated for all public servants by the Act Regulating Salary Levels in Public Institutes, State Bodies and Local Community Bodies; this act provides that the level of personal income depends on the level of professional education and on the demands of the job.

Clerical staff selected through a public advertisement are appointed the lowest job title under which the work in the specific clerical position may be performed, and in accordance with the career principle, once they fulfil the conditions they may be promoted to a higher job title in that position.

With the aim of promoting career paths, clerical staff employed in the National Council are assessed once a year, and the assessments of their work form the basis for deciding on the staff member's promotion to a higher job title. Public servants are assessed by their superiors in compliance with the provisions of the Public Servants Act and the Rules on the promotion of employees in the National Council.

b) Relationship between the political body and the National Council office

The National Council of the Republic of Slovenia is composed of 40 councillors, comprising 4 representatives of employers, 4 representatives of employees, 4 representatives of farmers, craft establishments and independent professions, 6 representatives of non-commercial activities and 22 representatives of local interests.

²² Article 61 of the PSA

These people attend to the interests of the areas they represent in special interest groups, while the National Council also sets up permanent and temporary committees.

National councillors perform this function in a non-professional capacity, and do not receive any personal income for their services, but simply a reimbursement for the loss of earnings for the time they perform the function and a reimbursement of expenses linked to this function.

The duty of councillors is that in their work in the National Council they represent the interests of the group that elected them and not the interests of individual political parties.

Following confirmation of their mandates, councillors elect from their own number a president and vice-president of the National Council, and appoint a National Council secretary from among the staff of the Council's office.

The **president** of the National Council has no influence on the composition of the National Council's office. Indeed it is composed of public servants who have been selected for their positions through internal or public job advertisements, and their employment contracts are not tied to the term of the National Council president or to the term of the National Council as a whole. Nevertheless the president can influence the selection of the National Council **secretary**, who is appointed by the National Council on the president's proposal.

The Secretary of the National Council is an official who cooperates closely with the president (as well as vice-president) of the National Council, in other words this must be a person whom the president trusts, and therefore the secretary's term in office is tied to that of the president, while the secretary is answerable for his work to the entire Council.

The National Council's mandate is for 5 years, but the president comes up for re-election after two years. Regardless of whether the president is re-elected or the councillors elect a new president, the secretary must also be re-appointed. If the incumbent secretary is not re-appointed, he may return to the position held in the National Council's office prior to appointment as secretary.

The task of the secretary is to manage the office of the National Council, by organising sessions and ensuring the conditions for the work of the National Council, its committees and special interest groups, and by helping the president and vice-president to prepare and conduct National Council sessions. The secretary's duties also include drafting the proposed budget for the work of the National Council and managing the National Council office, as well as supervising the work performed by this office. The tasks of the National Council office are:

- ❑ examining the materials for sessions of the National Council and its committees, examining initiatives made by National Council members, formulating professional opinions and advising the president of the Council, the heads of working bodies and Council members,
- ❑ drafting decisions and composing the minutes of Council committees,
- ❑ monitoring the work of the National Assembly,
- ❑ cooperating with the professional services of other state bodies,
- ❑ cooperating with state and municipal administrative bodies and other organisations and associations as the foremost representatives of social, economic, professional and local interests,
- ❑ administrative and technical tasks,
- ❑ financial and accounting services, and many other tasks.

c) Does the National Council secretary hold the main responsibility for the office?

The secretary of the National Council manages the Council's office, and is at the same time answerable to the Council for the work of the office.

The secretary is assisted by an assistant selected from among Council advisers by the secretary and confirmed by the National Council. The National Council secretary currently has two assistants, one who deputises for the secretary during his absence, and one for the legal sphere. They are both public servants.

The work of the National Council is conducted not only in sessions of the entire body, but also and primarily in the sessions of special interest groups and the permanent and temporary working bodies.

The committees must deal with matters from their working area and material allocated to them by the National Council president for their deliberation, and draft a report with proposed resolutions for the National Council to decide upon in its sessions.

Committee sessions are prepared, called and chaired by the committee head, who is assisted by the committee secretary. Other tasks of the committee secretary are to assist the head in coordinating work with other committees, ensure the preparation of materials for committee sessions, prepare minutes of sessions and other tasks required by the committee head.

Committee secretaries are appointed by the National Council in an open ballot on the proposal of the National Council president, after prior consultation with the committee head.

Committee secretaries are answerable both to the heads of the committees, since they are appointed on the proposal of the National Council president after prior consultation with the committee heads, and to the National Council secretary, who

manages the office. The National Council's rules of procedure provide that the provisions for electing and appointing National Council officers should also be appropriately applied for dismissal procedures.

d) The work of the National Council and National Council services

The work of the National Council is tied to the work of the National Assembly, so the National Council convenes for the same period as the National Assembly, that is from January to the middle of July and from the middle of August to December. The councillors meet in session approximately once a month, and sessions last around 4 hours.²³ In addition to this, councillors meet at least once a month at special interest group sessions and in sessions of the committee of which they are members.

Special interest groups may formulate a position regarding individual matters that are on the agenda of the National Council and committee sessions, while the role of the committees is to deal with matters within their working area and material given to them by the National Council president for deliberation, and to draft a report with proposed resolutions for the National Council to decide upon in session.

Assistance for councillors in their work and for the National Council in general is offered by the National Council's office, which comprises approximately 24 staff. Special interest group and committee sessions are conducted by their heads, who are expressly aided by the interest group or committee secretary.

The secretary agrees with the head on the agenda, ensures that all councillors receive materials before the session of the body, assists in sessions to achieve the proper formulation of resolutions, sends them to the competent body and drafts the minutes. As a professional staff member the secretary also ensures that sessions are conducted in compliance with the rules of procedure, and advises in the event of complications.

All National Council bodies and the Council itself may only pass decisions if sufficient members are present.

The National Council adopts decisions when there are 21 of the total 40 members present. In the same way, a quorum is also needed for decisions to be passed at sessions of special interest groups and committees, where again a majority of members must be present.

Despite the small numbers of councillors and of staff in the National Council's office, this body is very active.

In the previous mandate the National Council therefore

²³ The average number of hours in the first nine National Council sessions in the third mandate

- dealt with 294 substantive points in plenary sessions,
- submitted 11 legislative initiatives for procedure in the National Assembly,
- communicated to the National Assembly 41 opinions on matters within its competence,
- during this period the eight National Council committees held a total of 370 sessions, in which they formulated 335 (including interest group opinions) opinions on legislative proposals and other acts, and communicated them to the central working bodies of the National Assembly,
- required 22 times that in view of individual legislative solutions and provisions, the National Assembly decide again on them prior to promulgation of a law,
- proposed to the National Assembly the adoption of an obligatory explanation of three laws,
- exercised the right to submit to the Constitutional Court a request for initiation of the procedure for assessing the constitutionality and legality of 12 regulations and general acts,
- deliberated over 222 initiatives, questions and proposals from National Councillors and 23 initiatives and questions from National Council committees,
- adopted two requests for the National Assembly to order a parliamentary investigation,
- organised 127 consultations, public debates, round tables, working meetings, press conferences and presentations of specialist books, 48 specialist lectures on legal and other current topics given by acknowledged foreign and domestic experts, three young people's National Council sessions, and presented the work of the National Council in 65 radio broadcasts.

e) The relationship between parliamentary administration and the legislative procedure

The work of the National Council could not proceed without its office.

The duty of the National Council's office is to acquaint councillors with the work of the National Assembly and the Slovenian government, especially in the legislative area. The office arranges for councillors to receive the official material and information councillors require for their work. The office ensures that the National Council, special interest groups and committees act and adopt decisions in compliance with the law and the rules of procedure, and that they are involved in the work of the National Assembly as soon as this is possible.

Staff of the National Council services perform professional, administrative and other tasks relating to the work of the National Council, its committees and special interest groups and members of the National Council. The office organises sessions, prepares specialist and other material and data necessary for the work of the Council.

Where a special interest group or committee desires the presentation of an individual legislative proposal, the National Council office ensures that councillors obtain official opinions or that proposals and opinions are presented in session.²⁴

f) Latest changes to parliamentary administration

In May 2004 Slovenia will become a full member of the EU, and is preparing intensively for this event. To this end the National Assembly has already amended the Constitution, and at this moment the legislative procedure is in progress for the adoption of a law that will govern relations between the National Assembly and the Slovenian government in EU affairs, primarily regarding notification, and we trust that the National Council will also be included in this.

The work of the National Council is already to a large extent conducted via e-mail, and the majority of data is also stored electronically.

The majority of information in connection with the EU will within state bodies probably be exchanged in electronic form, but this should present no problems for the National Council's office, since the staff are computer literate, and where necessary they will be provided with further training.

The National Council ensures in general the continuous further training of its staff, particularly in the form of attendance at various seminars, courses organised within the National Assembly and education at the Administration Academy.

In the same way the National Council ensures that its employees and also the wider public are familiarised with the latest topics that are not tied strictly to state bodies. It recently organised a consultation on renewable energy sources and biomass, and also organised consultations on genetically modified food and the effect of genetically modified organisms on the environment, on the introduction of VAT, the media, health and more. Many of these consultations also saw the participation of foreign experts. The National Council will continue these activities in the future, although only to the extent that the budget allows.

The powers of the National Council as granted by the Constitution are

- to propose to the National Assembly the adoption of laws;
- to give the National Assembly opinions on all matters within its competence;
- to require that prior to the promulgation of any law, the National Assembly take another decision on it;
- to request the calling of a legislative referendum;
- to request a parliamentary investigation.

²⁴ For the most part it is representatives of the body submitting the proposed law for the legislative procedure that are invited to sessions.

Given its constitutional powers, the National Assembly may not adopt laws, but it can participate in the legislative procedure and in this way also influence Slovenian legislation. However, under the Constitution the National Council has no influence over the working and responsibility of the government, which will play the leading role in EU affairs following accession. Nevertheless, if the influence of the National Assembly on the working of the government in procedures of decision-making in the EU, as determined by the Constitution, should (at least partly) make up for the loss of the legislative function of parliament owing to the powers of the EU, then it would be sensible to provide the National Council with appropriate influence over the working of the government, since the government cooperates with the Council on behalf of the country in decision-making in the Union. If the National Council therefore has a certain inward influence on the implementation of the legislative function, it should also have this as an outward influence, since the exercising of the special interests represented by the National Council is important irrespective of the level of decision-making. Of course the National Council cannot influence the working of the government directly, since the Constitution does not provide it with any relationship with the government, but it may do so indirectly via its influence on the adoption of positions in the National Assembly, which in turn the government should take into account in its functioning in the EU.

UKRAINE

Verkhovna Rada

The Administration of the Verkhovna Rada of Ukraine doesn't have a status of an authority; it is a structure, which ensures functioning of the Ukrainian Parliament as a legislature.

The Administration of the Verkhovna Rada of Ukraine provides legal, scientific, organizational, documentary, informational, logistics, personnel, financial, administrative and social support to the activities of the Parliament and People's Deputies of Ukraine.

The Administration of the Verkhovna Rada of Ukraine is formed and acts in compliance with the Constitution of Ukraine, Laws of Ukraine, Rules and Resolutions of the Verkhovna Rada of Ukraine, Instructions of the Chairman of the Verkhovna Rada of Ukraine and the Secretary General, as well as the Regulations on the Administration of the Verkhovna Rada of Ukraine, prepared by the Committee on the Rules, Deputies' Ethics and Organization of the activities of the Verkhovna Rada of Ukraine and approved by the Instruction of the Chairman of the Verkhovna Rada of Ukraine of May 31, 2000.

The issues of approving the Administration's structure, appointing and relieving of a position of it's Head are managed exceptionally by the Verkhovna Rada of Ukraine.

The List of members of Staff, the number of employees of the Departments, conditions of their logistics supply and the Administration's Budget are determined by the Chairman of the Verkhovna Rada of Ukraine on the recommendation of the Head of Administration within the Estimate envisaged by the Budget of the Parliament.

The structure of the Administration and the boundary quantity of its staff 1065 in number were approved by the Instruction of the Chairman of the Verkhovna Rada of Ukraine on September 2, 2002.

The Administration is composed of the Secretariats of the Leadership of the Verkhovna Rada of Ukraine, the Leadership of the Administration of the Verkhovna Rada of Ukraine, the Secretariats of the Committees and the Ad Hoc Monitoring Commission on Privatization, the Secretariats of the Parliamentary Factions and Groups, 4 Chief Directorates, 6 Directorates, 4 Departments and 1 Substantive Sector.

The Secretariats of the Chairman of the Verkhovna Rada of Ukraine, First Deputy Chairman of the Verkhovna Rada of Ukraine, Deputy Chairman of the Verkhovna Rada of Ukraine, the Secretariats of the Parliamentary Factions and Groups, the Secretariats of the Committees of the Verkhovna Rada of Ukraine are responsible for ensuring activities of the mentioned officials and structures.

Within the Administration the following sub-units function in addition to the above mentioned:

The Chief Scientific and Advisory Directorate of the Parliamentary Administration provides scientific and legal examination of bills, proposed by the subjects of legislative initiative to the Verkhovna Rada of Ukraine, as to the adequacy of conceptual solution of certain issue: legal, economic, social expediency of passing a law; its conformity to the standards of human rights and freedoms; completeness of legal regulation; compliance with the Constitution of Ukraine, International Agreements of Ukraine, principles of system legislation; simplicity and clearness of legal regulations and the mechanisms of their application.

The Chief Legal Directorate of the Parliamentary Administration provides legal examination of bills submitted to the Verkhovna Rada of Ukraine, of laws adopted by the Ukrainian Parliament.

The Chief Directorate for Documentary Provision of the Parliamentary Administration provides documentary servicing of the Ukrainian Parliament, proper documentation and documents circulation, registration and passage of documents in the Administration of the Verkhovna Rada of Ukraine, processing and delivery of business mail, registration and visa of legislation acts, their release, distribution and publication, editing of bills before the second and subsequent readings, providing stenography, archiving, servicing of office equipment.

The Chief Directorate on Organizational Issues of the Parliamentary Administration provides organization and methodic approach in the activities of the Secretariats of the Parliamentary Committees for elaboration and analyses of bills; maintain computer database and monitoring of bills passage; organization of plenary meetings of the Verkhovna Rada of Ukraine, registration of People's Deputies participating in parliamentary meetings, preparation of interpellations for announcement by a Chair during plenary meetings.

The Directorate interacts with respective Secretariats of Committees and Parliamentary Factions and Groups in preparing and conducting Days of Government and Parliamentary Hearings in the Parliament, and in training and providing internships for People's Deputies of Ukraine.

The Information Directorate of the Parliamentary Administration provides for the right of Ukrainian citizens to receive information on the activities of the Verkhovna Rada of Ukraine, assists the mass media in covering the activities of the Parliament, monitors information on Parliamentary activities, exchanges information with state authorities and local governments, provides information and library services to People's Deputies of Ukraine and Administration staff.

The Directorate of Computerized Systems of the Parliamentary Administration provides software and information servicing to legislative process in the Verkhovna Rada of Ukraine on the basis of complex computerization, utilization of modern methods and techniques of data processing and software maintenance during plenary meetings of the Parliament, administering of the Parliamentary integrated data bank.

The Directorate for Liaison with Local Authorities and Local Governments of the Parliamentary Administration provides direct liaison of the Verkhovna Rada of Ukraine with regional communities, Local Authorities and Local Governments, takes stock of their quantity and composition, provides methodical and consultative assistance on the issues of local self-governance, in particular on elections to local councils, elections of village town mayors, staff training and upgrading.

The main tasks of **the Directorate for Inter-Parliamentary Relations** of the Parliamentary Administration are to provide organization and information assistance in the International activities of the Verkhovna Rada of Ukraine; to elaborate and ensure implementation of cooperation programs of the Parliament with Legislatures of other countries, Inter-Parliamentary Institutions, Organizations and Unions; to prepare visits of parliamentary delegations to other countries and reception of foreign parliamentary delegations and officials; accumulation, processing and preparation for use of documents, reference and analytical materials on relevant issues, ensuring protocol during receptions of foreign guests by the Verkhovna Rada of Ukraine.

The Personnel Directorate of the Parliamentary Administration is in charge of selection and promoting employees according to their professional qualities and competence, of their continuous training and encouraging for promotion. The Directorate provides personnel services for People's Deputies of Ukraine, their consultants, attached to the Parliamentary Administration, and employees of structural sub-units of the Administration who are civil servants.

The Department for Liaison with Judiciary Bodies prepares materials and provides representation of the Verkhovna Rada of Ukraine during consideration of cases in the Constitutional Court of Ukraine, Prosecutor's Offices of Ukraine, Judicial Bodies of General Jurisdiction, and liaison of the Parliamentary Administration with Bodies of Justice and other Independent Judicial Bodies with the aim of exercising constitutive authorities by the Verkhovna Rada of Ukraine as regards the mentioned Judicial Bodies.

The Monitoring Department of the Parliamentary Administration takes stock and monitors carrying out of assignments set out in the Laws of Ukraine and Resolutions of the Verkhovna Rada of Ukraine and which have to do with preparation and submission for consideration by the Parliament of bills and other documents. The Department monitors that the terms of considering interpellations be met and informs People's Deputies of Ukraine of the outcomes of their consideration.

The Department of Citizens Appeals provides opportunities for citizens to appeal to the Verkhovna Rada of Ukraine on the issues that lie within its competence; considers proposals, appeals and complaints of citizens who appeal the Parliament; organizes reception of citizens at the Verkhovna Rada of Ukraine; assists People's Deputies of Ukraine in processing citizens appeals.

The Executive Directorate of the Parliamentary Administration is in charge of providing logistic, financial and household services to the Parliament activities.

UNITED KINGDOM

House of Commons

a) The status of the Parliamentary administration: is it part of the civil service (or equivalent), or an independent and special administration, with its own rules on salaries, pensions, career development?

One important difference between Parliamentary bureaucracies is the organisational model, the type of career structure for the staff, and hence the degree of separation existing between the Parliamentary administration staff and the rest of the civil service.

The following cases could be considered:

- the level of normative and organisational independence of the Parliamentary administration from the rest of the civil service: is there an independent career structure, and what are the procedures for staff recruitment? (a separate competitive entrance examination, versus selection from particular categories of civil servants; entry at the lowest grade, versus at executive grade level; limited court jurisdiction over internal labour relations; similarities or differences with other civil servants in relation to pay, pensions and working hours).*

Each House of Parliament in the United Kingdom has its own permanent staff.

The permanent staff of the House of Commons serves with complete political impartiality, and continues despite prorogations, dissolutions and changes in government. This is the House of Commons Service - the "Civil Service" of the House; though it must be emphasised that its staff are not part of the Government Civil Service. The staff in the House of Commons Service are involved in diverse matters such as the procedure of the House, security, housekeeping, provision of information, accounting, reporting debates, and cooking food.

The House of Commons Commission, a statutory body of six Members of the House of Commons established under the House of Commons (Administration) Act 1978, is responsible for the management of the House and the provision of services to Members. The Speaker is Chairman of the Commission, *ex officio*, and the Leader of the House [Cabinet Minister with responsibility for parliamentary affairs] is also an *ex officio* member; one member of the Commission is nominated by the Leader of the Opposition (normally the "Shadow" Leader of the House); and three further Members are appointed by the House (normally one senior backbencher from each of the two main parties and a representative of the minority parties). Under the 1978 Act the Commission has overall responsibility for the staffing and expenditure of House Departments, and in particular approves and lays before the House the annual Estimate for House administration. In legal terms the Commission is the employer of House staff; and it is subject to a statutory requirement that the pay and general conditions of staff should be kept "broadly in line" with those in the Government Civil Service.

Under the “broadly in line” principle, the terms and conditions of House of Commons Service are similar to those in the Civil Service, in relation to pay, pensions and working hours. For several years there has been some variation between Government Departments on matters such as pay and working hours.

Under the 1689 Bill of Rights, Parliament exercises “exclusive cognisance” of its own proceedings and exercises a substantial measure of control over its own affairs, not subject to any questioning by the courts.

In a leading case in 1935 [*R v Graham-Campbell, ex parte Herbert*], a judge ruled against a case brought by a Member of Parliament, who was also a well-known humorist, complaining that alcohol was being sold in Parliament outside the hours applied to licensed premises in the country in general. The judge held that it was up to Parliament to regulate its internal affairs, even to the extent of selling alcohol at times of the day or night when it was illegal to do so outside the precincts of Parliament. The 1967 Select Committee on Parliamentary Privilege cited the Graham-Campbell judgment as entitling the House “in a proper case [to] claim exemption from Acts of Parliament which do not expressly apply to it”. As criteria for “a proper case” have never been established, in practice the view has been taken that no Act applies to Parliament unless it explicitly says that it does.

On the basis of the 1935 judgment Parliament has regarded itself in the past as exempt from laws quite unrelated to its core activities and remote from the protection of free speech, such as the Health and Safety at Work Act, Food Safety Act, Offices, Shops and Railway Premises Act, Prices and Income Act and the Data Protection Act.

The Employment Act 1990, Trade Union Reform and Employment Relations Act 1993, and the Employment Rights Act 1996 cover Parliament explicitly. The 1996 Act, for example, provides that nothing in any rule of law, or the law and practice of Parliament should prevent the bringing of civil employment claims before any court or proceedings before an industrial tribunal. The latest edition of the Staff Handbook states that in general House of Commons employees have the same rights to equal opportunities and employment protection under the Employment Rights Act 1996, etc as other employees in the United Kingdom: “Some legislation, while not binding on the House, is usually applied as if it were binding, so ensuring that staff are not disadvantaged compared with “outside” employees”.

The Commission answers Questions in the House: at present, the representative of the minority parties acts as its spokesman. In practice, the Commission's power to appoint staff is delegated to Heads of Department, with the exception of the posts of Clerk of the House, Clerk Assistant, and Serjeant at Arms (which are Crown appointments) and a few other senior posts (where the power of appointment has been delegated to the Speaker). The Commission may, however, be consulted about senior appointments. With these exceptions, recruitment, promotion and staff circulation are handled by the individual Departments, subject to the overall guidance of the Finance and Administration Department.

The graduate fast stream competition for the Civil Service is used to recruit Clerks in the House of Commons of the House of Lords. The fast stream competition is operated by a recruitment company under a central Government Cabinet Office contract, and is regulated by the Civil Service Commission to ensure that the competition is fair.

Most recruitment to the House of Commons Service is by open competition with a newspaper advertisement leading to interviews and possibly short written tests for candidates who best meet the published criteria for the post. Jobs in the House of Commons Service are not subject to nationality requirement, but are open to anyone who has the right to work in the United Kingdom.

b) Relations between the political bodies and the Parliamentary administration

Here are a few key issues, by way of example, on which short comments are sought:

- *how much does the Parliamentary speaker, the degree of his/her “super partes” nature and the breadth of the Speaker's powers, influence the 'configuration' of the Parliamentary administration;*
- *how are Secretary General (as the person heading the administration) and the other executive officers appointed? What rules govern their replacement?*
- *to what degree do 'super partes' considerations prevail over 'fiduciary' aspects in the way the staff provide direct support to the political bodies (the Speaker of the House and the Standing Committee Chairs)?*

The Speaker is Chairman of the statutory House of Commons Commission and exercises considerable influence over its decisions. The Commission operates at a strategic level and delegates a substantial measure of authority to the Board of Management, which comprises the permanent Heads of Department of the House of Commons Service, under the Chairmanship of the Clerk of the House.

The posts of Clerk of the House, Clerk Assistant, and Serjeant at Arms are Crown appointments, which in practice means that the Prime Minister passes the agreed nomination to the Queen who invariably makes the appointment. The Prime Minister would usually ensure that nominations were acceptable to the Speaker, and there would also normally be informal consultations with opposition parties. Appointments to Heads of Departments may be made as a result of internal promotion procedures (Clerk of the House, Official Report), external advertisement (Director of Finance and Administration, Head of Refreshment Department) or a mixture of the two (Serjeant at Arms, Librarian).

The House of Commons Service has a strong tradition of providing impartial and professional advice and support to the Speaker, the House and its Committees.

c) Does the Secretary General have the chief responsibility and accountability for the administration? Or are these shared with other senior officers?

Parliamentary bureaucracies differ in terms of the degree of centralisation and hierarchical structure.

I would be useful to collect comparative data on the following:

- *the features of top management (for example, is one person accountable to the political body on behalf of the whole of the administration, or are responsibilities shared between several executive officers for different areas of activity?);*
- *what is the status of the Standing Committees' staff (are they more accountable to the Chair of the Committee than to the Secretary General, or vice versa?)*
- *the degree of coordination and integration that exists between the different offices: How far do middle grade executive staff inter-operate autonomously?*

The Clerk of the House is the Chief Executive of the House of Commons Service. The heads of the six main Departments (Clerk of the House, Library, Serjeant at Arms, Official Report, Refreshment and Finance & Administration) meet together, under the chairmanship of the Clerk of the House, as the Board of Management. The Clerk of Committees from the Clerk's Department is also a member of the Board, to reflect the fact that the Clerk of the House sits on the Board as Chief Executive rather than representing the Clerk's Department. The Board is the executive body overseeing the administration of the House and is answerable to the House of Commons Commission.

The Clerk of the House is Accounting Officer for the whole of the House of Commons Administration Vote, and is therefore responsible for the expenditure of all the six House departments and for other expenditure covered by the Administration Vote, including superannuation, police and security services, postage, telecommunications and computer services. The expenditure provided for in the House of Commons Administration Vote for 2002-03 is £141.2m (about €200 million).

In the House of Commons, there are two main kinds of committees: legislative committees (called "Standing" Committees) which are appointed with a different membership for each specific legislative proposal which they have to report to the House, and scrutiny committees (called "Select" Committees) which have a permanent membership from one election to the next and which largely determine their own agenda of investigative inquiries.

Certain other select committees in the are concerned with scrutiny of delegated legislation, European Union documents, regulatory reform orders or the compatibility of proposed legislation with the European Convention on Human Rights.

The Clerk of a legislative "Standing" Committee formally gives advice to the Chairman nominated to preside over the sittings of that Committee. Clerks in the Public Bill office would have several such assignments over a year and would work with a number of different members of the Chairmen's Panel.

The Clerk of a scrutiny or investigative “Select” Committee leads a small team of officials in giving procedural, administrative and secretarial support to the Committee. The Chairman of such a committee would expect to work closely with the Clerk and the rest of the team, and would be consulted by the Clerk’s line manager as part of the Clerks’ annual performance review. Clerks in the Committee Office or Delegated Legislation Office usually lead a Committee team for a few years and would expect to develop a good working relationship with the Committee Chairman.

All Clerks, including those in the Public Bill Office, Committee Office and Delegated Legislation Office who are assigned to Committee work, are accountable to the Clerk of the House as Chief Executive of the House of Commons Service.

The House of Common Service is developing a more corporate approach and there are increasing opportunities for staff to move between Departments, though some skills such as verbatim reporting, electrical engineering or food preparation tend to be specific to individual Departments. Varying degrees of integration and co-ordination apply in areas such as staff performance reviews, information technology support and training.

d) The Parliamentary workload, and consequently the administration's workload

Some data give a fuller picture of the actual workload that the Parliamentary administration is required to perform. We therefore consider that summary information would be useful on the following:

- *the number of parliamentarians; 659*
- *the duration of the Parliamentary sessions in the course of the year normally beginning early November, with breaks for 2 weeks at end of December/early January (Christmas), 1 week mid-February (constituency week), 2 weeks March/April (Easter), 1 week at end of May/early June (Whitsun), 8 weeks mid-July to mid-September (summer) and 3 weeks from end of September to mid-October (party conferences). Sitting weeks normally Monday to Thursday, with 10 Fridays for conduct of non-Government Bills.*
the number of sittings, about 160
and the number of hours the house sits per year in the present Parliament; about 1500
- *the number of formal votes/divisions (which require a quorum); approx 360*
- *the number of bills examined by the House in one year; about 150 Bills presented or brought from the House of Lords, including about 40 Government Bills all of which normally receive Royal Assent; the remainder are Private Members’ Bills of which about 5 receive Royal Assent, about 15 do not complete their passage during the session, about 50 are not debated at all and a further 40 are never even printed.*
- *the main activities performed by the Standing Committees and the average number of sittings of each Committee during the present Parliament;*

Legislative (“Standing”) Committees on Bills 1999-2000: 39 Bills, 353 sittings
Legislative (“Standing”) Committees on Bills 2000-01: 21 bills, 126 sittings
Legislative (“Standing”) Committees on Bills 2001-02: 39 Bills, 269 sittings

Investigative/Scrutiny (“Select”) Committees 1999-2000: 1,174 meetings, 295 Reports

Investigative/Scrutiny (“Select”) Committees 2000-01: 552 meetings, 201 Reports

Investigative/Scrutiny (“Select”) Committees 2001-02: 1,321 meetings, 336 Reports

- *the degree of formality of Standing Committee procedures and whether the Speaker of the House controls the regularity of the procedures adopted by the Committees’ Chairs;*

Legislative (“Standing”) Committees conduct formal debates presided over impartially by a senior Member of the House drawn from the Chairmen’s Panel appointed by the Speaker. The Clerk of the Standing Committee is responsible for ensuring that the Chair is advised correctly on all procedural matters.

Investigative/Scrutiny (“Select”) Committees have considerable autonomy in how to interpret and implement their orders of reference (typically, to examine the expenditure, administration and policy of a Government Department and its associated public bodies). Most Select Committees hold public evidence hearings, but deliberate in private before publishing their Reports. Each Committee elects its own Chairman, who acts as leader of the Committee as well as presiding over its formal meetings. Committees frequently make informal visits or hold informal seminars, but public evidence sessions and, particularly, private deliberative meetings taking decisions on the wording of draft Reports are conducted formally in accordance with the practices and procedures of the House of Commons. The Clerk of the Select Committee is responsible for ensuring that the Chair is advised correctly on all procedural matters.

The Speaker does not intervene in the conduct of either Standing or Select Committees.

- *the assistance routinely provided by the Administration to Parliamentary bodies (for example, verbatim and summary records, secretarial work, advice on procedural matters, documentation, etc);*

Debates in Legislative (“Standing”) Committees are recorded substantially verbatim by the Department of the Official Report (Hansard) and published within a couple of days by the Stationery Office as booklets on sale to the public or available free of charge on the internet.

The Clerk’s Department publishes brief Standing Committee Proceedings, recording decisions taken on Amendments to Bills, the day following each meeting also publishes fuller formal Minutes of Proceedings recording attendance, decisions and votes soon after the final meeting on the Bill.

The Clerk's Department prepares complete published list of Amendments, and advises any Member on the drafting of Amendments and on all procedural matters.

The Library publishes detailed analyses of Bills before the House and a wide range of Research Papers and Standard Notes, in hard copy and on the parliamentary Intranet.

The Vote Office in the Clerk's Department makes available free of charge to any Members any official publication which might include Explanatory Notes on Bills, Green and White Papers, Law Commission reports and Government accounts.

The Clerk's Department, under the overall direction of the Clerk of the House, provides a complete procedural, administrative and secretarial service to Investigative/Scrutiny ("Select") Committees. This includes drawing up the Committee's programme of evidence hearings, arranging for the circulation of written evidence and the preparation of analytical briefs for the Committee, and drafting the Chairman's final Report to detailed amendment and approval by the Committee, and arranging the Report's publication.

e) Relations between the Parliamentary administration and the legislative process

The purpose is to identify the most complex and demanding tasks performed by the offices to directly support the lawmaking process, selected from the following:

- providing advice on Parliamentary procedure;*
- providing basic documentation;*
- providing supplementary information to be used to assess the consistency/compliance of draft legislation with the system of normative competence and drafting rules;*
- organising relations with the Government and other external bodies and authorities, and preparing requests for information from them;*
- providing the information available on issues connected with draft legislation;*
- drafting technical notes on problems connected with ensuring statutory consistency and constitutionality (specifying whether these notes are for individual parliamentarians, sponsors of bills, Standing Committee members, the Speaker of the House, the House itself, etc...).*

The United Kingdom has no written constitution. The House of Commons is not subject to the jurisdiction of the courts. The advice given by the Clerk of the House on which the impartial Speaker bases his rulings is therefore of considerable significance, although it is always possible for the House by a majority vote to decide to proceed in a particular case "notwithstanding" its normal practice or the provisions of its Standing Orders.

In the United Kingdom, the existence of the Government depends on the continuing support of a majority of Members in the elected House of Commons. Each annual

Session opens with a debate over several days on the “Queen’s Speech” which concludes with votes which in effect approve the Government’s legislative programme.

Party discipline is exercised through the “whipping” system and is usually quite strict. In normal circumstances, the Government can depend on its majority to support and defend all of its legislative proposals. The vast majority of Amendments made to Bills in the House of Commons are proposed by the Government itself and are normally technical improvements, though some may have been developed as a result of political pressure. Most Government Bills pass into law in substantially the same form in which they were first published.

Party discipline is weaker in the mostly nominated House of Lords, where the Government lacks a reliable majority.

The Cabinet approves the Government’s Legislative Programme and controls access to Parliamentary Counsel, a small and highly expert team of lawyers who draft Government Bills. Parliamentary Counsel ensure that Government Bills are consistent with previous law and the normal standards of drafting and statutory interpretation.

The Clerk of Legislation in the House of Commons Clerk’s Department advises Parliamentary Counsel on technical and procedural aspects of Bills, especially in relation to parliamentary control of taxation and expenditure. Parliamentary Counsel usually seek his advice in confidence before Bills are published.

Legislative proposals originate in Government Departments, which usually conduct public consultation on policy proposals before seeking Cabinet approval before requesting Parliamentary Counsel to prepare a Bill. Scrutiny (“Select”) Committees may decide to conduct inquiries into policy proposals at a pre-legislative stage. Increasingly, the Government tries to publish Bills in draft before their formal introduction into the House of Commons, in order to enable Select Committees to conduct pre-legislative inquiries.

Sometimes such pre-legislative scrutiny has been conducted by a joint committee of both Houses specially established for the purpose; for example, on the Communications Bill, the Corruption Bill and the Civil Contingencies Bill.

Select committees examining such policy proposals or draft Bills have a small staff provided by the Clerk’s Department, which will prepare briefs, invite and analyse written evidence, organise public hearings with interested parties and draft a Chairman’s Report of r private discussion by the Committee before publication.

The Government publishes Explanatory Notes on each of its Bills, and may also have published other documents such as White or Green papers during the development of the policy. The Vote Office provides Members with any official publication. The Library publishes a detailed analysis of each Government Bill soon after it is published. These Library research papers concentrate on policy analysis and background information such as statistical data, rather than the technical aspects of drafting.

In general, the legislative passage of a Bill is a political process of public debate within a set of rules of parliamentary procedure, rather than an impartial and systematic examination of a Bill's compliance with pre-existing rules or standards. One exception is in relation to Human Rights. The Joint Committee on Human Rights is appointed by the House of Lords and the House of Commons to consider matters relating to human rights in the United Kingdom. It comprises six Members from each House of Parliament and has decided to examine every Bill presented to Parliament, to advise the House of the compatibility of Bills with the Human Rights Act 1998, which incorporates the European Convention on Human Rights into British domestic law. With each Government Bill its starting point is the statement made by the Minister under section 19 of the Human Rights Act 1998 in respect of the Bill's compliance with Convention rights as defined in that Act. The Joint Committee also has regard to the provisions of other international human rights instruments which bind the UK. Another partial exception is to be found in the House of Lords Committee on Delegated Powers and Regulatory Reform, which comments on proposals in Bills giving Ministers power to make orders and regulations by statutory instrument.

The legislative process is constrained by the practice and procedures of the House, much of which is set out in Standing Orders. The Clerk's Department is responsible for ensuring the timely and accurate publication of the Bill and any proposed Amendments at every stage of a Bill's progress. The Clerks in the Public Bill Office advise any Member, including Opposition spokesmen, on aspects of parliamentary procedure relating to a bill and on the drafting of Amendments. The Clerks advise Chairmen on the grouping and selection of Amendments for debate and on the conduct of Standing Committee meetings or plenary sittings during the passage of a Bill. The Clerks' advice is limited to technical, practical or procedural matters; they do not seek to influence Members' opinions on the merits of any legislative proposal.

The Public Bill Office in the Clerk's Department provides substantial drafting assistance and procedural advice for Private Members who sponsor non-Government Bills; there is a very limited amount of time for debating Private Members' Bills and only a few of these proposals are passed in any year.

Library Research Papers and Select Committee Reports are published; advice on aspects of parliamentary procedure is normally given privately to individual Members.

f) Latest changes in Parliamentary administration

Lastly, we wish to identify the most important changes made in each Parliamentary Administration, and how far Parliamentary administrations have adjusted to institutional changes.

By way of example, the ongoing changes hereinafter might be taken into account :

- at the institutional level: the ongoing process of European integration; increasing decentralisation and devolution of powers; heightened role of the Executives;*

- *at the level of communication: computerisation and Internet use; openness and outreach to the general public; promoting conferences and cultural events; enhancing relations with other institutions and organisations;*
- *at administrative level: the implementation of new regulations concerning protection of privacy, safety, contracts etc*
- *at the scientific and technological level: new highly scientific political issues (biotechnologies, environment, public health) and the resultant relations with the scientific world and technological experts; the development of new technologies (for example EPTA);*
- *at the administrative level: the need to keep domestic legislation adjusted in line with legislative developments, mainly within the EU, on competition, health and safety in the workplace, privacy, etc.. It would be particularly interesting to see whether the reception of such legislation and regulations has created specific problems or encountered constraints due to the particular features of individual parliaments;*
- *security issues following 11 September 2001;*
- *new training requirements for Parliamentary staff connected with the aforementioned changes.*

The outline strategic plan for the House of Commons administration 2001-2006, adopted by the House of Commons Commission on 29 October 2001, is as follows:

Purpose

The House of Commons Service supports, informs and records the work of the House of Commons as an elected parliamentary chamber in accordance with the decisions of the House and its Commission. Whenever feasible It makes its work and information about that work accessible to the general public, while maintaining the heritage of parliamentary buildings and documents in trust for the public and future generations. It also contributes to parliamentary democracy by sharing its knowledge with parliaments and assemblies worldwide.

Values

The House of Commons Service seeks to achieve high ethical standards, value for money and professional excellence in all that it does. As an employer, the House of Commons Commission recognises and values the diversity of its staff and is committed to fairness and best practice.

Core tasks and objectives

The House of Commons Service has four permanent core tasks:

- Supporting the House and its committees
- Supporting individual Members (and their staff)
- Providing information and access to the public
- Maintaining the heritage of buildings, objects and documents.

While these tasks are permanent, the specific needs of the House and its Members are constantly evolving. The technological, environmental, social and constitutional contexts in which the House works are also changing. The House of Commons Commission has recognised that a more strategic approach to resource planning and priorities is needed.

It has therefore adopted a strategic plan with objectives for the period 2001-2006 that recognise the need to develop, adapt and improve. In particular it seeks:

- to provide services that meet the changing needs of the House and its Members as efficiently and effectively as possible; and to develop mechanisms to ensure that this happens
- to manage the parliamentary estate in such a way as to provide Members, their staff and staff of the House with a safe, secure, modern and efficient working environment, within the constraints imposed by the availability of resources and the nature of the estate
- to ensure that House of Commons processes of corporate management comply with the highest standards of public sector governance
- to achieve demonstrable value for money in every aspect of the House service
- to be demonstrably committed to employment best practice and diversity, providing the House with a motivated and committed workforce which has the specialist skills to meet its current and changing needs
- to improve public understanding and knowledge of the work of the House and to increase its accessibility, subject to the requirements of security
- to support the business processes of the House at all levels by developing and maintaining an information infrastructure that is unified, consistent, seamless, and easily accessed by, and appropriate to the needs of, the various user communities
- to identify areas where service levels might be improved by the option of electronic delivery and, where appropriate, produce costed proposals.”

The extracts below are taken from the House of Commons Commission’s most recent Annual Report:

“There is a strong tradition of responding flexibly to the needs of the House and its Members, and plans set over a five year period may have to be modified for this reason.

The Board of Management will take any further actions that are needed to ensure that services continue to match changing needs (objective 1). It will also continue to seek demonstrable value for money in every aspect of the House service (objective 4).

Considerable progress has been made in recent years in improving the parliamentary estate (objective 2) to provide Members, their staff and staff of the House with a safe, modern and efficient working environment. Major developments have included the construction and opening of Portcullis House, the refurbishment of catering facilities in the Palace, the opening of the Jubilee Café and the refurbishment

of the Norman Shaw South block. There have also been significant enhancements to the security of the Estate to meet changing risk assessments.

There have been significant changes to the system of corporate management (objective 3) of House of Commons services in recent years, including the introduction of more systematic business and human resource planning; the creation of the post of Chief Executive, supported by the Office of the Clerk; application in stages of the Freedom of Information Act 2000; creation of the Audit Committee; creation of a central procurement office; and creation of the Parliament-wide Information Systems Programme Board. The combined effect will be to make the administration work more as a single, coherent team dealing with a diverse range of functions.

There is a growing recognition within the House service that change needs to be managed in order to secure benefits and avoid undue risks. Examples of a broader and more planned approach to change management include the Parliamentary Communications Directorate change programme, the Library change project and the Business Development Programme in the Department of Finance and Administration.

The overall profile of the House's workforce must also change to meet the changing demands of parliamentary work and changing expectations of society (objective 5). For example, the House is likely to need more people with an understanding of web-enabled electronic services. Management skills must also be developed significantly, to keep pace with organisational need. The Commission and the Board of Management are also strongly committed to developing the workforce at all levels so that it comes to reflect more closely the diversity of the United Kingdom.

Improving public understanding and access (objective 6) has been a major priority for the House of Commons over the last few years. For example, a fundamental redesign of the Parliament website was implemented in 2002. Three of the five principles identified by the House of Commons Information Committee in 2002 were concerned with the potential of ICT to forge new connections between Parliament and the public:

"To increase accessibility and enable the public... to communicate with Members and with committees of the House"

"To increase public participation in its work"

"To enable, as far as possible, the public to have access to its proceedings and papers"

Both Houses of Parliament now rely on information systems and computer technology (objectives 7 and 8) in order to discharge their responsibilities to Members and the public. The ultimate aim is to exploit information systems and technology so as to give parliamentary and public users ready access to a wide range of parliamentary information, when they want it and without having to know where it is held."

At the institutional level, the House of Commons has established a National Parliament Office in Brussels, and the European Scrutiny Committee has continued to

take part in COSAC. House of Commons Members played a leading role in the Convention on the future of Europe and a new Standing Committee was instituted to provide for the Parliamentary representatives to the Convention to be accountable to Members of both Houses.

Since 1997 the Scottish Parliament, the National Assembly for Wales, the Greater London Authority and a new Northern Ireland Assembly have been established, though the latter body is currently suspended. An Act has been passed recently to provide for referendums on regional assemblies in England.

At the level of communication, Parliament has developed its website and is now open to paying members of the public during the summer months.

At administrative level, the new Freedom of Information legislation is in the process of being implemented.

At the scientific and technological level, the Parliamentary Office of Science and Technology provides Members of Parliament with expert analyses of new highly scientific political issues including biotechnologies and the environment.

At the legislative level, the need to keep domestic legislation adjusted in line with legislative developments, mainly within the EU, on competition, health and safety in the workplace, privacy, etc. falls primarily to the Government. The Government is the initiator of nearly all the Bills which pass through Parliament and the Cabinet decides the priorities within the Government's legislative programme.

Following 11 September 2001, security is more obtrusive at Westminster. The United Kingdom has been subject to a high level of threat from domestic terrorism for the past thirty years or more: for example, in 1979 a Member of Parliament was killed in the House of Commons car park by a bomb planted in his car. Security at Westminster was already highly effective before September 11. Police in Great Britain do not generally carry weapons, but since 2001 armed police can be seen guarding the entrances to the Palace of Westminster and new barriers and fences have been erected.

New training requirements for Parliamentary staff connected with the aforementioned changes include management skills, such as project management, and keeping up with developments in information technology.

By way of conclusion, the final question is how can parliamentary administrations better cooperate to respond to the on going challenges and to their most complex duties, without wasting their resources and avoiding duplication?

Parliamentary administrations should seek to make full use of existing structures and organisations – for example, COSAC, ECPRD.

Parliamentary administrations should co-operate to make better use of the Internet to share documentation – see the IPEX project.

More national parliaments should establish small permanent National Parliament Offices within the premises of the European Parliament in Brussels, to facilitate exchange of information and views between each other as well as between EU institutions and each national parliamentary chamber.

**Please note that any views expressed above are those of the author and do not necessarily reflect the opinion of the House of Commons, the House of Commons Commission, the Board of Management or the Clerk of the House of Commons.*