

STUDY

Requested by the AFCO committee



Committees of Inquiry in National Parliaments

Comparative Survey



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Abstract

This survey, provided by the Policy Department for Citizens' Rights and Constitutional Affairs at the request of the AFCO Committee, looks into the legal and administrative framework in which parliamentary committees of inquiry operate in the EU Member States. It focuses, in particular, in the investigative powers these committees have at hand to assist national parliaments in exercising parliamentary control. It also examines the role of Member States' parliamentary committees of inquiry in guiding the action of the government, enhancing transparency and eradicating contraventions and maladministration.

This document was requested by the European Parliament's Committee on Citizens' Rights and Constitutional Affairs.

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Manuscript completed in March 2020

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CONTENTS

LIST OF ABBREVIATIONS	5
EXECUTIVE SUMMARY	6
1. INTRODUCTION	8
2. PARLIAMENTARY COMMITTEES OF INQUIRY IN MEMBER STATES	10
2.1. Parliamentary committees of inquiry and their legal basis	10
2.1.1. Establishment of parliamentary committees of inquiry	10
2.1.2. Legal basis	11
2.2. Setting up joint committees of inquiry	11
2.3. The aim and the scope of investigation	11
2.4. Investigative powers in practice	13
2.4.1. Means of investigation	13
2.4.2. Investigative hearings	13
2.5. PCIs' liability and legal remedies	14
2.6. Investigations and <i>sub judice</i> rule	15
2.7. Outcome – legally binding or enforceable consequences?	16
3. CONCLUSIONS	17
ANNEX	19
Question 1: Does your parliamentary system provide for PCIs? If so, please specify the relevant legal basis/bases.	19
Question 2: Does your parliamentary system have the following investigative powers in the framework of parliamentary committees of inquiry? If so, please specify:	31
Question 3: From which bodies can PCIs request the information and documentation deemed necessary for the conduct of their proceedings?	52
Question 4: In the framework of investigative hearings, who can be summoned by the Committee?	56
Question 5: Does your parliamentary system envisage the possibility to set up a committee of inquiry jointly with any other parliamentary assembly, national institution, supranational entity, any other entity?	60
Question 6: In which cases can your parliament start a procedure of inquiry?	64
Question 7: Do your parliamentary committees of inquiry have the possibility to adopt sanctions or to launch legal proceedings with regard to the following:	72
Question 8: Do your parliamentary committees of inquiry have legal remedies with regards the following:	88

Question 9: Does your system allow for the continuation of an ongoing inquiry investigation when legal proceedings on the same facts are initiated after the setting up of the committee? If so, under which conditions?	103
Question 10: Which consequences/outcomes can PCIs have? Do they have a legally binding/enforceable nature?	110

LIST OF ABBREVIATIONS

AFCO	Committee on Constitutional Affairs
BSE	Bovine spongiform encephalopathy
ECPRD	European Centre for Parliamentary Research and Documentation
EP	European Parliament
EU	European Union
TEU	Treaty on the European Union
TEC	Treaty establishing the European Community
TFEU	Treaty on the Functioning of the European Union
PCI	Parliamentary Committee of Inquiry

EXECUTIVE SUMMARY

The right of inquiry of the European Parliament (Parliament) is governed by [Article 226 of the Treaty on the Functioning of the European Union \(TFEU\)](#), by the [Decision of 19 April 1995 on the detailed provisions governing the exercise of the European Parliament's Right of Inquiry](#) and by [Rule 208 of the Rules of Procedure of the European Parliament](#). Under Article 226 TFEU, Parliament may set up a temporary Committee of Inquiry to investigate alleged contraventions or maladministration in the implementation of Union law. The same Article entrusts Parliament with the right initiative to put forward, with the consent of the Council and the Commission, a proposal for a regulation on detailed provisions governing the right of inquiry.

Over the past ten years, Parliament has repeatedly tried to implement its right of initiative enshrined in Article 226 TFEU and to launch proper negotiations with the Council and the Commission on a proposal for a regulation on detailed provisions governing the right of inquiry. On several occasions, it has also expressed its concern as regards the lack of communication and cooperation on the matter. The lead Committee, Committee on Constitutional Affairs, has now again relaunched the pending legislative procedure and, in this context, requested from the Policy Department for Citizens' Rights and Constitutional Affairs an updated survey on how the parliamentary committees of inquiry (PCIs) function in the national parliaments.

The comparative survey on "Committees of Inquiry in National Parliaments" gathers information from in total 20 Member States' parliaments that replied to the Policy Department's questionnaire. The survey looks into the legal and administrative framework in which PCIs operate in the EU Member States' parliaments. It focuses, in particular, in the investigative powers PCIs have at hand to assist national parliaments in exercising parliamentary control. The survey also examines the role of Member States' PCIs in guiding the action of the government, enhancing transparency and eradicating contraventions and maladministration.

Most EU Member States' parliaments can set up PCIs, and the legal basis for their establishment is often enshrined in the Constitution. PCIs evaluate possible maladministration or corruption in the implementation of law by, in particular, requesting information and documentation from the government, administrative authorities, and, in some cases, private bodies, and by hearing witnesses or experts. The remit of PCIs at national level often covers everything in "public interest" and therefore seems, at a first glance, broader than that of a PCI set up by Parliament, the latter being competent to examine "alleged contraventions or maladministration in the implementation of Union law". In fact, instead of focusing on maladministration, many PCIs at national level often investigate large-scale scandals and catastrophes, such as financial crimes, corruption, *paedophilia*, smuggling and the reasons for mass tragedies. On the other hand, also in Parliament, PCIs have had a broad spectrum of investigations, focusing, for example, on racism and xenophobia, bovine spongiform encephalopathy (BSE) crisis, emission measurements in the automotive sector, money laundering and tax avoidance. However, many PCIs at national level cover also those fields of competence for which Parliament might establish a temporary special committee instead.

In the responding Member States' parliaments, all PCIs have the right to hear officials and other servants of the state as well as members of governments. In some Member States, the appearance before the PCI is obligatory if summoned. All PCIs also have the right to request information or documentation from public bodies, such as government members, administrative authorities and both public and private bodies, whenever deemed necessary for the conduct of their proceedings.

Refusal to attend an investigative hearing or to provide necessary information can, in some national parliaments, result in imprisonment or severe fines; effective sanctions are often felt necessary and justified in case of a significant public interest. However, in a few national parliaments, sanctioning mechanisms and obligatory participation in hearings are considered unjustified due to PCIs' purely political role that excludes any powers similar to those of the judiciary.

As regards *sub judice* rule, in most national parliaments, the PCIs can continue investigations even though legal proceedings on the same matter have been initiated. This has been justified, in particular, by the fact that the investigations by PCIs focus on decisions and behaviour of the government, whereas the targets of legal proceedings are usually individuals. In addition, when the instances work on the same issue in parallel, the respect of the principle of separation of powers becomes particularly important. The parliamentary investigation should not interfere in any way with the judicial investigation.

PCIs' supervisory activities do not have *direct* legally binding or enforceable consequences in the Member States. However, they can still lead to concrete societal, administrative or legislative changes. As PCIs' remit often covers everything in "public interest", both the results of PCI investigations and the investigations themselves often have visibility and political importance. In a moment of a catastrophe or a scandal, PCIs' can function as platforms for public discussions, increase communication and transparency and provide first-hand help against public frustration, anxiety or anger. Most of all, PCIs can play an important role in supervising and guiding the action of the government, in particular by asking justifications and proposing changes, by (at least indirectly) initiating judicial investigations and by prompting parliamentary activity through standing committees that might continue the work initially started by the PCIs. When entrusted with appropriate means, parliamentary committees of inquiry can contribute to increasing good governance, political accountability and democratic legitimacy both at the national and the EU level.

1. INTRODUCTION

In several Member States of the European Union (EU), the parliaments have been vested with the right of inquiry as a means to exercise indirect control over the executive. Traditionally, parliamentary committees of inquiry (PCIs) assist parliaments in their supervisory role: PCIs evaluate possible maladministration or corruption in the implementation of law by, in particular, requesting information from the government, administrative authorities and, in some cases, private bodies, and by hearing witnesses or experts.

The right of inquiry of the European Parliament (Parliament) is governed by [Article 226 of the Treaty on the Functioning of the European Union \(TFEU\)](#), by the [Decision of the European Parliament, the Council and the Commission of 19 April 1995 on the detailed provisions governing the exercise of the European Parliament's Right of Inquiry](#) and by [Rule 208 of the Rules of Procedure of the European Parliament](#).

Under Article 226 (1) TFEU, Parliament may set up a *temporary Committee of Inquiry to investigate alleged contraventions or maladministration in the implementation of Union law*.¹ Rule 208 of the Rules of Procedure further details that the committee of inquiry can investigate contraventions or maladministration in implementation of Union law *which would appear to be the act of an institution or body of the European Union, of a public administrative body of a Member State, or of persons empowered by Union law to implement that law*.

Under Article 226 (3) TFEU, Parliament has the right of initiative to put forward a proposal for a regulation, with the consent of the Council and the Commission, on the detailed provisions governing the exercise of the right of inquiry.

Over the past ten years, Parliament has repeatedly tried to implement its right of initiative enshrined in Article 226 TFEU and to launch negotiations with the Council and the Commission on a proposal for a regulation on detailed provisions governing the right of inquiry. During the 7th parliamentary term (2009–2014), the Committee of Constitutional Affairs (AFCO) adopted, 14 October 2011, a so-called ["Martin report" on a draft Regulation on the European Parliament's right of inquiry](#)². The Plenary endorsed it in May 2012, though without adopting a legislative resolution, with a view to achieving an agreement with the Council and Commission. As both the Council and the Commission communicated their disagreement with the proposed text, Parliament adopted, on 16 April 2014, a

¹ Article 226 TFEU

In the course of its duties, the European Parliament may, at the request of a quarter of its component Members, set up a temporary Committee of Inquiry to investigate, without prejudice to the powers conferred by the Treaties on other institutions or bodies, alleged contraventions or maladministration in the implementation of Union law, except where the alleged facts are being examined before a court and while the case is still subject to legal proceedings.

The temporary Committee of Inquiry shall cease to exist on the submission of its report.

The detailed provisions governing the exercise of the right of inquiry shall be determined by the European Parliament, acting by means of regulations on its own initiative in accordance with a special legislative procedure, after obtaining the consent of the Council and the Commission.

² Report A7-0352/2011 on a proposal for a regulation of the European Parliament on the detailed provisions governing the exercise of the European Parliament's right of inquiry and repealing Decision 95/167/EC, Euratom, ECSC of the European Parliament, the Council and the Commission (2009/2212(INI)).

[legislative resolution](#)³, inviting *the Council and the Commission, if they are unable to give their consent to the proposal in its present form, to resume negotiations with the newly elected Parliament, acknowledging the progress made in past negotiations.*

Also during the 8th term (2014–2019), it was impossible to reach a consent. On 3 May 2018, the AFCO Committee proposed, in the form of a non-paper⁴, a new wording based on discussions in the meetings of the legal services of the three institutions. The Council replied to the non-paper with a new list of concerns. Therefore, on 18 April 2019, Parliament adopted a [resolution on the negotiations with the Council and Commission on the legislative proposal for a regulation on the European Parliament's right of inquiry](#)⁵. In the resolution Parliament again *invites the Council and the Commission, they are unable to give their consent to the proposal, to resume negotiations with the newly elected Parliament, acknowledging the progress made with the new wording of the proposal presented in the non-paper and based on the work carried out by the legal services of the three institutions*⁶.

The AFCO Committee has now relaunched the pending legislative procedure. In this context, it has requested from the Policy Department for Citizens' Rights and Constitutional Affairs expertise on parliamentary investigative powers at national and supranational level as well as an update of the note entitled [Parliamentary committees of inquiry in national systems: a comparative survey of EU Member States](#), provided by the Policy Department in 2010.

In May 2020, the Policy Department has published two studies entitled "The European Parliament's right of inquiry in context – A comparison of the national and European legal frameworks"⁷ and "Inquiries by Parliaments – The political use of a democratic right"⁸.

In addition, the annexed survey was sent to the Member States' parliaments in November 2019, with the valuable help of the AFCO Secretariat, the DG Presidency and the *European Centre for Parliamentary Research and Documentation* (ECPRD) network. This paper summarises the main findings of the survey based on the replies received from 22 parliamentary Assemblies in 20 Member States. The results have also been analysed further in the above-mentioned study on "Inquiries by Parliaments – The political use of a democratic right".

³ European Parliament legislative resolution of 16 April 2014 on a proposal for a regulation of the European Parliament on the detailed provisions governing the exercise of the European Parliament's right of inquiry and repealing Decision 95/167/EC, Euratom, ECSC of the European Parliament, the Council and the Commission (2009/2212(INL)).

⁴ Non-paper of the Committee on Constitutional Affairs on a possible new text for the European Parliament, annexed to the Chair of the Constitutional affairs of 3 May 2018. See the annex of the Third Working Document on a proposal for a regulation of the European Parliament on the detailed provisions governing the exercise of the European Parliament's right of inquiry and replacing Decision 95/167/EC, Euratom, ECSC of the European Parliament, the Council and the Commission of 19 April 1995, available at: https://www.europarl.europa.eu/doceo/document/AFCO-DT-630750_EN.pdf.

⁵ (2019/2536(RSP).

⁶ Paragraph 6 of the resolution.

⁷ Rozenberg, O. Policy Department for Citizens' Rights and Constitutional Affairs, European Parliament, 2020. Available at: [http://www.europarl.europa.eu/RegData/etudes/STUD/2020/648709/IPOL_STU\(2020\)648709_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2020/648709/IPOL_STU(2020)648709_EN.pdf).

⁸ Fromage, D. Policy Department for Citizens' Rights and Constitutional Affairs, European Parliament, 2020. Available at: [http://www.europarl.europa.eu/RegData/etudes/STUD/2020/648708/IPOL_STU\(2020\)648708_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2020/648708/IPOL_STU(2020)648708_EN.pdf).

2. PARLIAMENTARY COMMITTEES OF INQUIRY IN MEMBER STATES

2.1. Parliamentary committees of inquiry and their legal basis

2.1.1. Establishment of parliamentary committees of inquiry

In all EU Member States, governments are politically accountable to the parliament (in most bicameral systems, to the lower chamber only).⁹ In order to exercise their investigative powers, parliaments have established parliamentary committees of inquiry. In some bi-cameral parliaments (for example in Austria, Germany, Poland and Slovenia), only the lower Chamber has the right to establish PCIs. The upper Chamber may act as initiator. PCIs can be set up in all Member States' parliaments except for Slovakia, Sweden and Malta. From these three countries' parliaments, those of Slovakia and Sweden replied to the survey with the following explanations regarding their parliamentary system:

- J In Slovakia, the possibility to establish PCIs existed until 1996 when the Constitutional Court considered that their establishment was in violation with the separation of powers and unconstitutional due to the absence of a legal basis in the Constitution.
- J In Sweden, the setting up of temporary committees of inquiry is the prerogative of the Government. Such committees normally work on reform and law proposals. They consist mainly of field experts but may also include Members of Parliament or other politicians. In addition, the standing Committee on the Constitution of *Riksdag* has powers similar to that of a PCI: it examines ministers' performance of their official duties and the handling of Government business. Consequently, the Committee can have access to the records of decisions taken by the Government and any other Government documents that the Committee deems necessary for its examination. With regard to inquiries into alleged contraventions or maladministration in the implementation of legislation, *Riksdag* appoints the *Parliamentary Ombudsmen* to ensure that public authorities and their staff comply with the laws and other statutes governing their actions. The Parliamentary Ombudsmen, like the Committee on the Constitution, form one pillar of parliamentary control in Sweden.

In addition, even if, in Denmark, the *Folketing* has powers to set up PCIs under the Constitutional Act, they have fallen out of practical use: in fact, no PCIs have been established since 1953. Instead, on the basis of the 1999 Commission of Inquiry Act, in order to investigate major cases of alleged malpractice, the minister of justice can set up a commission of inquiry outside the auspices of the *Folketing* to conduct an investigation of "a particular matter of general importance" and even must do so if the *Folketing* passes a resolution to that effect.

The Danish commissions of inquiry are often chaired by a judge and can consequently have powers similar to those of Courts, as regards compelling testimony and written statements from witnesses, and to demanding the production of tangible and documentary evidence. The commission of inquiry is never formally a Court, though, and does not have powers to pass judgment on any person or entity. It may, however, be tasked with carrying out legal assessments to elucidate whether there

⁹ Rozenberg, O., The Council of the EU: from the Congress of Ambassadors to a genuine Parliamentary Chamber?. Policy Department for Citizens' Rights and Constitutional Affairs, European Parliament, 2019. Available at: [http://www.europarl.europa.eu/RegData/etudes/STUD/2019/608855/IPOL_STU\(2019\)608855_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2019/608855/IPOL_STU(2019)608855_EN.pdf)

are sufficient grounds for public authorities to initiate proceedings to hold individuals responsible for actions or omissions, except in the case of government ministers. After that, the competent authorities decide whether to proceed. With regard to government ministers, a commission of inquiry is restricted to stating its findings of fact, and it is up to the *Folketing* to decide whether and how to hold the minister responsible.

2.1.2. Legal basis

Very often, the legal basis for establishing parliamentary committees of inquiry is enshrined in the Constitution. As already mentioned, in Slovakia, the Constitutional Court has repealed the possibility to establish PCIs exactly because the lack of the legal basis in the Constitution. As regards all responding Member States, only in Estonia the legal basis for setting up PCIs can be found outside the Constitution: it is in *Riigikogu Rules of Procedure* instead.

The entire legal framework in which PCIs function often covers provisions from the Constitution, Rules of Procedure of the respective parliament and ordinary law, including administrative law, criminal law and penal code.

2.2. Setting up joint committees of inquiry

In most parliamentary systems, there is no possibility to set up a PCI jointly with another national institution, supranational entity or any other entity. However, in Latvia, upon a reasoned suggestion by the PCI, the Prosecutor General shall immediately appoint one or more prosecutors to participate in the work of the PCI. The task of the prosecutor is to verify that the information available to the PCI does not include an indication of a criminal offense committed or in preparation. For this purpose, the prosecutor shall organize, direct and conduct the examination in accordance with the procedure laid down in the Law on the Prosecutor's Office. Members of the PCI and the Prosecutor have the right to acquaint themselves with operational development files to the extent deemed appropriate by the head of the investigating authority.¹⁰

In France, Italy, Romania and Spain, each Chamber may set up PCIs, and in Italy, Romania and Spain, the Chambers can also establish joint PCIs. In Italy, these joint PCIs consisting of both the Deputies and Senators are normally set up by the passing of a law.¹¹

2.3. The aim and the scope of investigation

PCIs have the common main purpose in all parliaments: to act as **guardians of the public interest** and to supervise the actions of the government and other administrative authorities. If vested with appropriate powers and tools, PCIs can be effective in obtaining information and exercising scrutiny. PCIs conclusions can also influence government action.

The above-mentioned concept of “public interest” is referred to by several parliaments in the context of PCIs: in particular, in Bulgaria, Croatia, the Czech Republic, Estonia, Italy, Latvia, Portugal, Slovenia and Spain, PCIs may be set up for any matter of “public interest”. However, this concept has not always been defined in the legislative framework governing the establishment and work of the

¹⁰ For more information, see the reply by the *Saeima*.

¹¹ https://en.camera.it/4?scheda_informazioni=12.

PCIs,¹² and each parliament therefore needs to decide case by case whether the establishment of a PCI is in “public interest”.

The concept of “public interest” has been described an abstract legal term that can only be defined against the backdrop of specific legal rules (laws and standards). It refers to an interest of the society as a whole, i.e. an interest that goes beyond the interest of the individuals.¹³ Public interest can best understood as the opposite to the private or individual interest.¹⁴

Croatia is one of the Member States where matters of public interest to be investigated by PCIs, derive directly from the Constitution, refer to the respect of the fundamental values, including fundamental freedoms and rights of man and citizen, as well as to the legality of the work of state bodies, public services and legal persons governed by public law, and issues concerning public morality.

In Slovenia, the National Assembly may order inquiries on “any matter of public importance”. However the concept of “matter of public importance” is not defined. According to the National Assembly, when deciding on the establishment of a PCI, it is necessary to examine the matter in light of the principles of public interest, separation of powers, constitutionality and legality and legal certainty. In addition, the powers of PCIs are restricted *by the constitutional guarantees of human rights and fundamental freedoms, which cannot be subject to limitation by law nor the subject of a parliamentary inquiry*. In Poland, the scope of activity of Sejm’s investigative committees includes “any particular matter” related to the functioning of the Council of Ministers and governmental administration.

In some Member States, for example in Latvia, parliamentary investigations are most often started by the opposition. According to Latvia’s *Saeima*, the essence of a parliamentary committee is the function of the parliamentary control, which belongs to the rights of the opposition. PCIs are established for *specified matters in the event of public interest, where there are suspicions about the activity (inactivity) of the executive power in the negative meaning*. PCIs in Latvia can *investigate “everything” and come forward with a political statement giving political assessment of any fact*. Investigation should be launched if the issue is *sufficiently important for the state (...), with a negative shade (condemnable or criminal)*. In addition, there should be a *probability that the government in general or some separate official has acted against the law or permitted undue care or inactivity*. In Latvia, during the First Independence, PCIs were established due to political reasons, and during the Second Independence, PCIs have mainly examined large-scale financial crimes related to bank corruption and taking over of banks or restructuring them. Recently, PCIs have been set up, for example, to examine financial activity of former Prime Ministers, to disperse suspicions about irregularities of the privatisation process, *paedophilia* and smuggling.

In the federal Member States, such as Germany and Austria, there are restrictions, as regards the scope of the investigations: for example, in Germany, the *Bundestag* has the right – and, on the motion of one quarter of its Members, the duty – to establish a committee of inquiry but it cannot conduct investigations in those areas that are under the *Länder’s* remit. *Bundesrat*, the legislative

¹² See, for example, the reply of the Czech Republic.

¹³ Bělohávek, A., Public Policy and Public Interest in International Law and EU Law, March 2012.

¹⁴ See, for example, Judgment of the European Court of Justice of 24 May 2011, *Navigazione Libera del Golfo Srl. v. European Commission*, Joined Cases T-109/05 and T-444/05. Available at: <http://curia.europa.eu/juris/document/document.jsf?text=&docid=81979&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=449891>

body that represents *Länder* at the national level, has no powers to set up a committee of inquiry. However, the Parliaments in the *Länder* have the power to investigate in matters within the competence of their State Governments, and each state has its own set of rules for committees of inquiry. Also Austria's *Nationalrat* investigates "a certain completed process regarding matters in which the Federation is responsible for implementing the laws".

2.4. Investigative powers in practice

2.4.1. Means of investigation

All PCIs have the right to hear officials and other servants of the state as well as members of governments. They also have the right to request documents and experts' reports. However, in particular, in Bulgaria, Estonia, Finland and Spain, the PCIs are not allowed to conduct on-the-spot investigations or fact-finding visits in national institutions or any other private bodies in the national territory. In Austria, in the context of an investigation, the PCI Chair can invite the committee members as well as the procedural judge and the procedural advocate to visit the relevant locations within the federal territory, but these visits can only be "visits on the spot", no formal investigations.

Hearing natural persons residing elsewhere in the Union is possible on a voluntary basis in most parliaments' PCIs. One exception is the Czech Republic where, according to national law, any natural person residing in the Union but outside the Czech Republic is legally required to testify before the PCI, although the means of compelling non-residents are very limited. All PCIs have the right to request information and documentation deemed necessary for the conduct of their proceedings from public bodies, such as Government members, administrative authorities and both public and private bodies.

In many countries, such as Belgium, Germany, Latvia and Portugal, PCIs can adopt sanctions following a groundless refusal to provide information and in the cases of giving false evidence or bribing individuals, whereas in Bulgaria, the Czech Republic, Finland and Italy, PCIs do not have legal powers to adopt sanctions.

2.4.2. Investigative hearings

There are interesting variations from a country to another, as regards investigative hearings and the obligation to appear before a PCI. For example, in Bulgaria, PCIs cannot hold investigative hearings. In Finland, participation in such hearings is always voluntary: officials and other servants of the state have no legal obligation to do this, even though in practice, they do participate. In France, any person that a PCI has seen fit to hear *shall be required to comply with the summons delivered to him, if necessary, by a bailiff or law enforcement officer, at the request of the chair of the committee*. With the exception of minors under the age of 16, everyone is heard under oath and required to make statements, subject to specific provisions of the Criminal Code: failing to appear or refusing to make a statement or to take an oath may lead to two years' imprisonment and a fine of EUR 7 500. Also in Belgium, any person named to be heard as a witness shall be required to appear and comply with the summons. Failing to do so can result in imprisonment of between eight days and six months and a fine of between EUR 500 and EUR 10 000. In Croatia, a fine or a sentence of imprisonment of six months to five years can be imposed. In many countries, in the case of non-appearance, the PCI may have the person brought with the help of the police authority.

In a few countries, certain persons in a high position have been excluded from the obligation to appear before a PCI or to give information in Poland, for example, the Constitutional Tribunal has excluded from the obligation to testify persons performing functions having an independent legal status from other constitutional authorities (e.g. the President of the National Bank of Poland). In Portugal, if the President of the Republic or ex-Presidents of the Republic decide to testify before the PCI, they have a prerogative of giving testimony in writing, as regards those facts of which they were aware while exercising their functions.

In Estonia, groundless failure to appear before a PCI, refusal to present information or to reply to questions is punishable by a fine by law. However, due to the lack of legal clarity, these sanctions have never been applied: the law does not define which authority is responsible for conducting extra-judicial proceedings. This issue has been discussed many times in the *Riigikogu*, with split opinions: according to some, PCIs and the outcome of their work are purely political and should not have any legal consequences. It would therefore be unjustified to give the PCIs powers similar to those of the judiciary the same powers that courts have. On the other hand, some find that effective sanctions are necessary and justified in light of the significant public interest of PCIs.

In Italy, the parliamentary committees of inquiry, whether consisting of members of one Chamber or both Chambers, conduct their investigations and examinations with the same powers and the same constraints as judicial authorities.¹⁵

2.5. PCIs' liability and legal remedies

In many parliaments, there are legal remedies in place for the situations where the committee of inquiry as a whole or its individual Members or staff commit an act or omission violating either the rules of procedure or the rights of natural or legal persons concerned by an investigation.

In Latvia, for example, the PCIs Members and staff are administratively liable for the unauthorized disclosure of information obtained in closed session of the Parliamentary inquiry Committee. An administrative offense report shall be drawn up by the PCI Chair or the person replacing him. The PCIs Members and staff shall be held criminally liable for any unauthorized disclosure of information that offends against the privacy of individuals.

In Czech Republic, in the matter of revealing sensitive information to general public, the committee of inquiry as a whole can be accountable, but the individual members of the committee, being also members of the Chamber of Deputies, are protected by the immunity stemming from their mandate while giving speech on the premises of the Chamber of Deputies, and can be punished by the Mandate and Immunity Committee with a fine and/or apology only.

In France, penalties under the criminal law apply for failure to comply with the obligation of secrecy: any person who, within 25 years, discloses or publishes information about the non-public proceedings of a committee of inquiry shall be liable to the penalties laid down by the Criminal Code.

¹⁵ https://en.camera.it/4?scheda_informazioni=12

2.6. Investigations and *sub judice* rule

In a majority of the national parliaments responding to the survey, it is possible to continue an ongoing inquiry investigation even though legal proceedings on the same matter have been initiated after the setting up of the PCI. As explained in the reply by Bundestag, *this is based on the different purposes of the proceedings: while the targets of judicial investigations are usually individuals, committees of inquiry investigate into the decisions and behaviour of the government. Thus, in practice judicial investigations and investigations of a committee of inquiry are usually not fully congruent.*

In Bulgaria, Croatia, France and Romania, the constitutional system does not allow for the continuation of the both procedures in parallel. Both Croatian and French respondents specify further that the PCI's remit ends upon the launch of a judicial investigation and the PCI then immediately ceases to operate.

In Austria, [Rules of Procedure for Parliamentary Investigating Committees](#) provide for a special consultation mechanism if the investigations by a PCI and judicial authorities overlap: The PCI Chair communicates to the Federal Minister of Justice the requests for evidence and the summonses of informants. If the Federal Minister of Justice considers that these requests and summonses affect the activities of the prosecuting authorities, s/he may require the Chair to enter into a consultation procedure, to be conducted by the Chair and assisted by the Procedural Judge. The parliamentary groups are also involved in the consultation procedure.

In the replies from the countries where constitutional systems allow PCIs act in parallel with a judicial investigation, the respect of *the principle of separation of powers* is often highlighted: *the work of the PCI must be fully independent and separated from legal proceedings, and it cannot obstruct judicial proceedings or in any way interfere with judicial investigations.*

In Italy, the Constitutional Court has defined the limits of judicial authority used by the PCI: the task of the PCIs "is not to judge, but only to gather news and data necessary for the exercise of the functions of the Chambers"¹⁶. Also in Estonia's *Riigikogu*, PCIs avoid expressing opinions on issues discussed in judicial investigations in view of the principle of separation of powers and the principle of justice being administrated exclusively by the courts. Slovenia's National Assembly (*Državni Zbor*) also highlights the necessity to ensure that the parliamentary inquiry procedure does not prejudge the decision of the court in the case running on the same state of affairs and that it does not affect the procedural status of a person who is accused in criminal court proceedings.

In Poland, proceedings pending before another public authority do not prevent the PCI from continuing its work. However, it is possible to suspend a parliamentary inquiry until the conclusion of the pending proceedings, in particular when there is a reasonable presumption that the material collected in the course of the proceedings might be useful for a comprehensive examination of the matter by PCI.

¹⁶ Sentenza della Corte Costituzionale n. 231/1975, 22.10.1975.
Available at: <http://www.giurcost.org/decisioni/1975/0231s-75.html>.

2.7. Outcome – legally binding or enforceable consequences?

In none of the responding assemblies do PCIs' supervisory activities directly lead to legally binding or enforceable consequences. The work of the PCIs normally results in a report or draft resolution which is debated, and possibly voted, in plenary. The final report (or other form of conclusions) is often published in the official gazette and/or on the parliament's webpage. The conclusions are normally forwarded to the competent authorities for examination and possible implementation.

In some Member States, at least feedback is required from the implementing authorities: for example, in Finland, the Government must give an account of the measures it has undertaken in response to the parliament's resolution based on a PCI's report. Also in France, Members may put questions to the Government, using standard parliamentary procedures, and six months have elapsed after the publication of the report, the member of the competent standing committee reports on the implementation of the conclusions.

In a few countries, such as Estonia and France, the conclusions of PCIs may be remitted to the prosecutor's office for criminal proceedings to be initiated. Also in Czech Republic, the PCI may inform law enforcement authorities *if any facts obtained during the investigation indicate that a criminal offence may have been committed*. In Slovenia, the findings of the report can be used to *assert criminal, tort and disciplinary liability* which to be further investigated and determined by other competent public authorities.

France's *Assemblée Nationale* summarises three main consequences resulting from the activities of the parliamentary committees of inquiry: a) guiding the action of the government by proposing changes and asking for feedback on changes b) bringing legal action at least by forwarding the information and for the purpose of initiating a judicial investigation and c) prompting parliamentary activity, as standing committees may take up an issue considered by a PCI and complement its investigations.

3. CONCLUSIONS

The majority of Member States have parliamentary committees of inquiry. For the most of them, the legal basis is enshrined in the Constitution. The remit of PCIs at national level often covers everything in “public interest” and therefore seems, at a first glance, broader than that of a PCI set up by Parliament, the latter being competent to examine “alleged contraventions or maladministration in the implementation of Union law”. For example, in Croatia, matters of public interest deriving directly from the Constitution refer to the respect of the fundamental values, including fundamental rights and freedoms, and issues concerning public morality. In fact, many PCIs at national level are not primarily focussed on issues of maladministration but on large-scale financial crimes, corruption, *paedophilia*, smuggling or the reasons for mass tragedies. On the other hand, also in Parliament, PCIs have had a broad spectrum of investigations, focusing, for example, on racism and xenophobia, bovine spongiform encephalopathy (BSE) crisis, emission measurements in the automotive sector, money laundering and tax avoidance. However, many PCIs at national level cover also those fields of competence for which Parliament might establish a temporary special committee. According to Latvia’s *Saeima*, the essence of a parliamentary committee is the function of the parliamentary control, which belongs to the rights of the opposition. Within representative democracies, the opposition is indeed expected to have a role of informing public opinion.¹⁷

Joint PCIs are possible in some bi-cameral parliaments, in particular in Italy, Romania and Spain. All PCIs have the right to hear officials and other servants of the state as well as members of governments. In some Member States, the appearance before the PCI is obligatory if summoned, and failing to do so can result in imprisonment or fines. Police authorities can also be asked to bring witnesses before a PCI. All PCIs also have the right to request information or documentation from public bodies, such as Government members, administrative authorities and both public and private bodies whenever this is deemed necessary for the conduct of their proceedings. Also refusal to provide necessary information can, in some Member States, result in adopting fines or imprisonment sentence. In light of the significant public interest, effective sanctions are often considered necessary and justified. Then again, in some national parliaments, sanctioning mechanisms and obligatory participation in hearings are considered unjustified due to PCIs’ purely political role which excludes any powers similar to those of the judiciary.

As regards *sub judice* rule, in most national parliaments, the PCIs can continue investigations even though legal proceedings on the same matter have been initiated. This has been justified, in particular, by the fact that the investigations by PCIs focus on decisions and behaviour of the government, whereas the targets of legal proceedings are usually individuals. In addition, when the instances work on the same issue in parallel, the respect of the principle of separation of powers becomes particularly important. The parliamentary investigation should not interfere in any way with the judicial investigation.

PCIs’ supervisory activities do not have *direct* legally binding or enforceable consequences in the Member States. However, they can still lead to concrete societal, administrative or legislative changes. As PCIs’ remit often covers everything in “public interest”, both the results of PCI investigations and the investigations themselves often have lots of visibility and political

¹⁷ *L’opposition parlementaire, espèce à protéger*, Rozenberg, O., Thiers, E. (eds.), La Documentation française, Paris, 2013, pp. 191-210.

importance. In a moment of a catastrophe or a scandal, PCIs' can function as platforms for public discussions, increase communication and transparency and provide first-hand help against public frustration, anxiety or anger. Most of all, PCIs can play an important role in supervising and guiding the action of the government, in particular by asking justifications and proposing changes, by (at least indirectly) initiating judicial investigations and by prompting parliamentary activity through standing committees that might continue the work initially started by the PCIs. When entrusted with appropriate means, parliamentary committees of inquiry can contribute to increasing good governance, political accountability and democratic legitimacy both at the national and the EU level.

ANNEX

1. Questions concerning the legal and administrative framework

Question 1: Does your parliamentary system provide for PCIs? If so, please specify the relevant legal basis/bases.

Country	YES	NO	
Austria <i>(Respondents: Nationalrat, Bundesrat)</i>	YES		<p>According to Article 53 of Bundes-Verfassungsgesetz (Federal Constitutional Law, abbr. B-VG),</p> <p>The Nationalrat (National Council) can by resolution set up committees of inquiry. In addition, a committee of inquiry must be set up on demand of one quarter of its members. The Bundesrat (Federal Council) has no competence to do so.</p> <p>The subject matter of the investigation is a certain completed process regarding matters in which the Federation is responsible for implementing the laws. This includes all activities of executive bodies or officers of the Federation through which the Federation exercises rights associated with holding an economic interest and supervisory rights irrespective of the proportion of its interest. An examination of jurisdiction is excluded.</p>
Belgium <i>(Respondent: Chambre des Représentants)</i>	YES		<p>Z Article 56 of the Constitution,</p> <p>Z Law of 3 May 1880 on parliamentary inquiries,</p> <p>Z Rules of Procedure of the House of Representatives (in particular Articles 145 to 148)</p> <p>Z Internal rules of procedure for parliamentary committees of inquiry</p>
Bulgaria <i>(Respondent: National Assembly)</i>	YES		<p>Constitution of the Republic of Bulgaria, Article 79 :</p> <p><i>(1) The National Assembly shall elect standing and ad hoc committees from among its Members.</i></p> <p><i>(3) Ad hoc committees shall be elected to conduct inquiries and investigations.</i></p> <p>Rules of Organization and Procedure of the National Assembly, Article 37 :</p> <p><i>(1) Ad Hoc Committees shall be formed on a specific occasion, to survey particular matters and conduct inquiries.</i></p>

Croatia <i>(Respondent:</i> <i>Hrvatski sabor)</i>	YES		<p>This issue is regulated by the Constitution of the Republic of Croatia and the Commissions of Inquiry Act.</p>
Czech Republic <i>(Respondent:</i> <i>Chancellory of the Chamber of Deputies)</i>	YES		<p>A Committee of Inquiry is a special body of the Chamber of Deputies, which may be established to investigate matters of public interest.</p> <p>The primary source for establishment of a Parliamentary Committee of Inquiry is the Constitution of the Czech Republic (Article 30), the Rules of Procedure of the Chamber of Deputies (§ 48, § 49) and the Appendix no. 1 - the Rules of Procedure of the Committee of Inquiry .</p> <p>The proposal to establish a Committee of Inquiry must be submitted by a group of deputies representing at least one fifth of all deputies (at least 40 deputies out of 200).</p>
Denmark <i>(Respondent:</i> <i>Folketinget)</i>	YES		<p>The Danish Parliament (the Folketing) has powers to set up investigative committees under Section 51 of the Constitutional Act, which reads as follows:</p> <p><i>The Folketing may appoint committees from among its members to investigate matters of general importance. Such committees shall be entitled to demand written or oral information both from private citizens and from public authorities.</i></p> <p>Neither the Constitutional Act itself nor other legislation or the Standing Orders of the Folketing contain any further rules on the setting up or workings of parliamentary committees of investigation, except that according to Section 52, they – like all other parliamentary committees – must be composed according to proportional representation, i.e. of members from the various parties in proportion to their relative sizes.</p> <p>Parliamentary committees of investigation have fallen out of practical use, none having been established under the current Constitutional Act, i.e. since 1953.</p> <p>Since the adoption in 1999 of the Commissions of Inquiry Act, the conventional approach to investigating major cases of alleged malpractice has been to establish a commission of inquiry outside the auspices of the Folketing itself. The Minister for Justice can establish a commission of inquiry to conduct an investigation of “a particular matter of general importance”, in the words of the Act, and must do so if the Folketing passes a resolution to that effect.</p>

			Please note that the answers given in this survey pertain to commissions of inquiry under the Commissions of Inquiry Act of 1999, not to parliamentary committees of inquiry under Section 51 of the Constitutional Act, as the latter have lost practical relevance.
Estonia (Respondent: Riigikogu)	YES		Article 20 (1) of the Riigikogu Rules of Procedure and Internal Rules Act provides that a committee of investigation may be formed in order to investigate the circumstances of events of public interest.
Finland (Respondent: Eduskunta)	YES		<p>The Constitution of Finland (Suomen Perustuslaki), provides the following:</p> <p>Section 35 - Committees of the Parliament</p> <p><i>For each electoral term, the Parliament appoints the Grand Committee, the Constitutional Law Committee, the Foreign Affairs Committee, the Finance Committee, the Audit Committee and the other standing Committees provided in the Parliament's Rules of Procedure. In addition, the Parliament appoints Committees ad hoc for the preparation of, or inquiry into, a given matter.</i></p> <p>In addition, a special case of inquiry is mentioned in Section 114: Section 114 - Prosecution of Ministers</p> <p><i>A charge against a Member of the Government for unlawful conduct in office is heard by the High Court of Impeachment, as provided in more detail by an Act.</i></p> <p><i>The decision to bring a charge is made by the Parliament, after having obtained an opinion from the Constitutional Law Committee concerning the unlawfulness of the actions of the Minister. Before the Parliament decides to bring charges or not it shall allow the Minister an opportunity to give an explanation. When considering a matter of this kind the Committee shall have a quorum when all of its members are present.</i></p>
France (Respondent: Assemblée Nationale)	YES		Committees of inquiry made their first appearance in France at the same time as the parliamentary system, the right of inquiry being seen as a corollary to the power of scrutiny vested in the assemblies. Under the Fifth Republic (Constitution of 4 October 1958), they were granted a binding status designed to prevent parliamentary interference with the executive and the judiciary.

		<p>Committees of inquiry are currently effective tools to obtain information and exercise scrutiny, and their conclusions can influence government action.¹⁸</p> <p><u>Legislation on the organisation of committees of inquiry:</u></p> <p><u>1 – The Constitution of 4 October 1958</u></p> <p>When the Constitution was last revised (23 July 2008), a reference to committees of inquiry was incorporated in it for the first time, in Article 51-2, which reads:</p> <p><i>In order to carry out the tasks of scrutiny and assessment laid down in the first paragraph of <u>Article 24</u>, committees of inquiry may be set up within each assembly to gather information, according to the conditions provided for by statute. Statutes shall determine their rules of organisation and operation. The conditions for their establishment shall be determined by the Rules of Procedure of each assembly.'</i></p> <p>Article 24 of the Constitution stipulates, inter alia, that: <i>Parliament shall pass statutes. It shall scrutinise the action of the Government. It shall assess public policies.</i></p> <p><u>2 – Rules of Procedure of the National Assembly</u></p> <p>The organisation and functioning of committees of inquiry are regulated by Articles 142 et seq. of the Rules of Procedure of the National Assembly.</p> <p><u>3 — Order No 58-1100 of 17 November 1958 on the functioning of the parliamentary assemblies</u></p> <p>This legislative instrument includes a number of provisions relating to committees of inquiry. In particular, <u>Article 6</u> stipulates the following:</p> <p><i>Committees of inquiry shall be formed to collect information on specific matters or on the management of public services or State-owned companies with a view to submitting their findings to the assembly which set them up.</i></p>
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¹⁸ For more information in English, please see the below link (from page 351 onwards, "Commissions of Inquiry and Fact-finding Missions"): http://www2.assemblee-nationale.fr/static/langues/english/National_Assembly_in_the_French_institutions-2014.pdf.

			<p><i>A committee of inquiry may not be set up to investigate matters which have given rise to legal proceedings, so long as those proceedings are pending. If a committee has already been set up, its remit shall lapse upon the launch of a judicial investigation into the matters that it has been instructed to investigate.</i></p> <p><i>The members of committees of inquiry shall be appointed in such a way as to ensure proportional representation of the political groups.</i></p> <p><i>Committees of inquiry shall be of a temporary nature. Their remit shall lapse when they submit their report and, at the latest, upon the expiry of a period of six months from the date of adoption of the resolution setting them up. They may not be reconstituted with the same purpose before the expiry of a period of 12 months from the end of their assignment</i></p>
Germany <i>(Respondents: Bundestag, Bundesrat)</i>	YES		<p>Under the first sentence of Article 44 (1) of the Basic Law (<i>Grundgesetz</i>), the Bundestag has the right, and on the motion of one quarter of its Members the duty, to establish a committee of inquiry. The procedures for Bundestag committees of inquiry are spelled out in detail in the Committees of Inquiry Act (<i>Untersuchungsausschussgesetz</i>, hereinafter referred to as 'the Act').</p> <p>There is no similar provision for the Bundesrat (the legislative body that represents the sixteen <i>Länder</i> (German federal states) at the national level). The Parliaments in the Federal States have the power to investigate in matters within the competence of their State Governments. Each state has its own set of rules for committees of inquiry.</p> <p>For this questionnaire, the answers will focus on the committees of inquiry established by the Bundestag.</p>
Hungary <i>(Respondent: National Assembly)</i>	YES		<p>According to Article 7(3) of the Fundamental Law, the inquiry activities of parliamentary committees, as well as the obligation to appear before these committees, are regulated in a cardinal law (i.e. a law the adoption of which requires a 2/3 majority).</p> <p>That specific cardinal law is the Act XXXVI of 2012 on the National Assembly. Its Sections 24 to 27 deal with parliamentary committees of inquiry.</p> <p>In addition, Section 24(1) of the above-mentioned Act stipulates that <i>committees of inquiry shall be set up in conformity with Article C (1) of the Fundamental Law</i>.</p>

<p>Italy (Respondent: <i>Camera dei Deputati</i>)</p>	<p>YES</p>	<p>Under Article 82 of the Constitution (<i>Costituzione</i>), each House of Parliament may undertake inquiries into matters of public interest. To this end, the House sets up a special Committee whose composition reflects the proportionate strengths of Parliamentary Groups. Joint Committees of inquiry made up of both Deputies and Senators, are generally set up by the passing of a law. The Committees of Inquiry, whether consisting of members of just one House of Parliament or of members of both Houses, conduct their investigations and examinations with the same powers and the same constraints as judicial authorities.</p> <ul style="list-style-type: none"> - Articles 140,141 and 142 of the Rules of Procedure of the Chamber of Deputies; - Articles 162 and 162 of the Rules of Procedure of the Senate; - Law establishing the Committee of inquiry in question; - Internal rules of the Committee of inquiry; - Rulings of the Constitutional Court.
<p>Latvia - (Respondent: <i>Latvijas Republikas Saeima</i>)</p>	<p>YES</p>	<p>Establishment of the investigatory committees is stated by the Article 26 of the Constitution of the Republic of Latvia. The Saeima shall appoint parliamentary investigatory committees for specified matters if no less than one-third of its members request it.</p> <p>Article 150 of the Rules of procedure of the Saeima stipulates that the Saeima may form <i>ad hoc</i> committees to undertake specific legislative assignments. In specific cases, the Saeima shall appoint a parliamentary investigative committee if so requested by at least one third of Members (Article 26 of the Constitution). Proposals on forming such a committee shall be considered at the next regular sitting of the Saeima.</p> <p>Parliamentary investigatory committees' implementing provisions can be found in the Law on Parliamentary investigatory committees.</p> <p>The respective Articles of the Rules of procedure of the Saeima concerning standing committees apply <i>mutantibus mutandis</i> to parliamentary investigatory committees, as regards the election of the committee Chair, keeping the minutes of the meetings, the protocol, attendance of the meetings, activities, participation in the meetings.</p>

Poland <i>(Respondents: Sejm, Senat)</i>	YES	<p>According to Article 111 paragraph 1 of the Constitution of the Republic of Poland, <i>the Sejm may appoint an investigative committee to examine a particular matter</i>” Details regarding the functioning of Sejm’s investigative committees are regulated in the Act of 21st January 1999 on Sejm Investigative Committees and, to lesser extent, in the Standing Orders of the Sejm.</p> <p>The Polish Senate (Senat) does not have the competence to establish committee of inquiry.</p>
Portugal - <i>(Respondent: Assembleia da Republica)</i>	YES	<p>In Portugal, the Parliament has the power to establish an investigative committee. The legislation concerning the conduct of parliamentary inquiries are:</p> <ul style="list-style-type: none">) Article 178 of the Constitution of the Portuguese Republic (available in English on our website);) Articles 233 to 237 of the Rules of Procedure of the Assembly of the Republic (available in English on our website);) The Legal Regime governing Parliamentary Inquiries has been approved by Law No 5/93, issued on 1 March 1993 (available in English on our website). <p>As per Article 233 of the Rules of Procedure of the Assembly of the Republic, the purpose of parliamentary inquiries is to assess compliance with the Constitution and the laws and consider the acts of the Government and the Administration.</p> <p>In accordance with Article 1 of Law No 5/933 (Legal Regime governing Parliamentary Inquiries):</p> <p>Article 1 : Functions and object</p> <p><i>1 – The function of parliamentary inquiries is to scrutinise compliance with the Constitution and the laws and to consider the acts of the Government and the Administration.</i></p> <p><i>2 – The object of a parliamentary inquiry may be any matter of public interest that is relevant to the exercise of the Assembly of the Republic’s competences.</i></p> <p><i>3 – Parliamentary inquiries are conducted by ad hoc Assembly committees formed especially for each case, in accordance with the Rules of Procedure.</i></p> <p>Pursuant to Article 2 of Law No 5/93 (Legal Regime governing Parliamentary Inquiries):</p>

		<p>Article 2 : Initiative</p> <p><i>1 – Parliamentary inquiries take place:</i></p> <p><i>a) By express decision of the Plenary, to be taken by the fifteenth day following publication of the respective draft decision in the Journal of the Assembly of the Republic or of its distribution in separate copies;</i></p> <p><i>b) Upon a motion made by one fifth of all the Members of the Assembly of the Republic in full exercise of their office, up to a limit of one per Member and per legislative session.</i></p> <p><i>2 – The following have the competence to initiate the inquiries provided for in paragraph (1) (a):</i></p> <p><i>a) Parliamentary groups, and Members of the Assembly of the Republic from parties that do not form a parliamentary group;</i></p> <p><i>b) Committees;</i></p> <p><i>c) Members of the Assembly of the Republic.</i></p> <p>Furthermore, as per Article 4 (1), parliamentary committees of inquiry whose formation is moved under the terms of Article 2 (1) (b) shall be obligatory formed.</p> <p>Article 178 (5) of the Constitution of the Portuguese Republic, expressly states that <i>Parliamentary committees of inquiry have the investigative powers of the judicial authorities.</i></p> <p>Article 13 (1) of the Law No 5/933 (Legal Regime governing Parliamentary Inquiries) stipulates that <i>Parliamentary committees of inquiry enjoy those of the judicial authorities' investigative powers which the Constitution does not reserve to those authorities.</i></p> <p>In accordance with Rule 237 of the Rules of Procedure of the Assembly of the Republic, <i>Parliamentary committees of inquiry enjoy the investigative powers pertaining to the judicial authorities and any other powers and rights provided for by law.</i></p>
<p>Romania</p> <p>(Respondent: Camera Deputatilor)</p>	YES	<p>According to Article 64(4) of the Constitution and Parliament Regulations, the Chambers may constitute standing committees, temporary <i>inquiry committees</i>, or other special committees.</p>

			<p><u>The temporary inquiry committees</u> are constituted for the exercise of the parliamentary control over the Government and over the other bodies of the public administration. These committees cannot investigate the judicial branch or the conduct of judges and prosecutors.</p> <p>Each Chamber may set up an inquiry committee, at the request of one third of its members (Articles 73-79 of the <u>Rules of Procedure of the Romanian Chamber of Deputies</u> -Enquiry Committees of the Chamber of Deputies).</p> <p>The work of the Parliamentary Enquiry Committee shall be terminated once a report on the enquiry has been drawn up, which shall be debated by the Chamber of Deputies, within 15 days of it being submitted. The maximum time limit for an enquiry conducted by a Committee shall be 180 days, within which the Committee shall be under obligation to submit the final report. Following a reasoned request by the Bureau of the Parliamentary Enquiry Committee, the plenum of the Chamber of Deputies may extend that time limit only once by no more than 60 days. (Article 77 of the <u>Rules of Procedure of the Romanian Chamber of Deputies</u>).</p>
Slovakia - (Respondent: National Council)		NO	<p>There was a possibility to establish committee of inquiry until 1996. It was repealed by the Constitutional Court's judgement, which has found it to be unconstitutional due to the absence of authorisation (within the Constitution) to establish such body. It was considered to be violating the separation of powers.</p>
Slovenia Respondents: Drzavni Zbor (National Assembly); Drzavni Svet (National Council)			<p>Pursuant to Article 93 of the <u>Constitution of the Republic of Slovenia</u> and the provisions of the Rules on Parliamentary Inquiry (Article 1 (2) and Articles 4 (2) and (3)), the National Assembly may order inquiries on matters of public importance and appoint for this purpose a commission of inquiry which, <i>mutatis mutandis</i>, has powers comparable to those of judicial authorities.</p> <p>The National Council acts only as an initiator: The National Council may require an enquiry on matters of public importance. The initiative may be filed by each member of the National Council. The request is sent to the National Assembly if a majority of members present vote for it. As the proposer, the National Council appoints a representative to be present at the discussion of the parliamentary enquiry request at the National Assembly. The National Assembly may order an enquiry on matters of public importance. It must do so if this is requested by one-third of its deputies or by the National Council. For this purpose it shall appoint a commission which in matters of investigation and examination has powers comparable to those of judicial authorities.</p>

		<p>Only deputies of the National Assembly are in a commission. Commission has at least five members; every deputy has his alternate deputy from the same parliamentary group. Commission has to finish its work till the end of term of the National Assembly. After the parliamentary inquiry is completed, the commission of inquiry shall submit a written report to the National Assembly.</p> <p>The report must contain a description of the course of the procedure, the evidence and the essential finding of the investigation, and the proposal of the resolutions to be adopted by the National Assembly after the debate. If there is no consensus on the findings of the investigation, the inquiry commission should include separate opinions in its report. If it turns out that the commission of inquiry will not be able to carry out its work until the end of the parliamentary term of the National Assembly, the commission of inquiry must submit to the National Assembly a report on the course and findings of the investigation and the reasons why it will not be finished at the latest at the last session of the National Assembly. A parliamentary inquiry, which was not completed during the term of the National Assembly, is considered concluded. The new National Assembly may reintroduce such a parliamentary inquiry.</p>
<p>Spain (Respondent: Congreso de los Diputados)</p>	YES	<p>Article 76.1 of the Spanish Constitution establishes that the Congress and the Senate and, when appropriate, both Houses jointly, may appoint enquiry committees on any matter of public interest. Their conclusions shall not be binding on the Courts, nor shall they affect judicial decisions, but the results of investigations may be referred to the Public Prosecutor for the exercise of appropriate action whenever necessary.</p> <p>Both the Upper House (Senate) and the Lower House (Congress of Deputies) have the capacity to create PCIs, in accordance with their own regulations.</p> <p>Article 52.1 of the Standing Orders of the Congress of Deputies establishes that: <i>the Plenary of the Congress, at the proposal of the Government, the Bureau, two Parliamentary Groups or one-fifth of the members of the Chamber, may agree to create a Committee of Inquiry on any matter of public interest.</i></p> <p>Article 59.1 of the Standing Orders of the Senate establishes that: <i>the Senate, on the proposal of the Government or twenty-five Senators who do not belong to the same parliamentary group, may set up Committees of Inquiry or Special Commissions to conduct surveys or studies on any matter of public interest.</i></p>

			Other rules that apply to these bodies are Article 502 of the <i>Criminal Code</i> ¹⁹ , <i>Organic Act 5/1984</i> , of May 24, on the appearance before Inquiry Committees ²⁰ , and <i>Royal Decree 5/1994</i> , of April 29, regulating the obligation to provide certain information and data at the request of these committees.
Sweden (Respondent: Riksdag)			<p>The Swedish constitutional system does not provide for parliamentary committees of inquiry (PCI).</p> <p>The setting up of temporary committees of inquiry, to enable in-depth investigation of a particular issue, is the prerogative of the Government. Such committees of inquiry are mostly appointed to work out proposals for reform and new legislation. They normally include experts familiar with the matter but may also include Members of Parliament or other politicians. The committees seldom have the powers of a judicial body, but there are exceptions to this. For example, for the purpose of the work of the Commission on the Swedish Security Services (1999–2002), which had the task of examining and mapping the work of the Swedish intelligence services after the Second World War, a special law was enacted permitting the commission to hold hearings under penalty of law.²¹</p> <p>The Riksdag may, however, issue an announcement (a non-binding resolution, Swe. <i>tillkännagivande</i>) calling on the Government to appoint a committee of inquiry on a certain matter.</p> <p>The Committee on the Constitution, one of the permanent Riksdag committees, has powers similar to that of a PCI. The Committee on the Constitution shall examine ministers' performance of their official duties and the handling of Government business. For its examination, the Committee is entitled to have access to the records of decisions taken in Government matters</p>

- ¹⁹ 1. Those who, having been summoned in the legal manner and under admonition, fail to appear before an investigation committee of Parliament or a Legislative Assembly of an Autonomous Community shall be convicted and punished as felons of disobedience. Should the accused be an authority or public officer, the punishment of suspension from public employment and office for a term of six months to two years shall also be imposed on him.
2. The same penalties shall be incurred by the authority or officer who hinders an investigation by the Ombudsman, Court of Auditors or equivalent bodies of the Autonomous Communities, refusing or unduly delaying submission of the reports they request or hindering their access to the administrative files or documentation required for that investigation.
3. Whoever is called before a parliamentary investigation commission and commits perjury under oath shall be punished with a sentence of imprisonment of six months to one year or fine from twelve to twenty- four months.

- ²⁰ Organic Act 5/1984 establishes the obligation for any individual to appear before an inquiry committee when summoned, as well as the requirements and the procedure to do so, in order to render the voluntary non-compliance with a valid summoning as a serious disobedience action.

Lag (1999:988) om förhör m.m. hos kommissionen för granskning av de svenska säkerhetstjänsternas författningsskyddande verksamhet (in Swedish only),
<http://www.riksdagen.se/webbnav/index.aspx?nid=3911&bet=1999:988>.

			<p>and to the documents pertaining to such matters, as well as any other Government documents that the Committee deems necessary for its examination. Another Riksdag committee or a member of the Riksdag is entitled to raise, in writing with the Committee on the Constitution, any issue relating to a minister's performance of his or her official duties or the handling of Government business. Where warranted, but at least once a year, the Committee on the Constitution shall communicate to the Riksdag any observations it has found worthy of attention in connection with its examination (The Instrument of Government (1974:152), Chapter 13, Articles 1 and 2). It may also be noted that each of the 16 permanent Riksdag committees may arrange public or closed hearings in order to gather information from State authorities and the Government in connection with its consideration of business or deliberations on EU business (The Riksdag Act (2014:801), Chapter 7, Article 17 and Chapter 10, Articles 8 and 9).</p> <p>With regard to inquiries into alleged contraventions or maladministration in the implementation of legislation, it may also be noted that the Riksdag appoints the Parliamentary Ombudsmen to ensure that public authorities and their staff comply with the laws and other statutes governing their actions (Instrument of Government, Chapter 13, s 6). The Parliamentary Ombudsmen, like the Committee on the Constitution, form one pillar of parliamentary control in Sweden. The task of the ombudsmen is to review the implementation of laws and other regulations in the public sector on behalf of the Riksdag and independent of the executive power. This review includes courts of law and other public authorities, as well as their employees.</p>
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With regard to the legal and administrative framework

Question 2: Does your parliamentary system have the following investigative powers in the framework of parliamentary committees of inquiry? If so, please specify:

COUNTRY		YES	NO	
Austria (Respondents: Nationalrat, Bundesrat)	Conduct of on-the-spot investigations and fact-finding visits in national institutions or any other private bodies in the national territory.		NO	Article 50 of (Rules of Procedure for Parliamentary Investigating Committees) (<i>Verfahrensordnung für parlamentarische Untersuchungsausschüsse</i>) (RP-IC) holds that the Chairperson of a PCI may in connection with the subject of investigation invite the Committee members as well as the Procedural Judge and the Procedural Advocate to visit the relevant locations within the federal territory. This shall, however, be only visits on the spot but no formal investigations.
	Hear officials and other servants of the state.	YES		According to Article 22 RP-IC, a PCI shall take evidence on the basis of the basic order to take evidence, supplementary requests for evidence, summonses of informants and experts as well as by visual inspection. According to Article 34 RP-IC, only persons who by reason of psychiatric disorder, intellectual disability or other reason are unable to give truthful testimony and members of the clergy in regard to what has been confided to them in the course of confession or under the seal of official secrecy in their capacity as clergymen must not be heard as informants. All other persons that have residence in Austria can be summoned and heard.
	Hear members of the governments.	YES		See above.

	Hear any other natural persons residing in the Union.		NO	A PCI can hear anyone if s/he appears and is willing to testify. However it can only summon Austrian residents (see above).
	Request documents.	YES		<p>According to Article 53 B-VG, all executive bodies or officers of the Federation, the provinces, the municipalities and the municipal associations and of the other self-administering bodies shall submit to a PCI, on demand, their files and documents to the extent to which these relate to the subject matter of the investigation and shall comply with the request of a PCI to take evidence in connection with the subject matter of the investigation.</p> <p>There are two exceptions: Files and documents whose disclosure would endanger sources of the secret services must not be procured. Only the Federal Government can invoke an exception if its decision-making or that of one of its members or the immediate preparation of the decision-making process would be adversely affected.</p>
	Request experts' reports.	YES		According to Article 47 RP-IC, if evidence has to be obtained from an expert, the PCI may appoint such expert informants. Unless special circumstances call for a decision to the contrary, appointments shall be made from among the experts officially appointed to testify on matters of the nature of the subject at issue.
Belgium (Respondent: Chambre des Représentants)	Conduct of on-the-spot investigations and fact-finding visits in national institutions or any other private bodies in the national territory.	YES		
	Hear officials and other servants of the state.	YES		
	Hear members of the governments.	YES		<u>Exception:</u> by analogy with criminal procedure, the Minister of Justice may not be called as a witness, except where the King, at the request of a party and on the basis of the report of the

				Minister of Justice, authorises the minister to stand as a witness by way of a special order (Article 510 of the Code of Criminal Procedure).
	Hear any other natural persons residing in the Union.	YES		<u>Exception:</u> by analogy with criminal procedure, princes and princesses of the royal blood may not be called as witnesses, except where the King, at the request of a party and on the basis of the report of the Minister of Justice, authorises the minister to stand as a witness by way of a special order (Article 510 of the Code of Criminal Procedure).
	Request documents.	YES		
	Request experts' reports.	YES		
Bulgaria (Respondent: National Assembly)	Conduct of on-the-spot investigations and fact-finding visits in national institutions or any other private bodies in the national territory.		NO	
	Hear officials and other servants of the state.	YES		<p>Constitution of the Republic of Bulgaria, Article 80</p> <p><i>Any official or citizen subpoenaed by a parliamentary committee shall be obligated to testify and present any required documents.</i></p> <p>Rules of Organization and Procedure of the National Assembly, Article 115</p> <p><i>All State bodies and officials of the State and Municipal administration and citizens shall be obliged to supply the necessary information and documents in connection with the issues, subject to hearings, surveys and inquiries, even if the information constitutes a state or official secret.</i></p>
	Hear members of the governments.	YES		<p>Rules of Organization and Procedure of the National Assembly, Article 114.</p> <p><i>(1) The National Assembly or the elected by it Committees may carry out surveys and inquiries on matters concerning state or public interests.</i></p>

				(2) The Parliamentary Committees may oblige Ministers and officials to attend their meetings and answer the questions raised. Interested organizations and citizens may attend these meetings.
	Hear any other natural persons residing in the Union.		NO	
	Request documents.	YES		Constitution of the Republic of Bulgaria, Article 80 Any official or citizen subpoenaed by a parliamentary committee shall be obligated to testify and present any required documents.
	Request experts' reports.	YES		
Croatia - (Respondent: Hrvatski sabor)	Conduct of on-the-spot investigations and fact-finding visits in national institutions or any other private bodies in the national territory.			Not prescribed.
	Hear officials and other servants of the state.	YES		Heads and other officials of state bodies, responsible persons in legal entities and other citizens are obliged to testify before the commission of inquiry or to provide information on facts known to them, as well as to submit the documentation they possess.
	Hear members of the governments.	YES		The person referred to above may refuse to testify if it is likely that he/she would thus expose himself/herself to criminal prosecution. A religious confessor is relieved of his testimony of what has been entrusted to him in a confession, and defence counsel or attorney is exempt from the duty to testify about what he/she is as a defence counsel or attorney entrusted.

	Hear any other natural persons residing in the Union.			Not prescribed.
	Request documents.	YES		The commission of inquiry is authorized to require all state bodies, institutions, companies, other legal entities and citizens to submit all documentation which could be relevant for the accomplishment of its task. Bodies and citizens are obliged to comply with the request of the commission of inquiry.
	Request experts' reports.	YES		See above.
Czech Republic <i>(Respondent: Chancellery of the Chamber of Deputies)</i>	Conduct of on-the-spot investigations and fact-finding visits in national institutions or any other private bodies in the national territory.	YES		The Committee obtains evidence in the course of the investigation by issuing demands for explanations or information, and by questioning witnesses. Additionally, the Committee may decide to employ certain expert employees such as investigators and translators. These employees act on authorization of the Committee of Inquiry and are bound by its instructions. The members of the Committee do not perform on-the-spot investigations themselves, but they can authorize investigators to perform such tasks. The investigators are provided on request by the Ministry of the Interior or the Chief of Police.
	Hear officials and other servants of the state.	YES		Any person, including officials and other servants of the state, called to testify before a Committee of Inquiry is legally required to do so and must provide the Committee with any relevant information concerning the investigated matter. If the requested person does not appear, the Committee may decide to have him or her brought to appear by the appropriate authority.
	Hear members of the governments.	YES		Any person, including members of the governments, called to testify before a Committee of inquiry is legally required to do so and must provide the Committee with any relevant information concerning the investigated matter. If the requested person does not appear, the Committee may decide to have him or her brought to appear by the appropriate authority.

	Hear any other natural persons residing in the Union.	YES		<p>Any person, even any natural person residing in the Union and outside of the Czech Republic, called to testify before a Committee of inquiry is legally required to do so, according to the laws of the Czech Republic, and must provide the Committee with any relevant information concerning the investigated matter.</p> <p>Although the means of compelling a person who does not reside in the Czech Republic to testify the Committee can utilize are very limited. The main role has a public prosecutor's office which tries to contact the person of interest outside of the Czech Republic.</p>
	Request documents.	YES		<p>A Committee of Inquiry can request information concerning the investigated matter from any institution in any form. Requesting documents is a legitimate manner of acquiring information needed for the investigation.</p> <p>If a person possesses an item necessary for the investigation, they are required to provide the Committee with such item on Committee's request. Failing to do so for any reason may result in the confiscation of the item.</p>
	Request experts' reports.	YES		<p>The Committee may decide to employ certain expert employees, such as investigators, translators, or various experts to provide reports necessary for proper investigation. These employees act on authorization of the Committee of inquiry and are bound by its instructions.</p> <p>If the investigation requires expert knowledge, the Committee decides to employ an expert. While investigating a simple matter, the Committee can be satisfied with a simple confirmation of facts or with an expert report which are considered reliable without a shadow of a doubt.</p> <p>Under exceptional circumstances, when a Committee investigates a very difficult case demanding a special expert evaluation, the Committee may decide to employ a body of the state or a state's institute to provide the Committee with a report or to review an expert's report.</p>
	Conduct of on-the-spot investigations and fact-finding visits in national institutions or any other			<p>This is not explicitly provided for in the Commissions of Inquiry Act, which is largely based on the assumption that inquiries are to be conducted based on oral testimony and written statements and documentation. Presumably, with the consent of the institution or private body in question, a</p>

Denmark²² (Respondent: <i>Folketinget</i>)	private bodies in the national territory.			commission could conduct such visits. The question does not appear to have been raised in practice
	Hear officials and other servants of the state.	YES		<p>Provided that it is chaired by a judge – which has been the case for all commissions established under the 1999 Act, although it is not a formal requirement – a commission of inquiry has mostly the same powers to demand evidence as a court in a civil or criminal trial. This includes the powers to compel testimony and written statements from witnesses and to demand the production of tangible and documentary evidence.</p> <p>The rules in the Administration of Justice Act on evidentiary privilege apply, with certain exceptions.</p> <p>The right to refuse to give self-incriminating evidence is recognized; however, written evidence that has been drafted by a minister or civil servant may not be withheld solely because the minister or civil servant cannot be compelled to testify orally about the contents of that evidence.</p>
	Hear members of the governments.	YES		See answer above
	Hear any other natural persons residing in the Union.	YES		This is not explicitly provided for in the Commissions of Inquiry Act. Presumably it is only possible with the consent of the person in question, or with the cooperation of authorities in the relevant other Member State in accordance with its laws. The power of a commission of inquiry to compel testimony or the production of evidence applies only within Denmark.
	Request documents.	YES		See answer above.
	Request experts' reports.	YES		Yes, with the voluntary cooperation of the experts in question. The experts may demand remuneration for their services.

²² As explained in the context of the Question 1, please note that the answers given pertain to commissions of inquiry under the Commissions of Inquiry Act of 1999, not to parliamentary committees of inquiry under Section 51 of the Constitutional Act, as the latter have lost practical relevance.

Estonia (Respondent: Riigikogu)	Conduct of on-the-spot investigations and fact-finding visits in national institutions or any other private bodies in the national territory.		NO	According to subsection 22 (2) of the Riigikogu Rules of Procedure and Internal Rules Act, a committee of investigation has the authority to summon persons to appear before the committee and to require the presentation of information and documents necessary for the performance of its functions. The person summoned is obligated to appear, provide explanations and reply to questions. The information and documents requested by the committee must be submitted by the date set by the committee.
	Hear officials and other servants of the state.	YES		In accordance with subsection 22 (1) of the Riigikogu Rules of Procedure and Internal Rules Act, a committee has the authority to: 1) require the Government of the Republic, executive agencies and government institutions to present information necessary for the performance of its functions; 2) require a member of the Government of the Republic to participate in a committee sitting in order to obtain information on matters within the powers of the member of the Government; 3) invite officials of executive agencies and other persons to participate in a sitting of the committee in order to inform and advise the committee.
	Hear members of the governments.	YES		
	Hear any other natural persons residing in the Union.		NO	
	Request documents.	YES		
	Request experts' reports.	YES		
Finland (Respondent: Eduskunta)	Conduct of on-the-spot investigations and fact-finding visits in national institutions or any other private bodies in the national territory.		NO	
	Hear officials and other servants of the state.	YES		
	Hear members of the governments.	YES		

	Hear any other natural persons residing in the Union.	YES		This kind of hearings are voluntary.
	Request documents.	YES		According to the Section 47 of the Constitution, [t]he appropriate Minister shall ensure that Committees and other parliamentary organs receive without delay the necessary documents and other information in the possession of the authorities.
	Request experts' reports.	YES		From the Government or the appropriate Ministry on a matter within the committee's competence.
France (Respondent: Assemblée Nationale)	Conduct of on-the-spot investigations and fact-finding visits in national institutions or any other private bodies in the national territory.	YES		Article 6 of the Order No 58-1100 of 17 November 1958 on the functioning of the parliamentary assemblies provides that <i>Rapporteurs of committees of inquiry shall perform their duties on the basis of documents and on the spot. All information which may facilitate their duties must be supplied to them.</i>
	Hear officials and other servants of the state.	YES		Article 6 of the Order No 58-1100 of 17 November 1958 on the functioning of the parliamentary assemblies provides the following: <i>Any person that a committee of inquiry has seen fit to hear shall be required to comply with the summons delivered to him, if necessary, by a bailiff or law enforcement officer, at the request of the chair of the committee. With the exception of minors under the age of 16, such persons shall be heard under oath. They shall also be required to make statements, subject to the provisions of Articles 226-13 and 226-14 of the Criminal Code. (...)</i> <i>A person who fails to appear or refuses to make a statement or to take an oath before a committee of inquiry shall be liable to two years' imprisonment and a fine of EUR 7 500. A refusal to disclose the documents referred to shall render a person subject to the same penalties.</i>
	Hear members of the governments.	YES		But committees of inquiry cannot be used as an indirect way of holding the government to account, which can only be done within the strict limits set by Article 49 of the Constitution.

	Hear any other natural persons residing in the Union.	YES		See our replies 2.1 and 2.2.
	Request documents.	YES		Article 6 of the abovementioned Order of November 1958 provides that: ' <i>Rapporteurs of committees of inquiry shall be entitled to require communication to them of <u>all service documents</u>, except those covered by secrecy rules and concerning national defence, foreign affairs or the internal or external security of the State, and subject to compliance with the principle of separation between the judiciary and other powers.</i> '
	Request experts' reports.	YES		See our replies 2.1 and 2.2.
Germany (Respondents: Bundestag, Bundesrat)	Conduct of on-the-spot investigations and fact-finding visits in national institutions or any other private bodies in the national territory.	YES	NO	<p>Since the gathering of evidence pursuant to Article 44 (1) of the Basic Law is public, common forms of evidence gathering by committees of inquiry include:</p> <ul style="list-style-type: none">) The request of documents (Section 18 of the Committees of Inquiry Act)) The hearing of witnesses (Section 20 of the Committees of Inquiry Act) and experts (Section 28 of the Committees of Inquiry Act)) Visual inspection (Section 19 of the Committees of Inquiry Act) <p>Generally, the provisions on criminal proceedings apply mutatis mutandis to the gathering of evidence (Article 44 (2) sentence 1 of the Basic Law). This means that the provisions on criminal proceedings shall be interpreted in terms of their nature and scope in accordance with the spirit and purpose of the parliamentary inquiry law. In the light of the principle of transparency it is controversial whether further methods besides the above mentioned are acceptable.</p> <p>However, under Section 10 of the Committees of Inquiry Act, the Committee can assign a special investigator, who is not a member of the committee of inquiry. The special investigator prepares the inquiry by gathering and examining the necessary evidence. On completion of his or her investigations, the special investigator reports orally and in writing to the committee of inquiry; these reports include a proposal to the committee regarding its subsequent course of action.</p>

	Hear officials and other servants of the state.	YES		The obligation to appear and testify in the parliamentary committee of inquiry is a general civic duty. This includes officials and other servants of the state. Since they are subject to official secrecy, Section 23 of the Committees of Inquiry Act obliges the Federal Government to grant the necessary permission to give evidence.
	Hear members of the governments.	YES		The obligation to appear and testify in the parliamentary committee of inquiry is a general civic duty. This includes members of the government.
	Hear any other natural persons residing in the Union.	YES		German citizens and foreign nationals who are resident in Germany are bound to testify as witnesses. Although the civic obligation to testify also applies to German nationals who are resident abroad, summoning them to appear as witnesses, being a German sovereign act, would not be permissible without the consent of the state of residence. Foreign nationals living abroad are under no obligation to testify, since the Federal Republic has no geographical or personal sovereignty over them.
	Request documents.	YES		<p>Under Section 18 (1) of the Committees of Inquiry Act, federal public bodies, that is to say the Federal Government, federal authorities and federal public corporations, institutions and foundations, are bound to present material evidence, particularly files, to the committee of inquiry. Similarly, Section 18 (4) of the Act stipulates that courts and administrative authorities are bound to provide judicial and administrative assistance, particularly for the purpose of presenting material evidence. Private individuals are also duty-bound to surrender relevant items of evidence under section 29 of the Act.</p> <p>However, there are limits to these obligations, which are mostly imposed by constitutional law. For private individuals, such limits include inter alia the constitutional protection of professional or trade secrets pursuant to Articles 12(1) and 14(1) of the Basic Law. In any given case, it is a matter of weighing the limits imposed by constitutional law against the interest of the Bundestag in the information in question; consideration must also be given to any scope for the protection of confidentiality. Under section 29(1) of the Act, the obligation of private individuals to surrender items of evidence does not apply if it is unreasonable to expect the party concerned to surrender the item of evidence because of the strictly personal character of information that it contains. This</p>

				<p>would apply, for instance, to information regarding individuals' intimate conversations with members of their immediate family.</p> <p>Besides the aforementioned protection of fundamental rights, the constitutional grounds on which federal public bodies may refuse to release material evidence within the meaning of section 18 (1) of the Committees of Inquiry Act include the following:</p> <ul style="list-style-type: none"> • Protecting the core sphere of autonomous executive decision-making (separation of powers): this includes the decision-making process within the Government itself, that is to say cabinet deliberations as well as the preparation of cabinet and departmental decisions; in principle, only processes which have already been concluded are subject to scrutiny by the committee of inquiry and not current negotiations or preparations for the adoption of a decision; • Safeguarding the welfare of the state: only in exceptional cases can the good of the state be invoked as a ground for rejecting a request to release evidence, since both Parliament and the Government are entrusted with the task of protecting the welfare of the state, and appropriate confidentiality measures are available to them for that purpose.
	Request experts' reports.	YES		<p>Committees of inquiry often get an overview of the matter to be investigated at the beginning of the taking of evidence through expert hearings. Section 28 (4) of the Committees of Inquiry Act stipulates that <i>experts shall deliver an impartial, complete and truthful opinion by the agreed date. At the request of the committee of inquiry, the opinion is to be formulated in writing and explained in detail orally.</i></p>
Hungary - (Respondent: National Assembly)	Conduct of on-the-spot investigations and fact-finding visits in national institutions or any other private bodies in the national territory.			<p>Not specified.</p> <p>Act XXXVI of 2012 on the National Assembly, Section 25</p> <p>(1) <i>The committee of inquiry may order the person, organ or organisation possessing a document, data or other information related to the inquiring activity to cooperate in the inquiry (hereinafter: "party obliged to cooperate").</i></p> <p>(2) <i>The party obliged to cooperate shall be subject to the</i></p>

				<p>a) obligation of providing information, b) obligation of attendance, and c) obligation of making a statement</p> <p>(3) Should the party obliged to cooperate fail to comply with the obligation referred to in paragraph (2), the chair of the sitting shall, on the basis of the information received from the chair of the committee of inquiry, publicly announce the violation of the obligations at the next sitting of the National Assembly.</p>
	Hear officials and other servants of the state.	YES		Please see above Section 25 (1) of the Act XXXVI of 2012 on the National Assembly.
	Hear members of the governments.	YES		<p>Pursuant to Article 18 (4) of the Fundamental Law:</p> <p><i>Members of the Government shall be accountable to the National Assembly for their actions, and ministers shall be accountable to the Prime Minister. Members of the Government may attend and address the sittings of the National Assembly. The National Assembly or a parliamentary committee may oblige Members of the Government to attend their sitting.</i></p>
	Hear any other natural persons residing in the Union.	YES		Section 25 of the Act XXXVI of 2012 on the National Assembly.
	Request documents.	YES		
	Request experts' reports.	YES		
Italy <i>(Respondent: Camera dei Deputati)</i>	Conduct of on-the-spot investigations and fact-finding visits in national institutions or any other private bodies in the national territory.	YES		

	Hear officials and other servants of the state.	YES		
	Hear members of the governments.	YES		
	Hear any other natural persons residing in the Union.	YES		
	Request documents.	YES		
	Request experts' reports.	YES		
Latvia - (Respondent: <i>Latvijas Republikas Saeima</i>)	Conduct of on-the-spot investigations and fact-finding visits in national institutions or any other private bodies in the national territory.	YES		
	Hear officials and other servants of the state.	YES		
	Hear members of the governments.	YES		
	Hear any other natural persons residing in the Union.	YES		
	Request documents.	YES		
	Request experts' reports.	YES		

Poland - (Respondent: Sjem)	Conduct of on-the-spot investigations and fact-finding visits in national institutions or any other private bodies in the national territory.	YES		According to Article 14(2) of the Act on Sejm Investigative Committees, <i>the committee may acquaint itself with documents or files by examination of the case on site</i>
	Hear officials and other servants of the state.	YES		According to Article 11(1) the Act on Sejm Investigative Committees, person summoned by the committee shall appear at the time designated by the committee and shall give testimony. Although this general rule literally applies to anyone summoned by an investigative committee, the Constitutional Tribunal excluded – from the obligation to testify, persons performing functions having a legal status of independence from other constitutional authorities (e.g. the President of the National Bank of Poland).
	Hear members of the governments.	YES		
	Hear any other natural persons residing in the Union.		NO	Polish law does not, as a rule, apply to persons residing in other EU Member States than Poland.
	Request documents.	YES		According to Article 14(2) of the Act on Sejm Investigative Committees: <i>Public authorities and organs of other legal entities and organs of organizational units which have no legal personality, shall present - on the committee's request - written explanations or produce documents at their disposal, or the files of any case examined by them.</i> Moreover, Article 14(3) states the following: <i>Upon request of a court or a prosecutor, the committee shall provide such bodies with access to materials collected by it, if such materials are relevant to pending criminal proceedings; the committee may provide access to collected materials if it considers this necessary for the proper conduct of proceedings by other public authorities.</i>
	Request experts' reports.	YES		According to Article 12a of the Act on Sejm Investigative Committees:

				<i>The committee may appoint experts to obtain a specialist knowledge. Provisions of Article 12 and Part V Chapter 22 of the Code of Penal Procedure concerning experts shall apply to experts appointed.</i>
Portugal - (Respondent: <i>Assembleia da Republica</i>)	Conduct of on-the-spot investigations and fact-finding visits in national institutions or any other private bodies in the national territory.	YES		<p>Pursuant to Article 178 (5) of the Constitution of the Portuguese Republic: <i>Parliamentary committees of inquiry have the investigative powers of the judicial authorities.</i></p> <p>Under Article 13 (1) of Law No 5/933 (Legal Regime governing Parliamentary Inquiries): <i>Parliamentary committees of inquiry enjoy those of the judicial authorities' investigative powers which the Constitution does not reserve to those authorities.</i></p> <p>Under Article 13 (2) of Law No 5/933: <i>Committees have the right to the assistance of the judicial authorities, the organs of the criminal police, and the administrative authorities, under the same terms as the courts.</i></p> <p>In accordance with Rule 237 of Parliament's Rules of Procedure: <i>Parliamentary committees of inquiry enjoy the investigative powers pertaining to the judicial authorities and any other powers and rights provided for by law.</i></p> <p>The actions of parliamentary committees of inquiry have extrinsic and intrinsic limits.</p> <p>Law No 5/933 (Legal Regime governing Parliamentary Inquiries provides <i>parliamentary committees of inquiry enjoy those of the judicial authorities' investigative powers which the Constitution does not reserve to those authorities.</i> With regard to extrinsic limits, they derive from respect for fundamental rights, rights, freedoms and guarantees and the constitutional principles of justice, legality, proportionality, good faith, impartiality and the principle of separation of powers. Consequently, parliamentary committees of inquiry actions cannot jeopardise fundamental rights, in particular the right of citizens to the privacy of private and family life and to the inviolability of home and correspondence.</p> <p>The intrinsic limits are inherent to the very functioning and subject of the parliamentary inquiry. In fact, parliamentary committees of inquiry are political bodies and cannot be transformed into courts. Hence, parliamentary committees of inquiry do not have the power to investigate criminal proceedings, the power to judge, the power to issue search warrants, to exercise powers of</p>

			conformation of subjective rights, to determine detention for interrogation, to enter homes or perform any kind of intrusion into private communications.
	Hear officials and other servants of the state.	YES	Article 16 (1) of the Law No 5/933 (Legal Regime governing Parliamentary Inquiries) expressly states that <i>parliamentary committees of inquiry may summon any citizen to testify about facts concerning the inquiry, without prejudice to the provisions of the following paragraphs.</i>
	Hear members of the governments.	YES	<p>The parliamentary committees of inquiry have the power to summon any citizen to testify on facts relating to the investigation (Article 16 (1) of Law No 5/933, but according to the Article 16 (2) of the same law, <i>the prerogative of giving testimony in writing, if they so prefer, pertains to the President of the Republic, as well as ex-Presidents of the Republic regarding facts of which they were aware while exercising their functions or because of such functions, if they decide to testify before a parliamentary committee of inquiry.</i></p> <p>The same prerogative is also applicable both to acting and former Speakers of the Parliament and Prime Ministers, who can deliver written testimony within 10 days after notification (Article 16 (3).</p>
	Hear any other natural persons residing in the Union.	YES	<p>The parliamentary committees of inquiry have the power to summon any citizen to testify on facts relating to the investigation (Article 16 (1) of Law No 5/933).</p> <p>However, if the person is a citizen of another Member State of the European Union, he or she must attend the parliamentary committee of inquiry, but is not obliged to come.</p>
	Request documents.	YES	<p>Pursuant to Article 13 (3) of Law No 5/933:</p> <p><i>At the duly justified request of their members, committees may submit written requests to the Government, the judicial authorities, the organs and services of the Administration, as well as any other public entities, including independent regulatory authorities, and private entities for the information and documents they deem useful to the conduct of the inquiry."</i></p> <p>Under Article 13 (4) of Law No 5/933,</p> <p><i>In parliamentary committees of inquiry formed under the terms of Article 2(1)(b), the implementation of those fact-finding steps referred to in the previous paragraph which the Members of the Assembly of</i></p>

				<p><i>the Republic who propose them request shall be obligatory, and carrying them out shall not require a committee decision.</i></p> <p>In accordance with Article 13 (5) of Law No 5/933,</p> <p><i>Provision of the information and documents referred to in paragraph (3) has priority over any other services and shall be made within ten days, failing which the person responsible is guilty of the commission of the crime referred to in Article 19, save in the event that the recipients of the request possess a weighty justification that makes it advisable for the committee to extend the time limit or cancel the step.</i></p> <p>Paragraph 7 of the same legal provision states that <i>during the course of an inquiry, a refusal to present documents or give testimony shall only be deemed justified under the terms of criminal procedural law</i>" which results that it is the regime provided for in the Code of Criminal Procedure that functions as a model regime in this matter.</p> <p>In fact, the provisions of Articles 135 and 182 of the Code of Criminal Procedure concerning professional secrecy apply to this effect, with the necessary adaptations.</p>
	Request experts' reports.	YES		<p>Article 16, paragraph 8, of Law No 5/933 stipulates that <i>Subject to prior authorisation by the President of the Assembly of the Republic, committees may requisition and hire specialists to assist them in their work.</i></p>
Romania - <i>(Respondent: Camera Deputatilor)</i>	Conduct of on-the-spot investigations and fact-finding visits in national institutions or any other private bodies in the national territory.	YES		
	Hear officials and other servants of the state.	YES		

	Hear members of the governments.	YES		
	Hear any other natural persons residing in the Union.	YES		
	Request documents.	YES		
	Request experts' reports.	YES		
Slovenia (Respondent: Državni Zbor (National Assembly))	Conduct of on-the-spot investigations and fact-finding visits in national institutions or any other private bodies in the national territory.	YES		<p>In matters of investigation and examination, the commission of inquiry has, <i>mutatis mutandis</i>, powers comparable to judicial authorities. The Parliamentary Inquiry Act further regulates certain powers of the commission of inquiry.</p> <p>As regards issues that are not regulated by the Act itself, the Act refers to the <i>mutatis mutandis</i> application of the general provisions of the Criminal Procedure Act and its provisions on investigation and main hearing; as regards legal entities, it refers to the Minor Offences Act.</p> <p>The commission of inquiry has the following powers: determining the investigated person and their hearing, hearing of witnesses, hearing of expert witnesses, collection and review of the relevant documents from the holders of such documents, special powers in relation to the government and other state bodies and courts. In cases provided by law, the commission of inquiry may request the competent court to order coercive measures (fine, compulsory attendance, seizing of documents) against witnesses, expert witnesses and holders of relevant documentation.</p>
	Hear officials and other servants of the state.	YES		
	Hear members of the governments.	YES		
	Hear any other natural persons residing in the Union.	YES		
	Request documents.	YES		
	Request experts' reports.	YES		

Spain - (Respondent: <i>Congreso de los Diputados</i>)	Conduct of on-the-spot investigations and fact-finding visits in national institutions or any other private bodies in the national territory.		NO	PCIs of the Cortes Generales require any person to give evidence but do not undertake on-the-spot investigations.
	Hear officials and other servants of the state.	YES		Yes. Article 76.2 of the Spanish Constitution states that <i>"It shall be compulsory to appear when summoned by the Houses. The law shall regulate penalties to be imposed for failure to comply with this obligation"</i> . Moreover, according to their rules of procedure (Article 52 ²³ and Article 60 ²⁴ , respectively), PCIs may require the presence, through the Presidency, of any person in order to be heard in PCI. Moreover, Article 44 ²⁵ of the Standing Orders of the Congress of Deputies lays down a general mandate for any committee in the Chamber.
	Hear members of the governments.	YES		Yes, according to Article 44.2 of the Standing Orders of the Congress of Deputies.

²³ Article 52.2 of the Standing Orders of the Congress of Deputies:

The Committees of Inquiry shall draw up a work plan and may appoint Presentations in their midst and require the presence, through the Presidency of the Congress, of any person in order to be heard.

²⁴ Article 60.2 of the Standing Orders of the Senate:

The Committees of Inquiry may require the presence of any person to testify before them with the effects provided in the law that develops the provisions of Article 76.2 of the Constitution.

²⁵ Article 44 of the Standing Orders of the Congress of Deputies:

The Committees, through the President of the Congress, may collect:

1°. *The information and documentation they require from the Government and Public Administrations (...).*

2°. *The presence before them of the members of the Government, so that they may report on matters related to their respective Departments.*

3°. *The presence of competent authorities and public officials due to the subject matter of the debate, in order to inform the Committee.*

4°. *The appearance of other persons competent in the matter, for the purposes of inform and advise the Committee.*

	Hear any other natural persons residing in the Union.	YES		Article First of Organic Act 5/1984 lays down in paragraph 1 that all Spanish citizens and foreigners residing in Spain are obliged to appear in person to inform, at the request of the PCI appointed by the Legislative Chambers.
	Request documents.	YES		
	Request experts' reports.	YES		

With regard to the legal and administrative framework

Question 3: From which bodies can PCIs request the information and documentation deemed necessary for the conduct of their proceedings?

Country	
Austria - <i>(Respondents: Nationalrat, Bundesrat)</i>	<p>According to Article 53 B-VG, all executive bodies or officers of the Federation, the provinces, the municipalities and the municipal associations and of the other self-administering bodies shall submit to a PCI, on demand, their files and documents to the extent to which these relate to the subject matter of the investigation and shall comply with the request of a PCI to take evidence in connection with the subject matter of the investigation.</p> <p>There are two exceptions: Files and documents whose disclosure would endanger sources of the secret services must not be procured. Only the Federal Government can invoke an exception if its decision-making or that of one of its members or the immediate preparation of the decision-making process would be adversely affected.</p>
Belgium <i>(Respondent: Chambre des Représentants)</i>	<ol style="list-style-type: none"> 1. Any natural or legal person, whether governed by private or public law, in the context of a measure of inquiry provided for in the Code of Criminal Procedure (Article 4(1) of the 1880 Law). 2. The Prosecutor General of the courts of appeal or the Auditor General of the military courts, when information is to be requested in criminal, police and disciplinary matters (Article 4(5)). 3. The relevant minister or state secretary, where information is to be requested in administrative matters (Article 4(6)).
Bulgaria <i>(Respondent: National Assembly)</i>	<p>Not specified.</p>
Croatia - <i>(Respondent: Hrvatski sabor)</i>	<p>The commission of inquiry is authorized to require all state bodies, institutions, companies, other legal entities and citizens to submit all documentation which could be relevant for the accomplishment of its task.</p>

Czech Republic <i>(Respondent: Chancellory of the Chamber of Deputies)</i>	<p>The Committee co-operates primarily with the ministries of the Czech Republic, other administrative offices, with the public prosecutor's office, and with local authorities of the regions, but it may address or investigate any subject, person or institution, in the matter of public interest.</p>
Denmark²⁶ <i>(Respondent: Folketinget)</i>	<p>From anyone, whether a natural or legal person or a public or private entity.</p> <p>See answer to question 2(2).</p>
Estonia <i>(Respondent: Riigikogu)</i>	<p>The government, national authorities, agencies, any natural or legal person.</p>
Finland - <i>(Respondent: Eduskunta)</i>	<p>From the Government and the Ministries.</p>
France - <i>(Respondent: Assemblée Nationale)</i>	<p>Article 6 of the Order No 58-1100 of 17 November 1958 on the functioning of the parliamentary assemblies provides that <i>[c]ommittees of inquiry shall be formed to collect information on specific matters or on the management of public services or State-owned companies.</i></p> <p>The subjects concerning which committees of inquiry were set up during the previous parliamentary term (2012-2017) show that a wide variety of natural or legal persons may be required to supply committees of inquiry with information: committee of inquiry on the situation of the French and European steel and metal industries; committee of inquiry on the functioning of the French intelligence services; committee of inquiry on the past, present and future costs of the nuclear industry; committee of inquiry on electricity tariffs; committee of inquiry on the conditions in which animals are slaughtered in French slaughterhouses (etc.)</p> <p>f</p>

²⁶ As explained in the context of the Question 1, please note that the answers given pertain to commissions of inquiry under the Commissions of Inquiry Act of 1999, not to parliamentary committees of inquiry under Section 51 of the Constitutional Act, as the latter have lost practical relevance.

<p>Germany (Respondents: Bundestag, Bundesrat)</p>	<p>Under Section 18 (1) of Committees of Inquiry Act, federal public bodies, that is to say the <i>Federal Government, federal authorities and federal public corporations, institutions and foundations</i>, are bound to present material evidence, particularly files, to the committee of inquiry. Similarly, Section 18 (4) of the Act stipulates that <i>courts and administrative authorities (including administrative bodies of the Federal States and the local/communal authorities)</i> are bound to provide judicial and administrative assistance, particularly for the purpose of presenting material evidence. Private individuals are also duty-bound to surrender relevant items of evidence under Section 29 of the Act.</p>
<p>Hungary - (Respondent: National Assembly)</p>	<p>Pursuant to Section 25 of the Act XXXVI of 2012 on the National Assembly, <i>The committee of inquiry may order the person, organ or organisation possessing a document, data or other information related to the inquiring activity to cooperate in the inquiry.</i></p>
<p>Italy - (Respondent: Camera dei Deputati)</p>	<p>Government, national authorities, agencies, any natural or legal person.</p>
<p>Latvia - (Respondent: Latvijas Republikas Saeima)</p>	<p>Parliamentary investigatory committee is eligible to request the necessary information and explanations from the members of the Cabinet of Ministers and the institutions subordinated to them (under their authority and supervision), as well as local governments and other institutions of public persons.</p>
<p>Poland - (Respondent: Sejm)</p>	<p>According to Article 14(2) of the Act on Sejm Investigative Committees, <i>public authorities and organs of other legal entities and organs of organizational units which have no legal personality, shall present - on the committee's request - written explanations or produce documents at their disposal, or the files of any case examined by them.</i></p>
<p>Portugal - (Respondent: Assembleia da Republica)</p>	<p>Pursuant to Article 13 (3) of Law No 5/933 (Legal Regime governing Parliamentary Inquiries): <i>At the duly justified request of their members, committees may submit written requests to the Government, the judicial authorities, the organs and services of the Administration, as well as any other public entities, including independent regulatory authorities, and private entities for the information and documents they deem useful to the conduct of the inquiry.</i></p>

	Article 13 (4) of the Legal Regime governing Parliamentary Inquiries expressly states that <i>In parliamentary committees of inquiry formed under the terms of Article 2(1)(b), the implementation of those fact-finding steps referred to in the previous paragraph which the Members of the Assembly of the Republic who propose them request shall be obligatory, and carrying them out shall not require a committee decision.</i>
Romania - (Respondent: Camera Deputatilor)	Government, national authorities, agencies, any natural or legal person.
Slovenia (Respondent: Drzavni Zbor (National Assembly))	<p>The Article 14 (1) of the Parliamentary Inquiry Act provides that <i>the government, administrative bodies, organisations that perform public service and all holders of public powers are obliged, at any time, to give the commission of inquiry or its representatives access to documentation at their disposal, issue the required authorisation for testimony and submit files.</i></p> <p>Article 14 (2) provides that <i>courts are obliged to submit to the commission of inquiry the parts of their files related also to the subject of the commission of inquiry. If there are ongoing cases, the commission of inquiry must return them to the court as soon as possible.</i></p>
Spain - (Respondent: Congreso de los Diputados)	Government members, administrative authorities, private bodies and legal persons (Articles 44, 202 and 203 Standing Orders of the Congress of Deputies and Article Second of Organic Act 5/1984).

With regard to the legal and administrative framework

Question 4: In the framework of investigative hearings, who can be summoned by the Committee?

Country	
Austria <i>(Respondents: Nationalrat,, Bundesrat)</i>	Anyone who has residence in Austria can be summoned by the PCI.
Belgium <i>(Respondent: Chambre des Représentants)</i>	Anyone can be called as a witness (see, however, the exceptions referred to in question 2).
Bulgaria <i>(Respondent: National Assembly)</i>	Not applicable. Investigative hearings cannot be held.
Croatia <i>(Respondent: Hrvatski sabor)</i>	<p>Heads and other officials of state bodies, responsible persons in legal entities and other citizens are obliged to testify before the commission of inquiry or to provide information on facts known to them, as well as to submit the documentation they possess.</p> <p>The person referred to above may refuse to testify if it is likely that he/she would thus expose himself/herself to criminal prosecution.</p> <p>A religious confessor is relieved of his testimony of what has been entrusted to him in a confession, and defence counsel or attorney is exempt from the duty to testify about what he/she is as a defence counsel or attorney entrusted.</p>
Czech Republic <i>(Respondent: Chancellory of the Chamber of Deputies)</i>	<p>Any person called to testify before a Committee of Inquiry are legally required to do so and must provide the Committee with any relevant information concerning the investigated matter. If the requested person does not appear, the Committee may decide to have him or her brought to appear by the appropriate authority.</p> <p>The person must be informed about possible consequences of the decision to ignore the summoning request or other decisions in the matter of investigation beforehand.</p>

	For the act of bringing a witness before the Committee to testify, the Committee requests services of the appropriate police authority.
Denmark²⁷ (Respondent: Folketinget)	Anyone. See answer to question 2(2).
Estonia (Respondent: Riigikogu)	Members of the Government, officials of executive agencies, other persons.
Finland (Respondent: Eduskunta)	Officials and other servants of the state: there is no legal obligation to participate in a hearing but in practice this is the rule without exceptions. Any other persons: participation is voluntary.
France - (Respondent: Assemblée Nationale)	Article 6 of the Order No 58-1100 of 17 November 1958 on the functioning of the parliamentary assemblies provides the following: <i>Any person that a committee of inquiry has seen fit to hear shall be required to comply with the summons delivered to him, if necessary, by a bailiff or law enforcement officer, at the request of the chair of the committee. With the exception of minors under the age of 16, such persons shall be heard under oath. They shall also be required to make statements, subject to the provisions of Articles 226-13 and 226-14 of the Criminal Code. (...)</i> <i>A person who fails to appear or refuses to make a statement or to take an oath before a committee of inquiry shall be liable to two years' imprisonment and a fine of EUR 7 500. A refusal to disclose the documents referred to shall render a person subject to the same penalties.</i>
Germany (Respondents: Bundestag, Bundesrat)	The Committee can summon witnesses (Section 20 of the Committees of Inquiry Act) and experts (Section 28 of the Act). All natural persons residing in Germany, including public servants and members of government, can be summoned.

²⁷ As explained in the context of the Question 1, please note that the answers given pertain to commissions of inquiry under the Commissions of Inquiry Act of 1999, not to parliamentary committees of inquiry under Section 51 of the Constitutional Act, as the latter have lost practical relevance.

Hungary - <i>(Respondent: National Assembly)</i>	Pursuant to Section 25 of the Act XXXVI of 2012 on the National Assembly, <i>[t]he person, organ or organisation possessing a document, data or other information related to the inquiring.</i>
Italy <i>(Respondent: Camera dei Deputati)</i>	The parliamentary committees of inquiry can examine anyone whose testimony is deemed useful about the matters of its investigation.
Latvia <i>(Respondent: Latvijas Republikas Saeima)</i>	Parliamentary investigatory committee is eligible to invite officials from ministries and municipal authorities as well as other officials of public bodies to provide explanations at their meetings. Also, Parliamentary investigatory committee shall have the right to invite any person to its meetings and to hear explanations.
Poland - <i>(Respondent: Sejm)</i>	According to Article 11(1) the Act on Sejm Investigative Committees, person summoned by the committee shall appear at the time designated by the committee and shall give testimony. Although this general rule literally applies to anyone summoned by an investigative committee, the Constitutional Tribunal excluded – from the obligation to testify, persons performing functions having a legal status of independence from other constitutional authorities (e.g. the President of the National Bank of Poland).
Portugal <i>(Respondent: Assembleia da Republica)</i>	The parliamentary committees of inquiry have the power to summon any citizen to testify on facts relating to the investigation (Article 16, paragraph 1, of Law No 5/933), but according to the Article 16, paragraph 2, of Law No 5/933 which states that <i>the prerogative of giving testimony in writing, if they so prefer, pertains to the President of the Republic, as well as ex-Presidents of the Republic regarding facts of which they were aware while exercising their functions or because of such functions, if they decide to testify before a parliamentary committee of inquiry.</i> Paragraph 3 of the same legal provision states that <i>[t]he prerogative of giving testimony in writing, if they so prefer, also pertains to the President of the Assembly of the Republic, ex-Presidents of the Assembly of the Republic, the Prime Minister and ex-Prime Ministers, who, within ten days counting from the date of the notification of the facts about which they are to testify, shall send the committee a declaration sworn under honour in which they relate that which they know about the facts in question.</i>

Romania - <i>(Respondent: Camera Deputatilor)</i>	<p>According to Article 76 (3) of the Rules of Procedure of the Romanian Chamber of Deputies, following a request by the Parliamentary Enquiry Committee, any person acquainted with actions or circumstances related to the object of the investigation, or being in possession of evidence, shall be under obligation to tell about them or produce them within the time limits set.</p> <p>In view of the hearing, the Parliamentary Enquiry Committee may send citations to any person working in the Government or in other public administration entities who may know something about an action or circumstance likely to serve in finding out the truth in the matter that forms the subject of the Committee's work. The Parliamentary Enquiry Committee may send citations to any other person who may know something about an action or circumstance likely to serve in finding out the truth in the matter that forms the subject of the Committee's work and who agrees to be heard. (Article 76 (1) of the Rules of Procedure of the Romanian Chamber of Deputies).</p>
Slovenia <i>(Respondent: Drzavni Zbor (National Assembly))</i>	<p>In principle any natural person.</p>
Spain - <i>(Respondent: Congreso de los Diputados)</i>	<p>Government members, administrative authorities, private bodies and legal persons (Article 44 Standing Orders of the Congress of Deputies).</p>

Question 5: Does your parliamentary system envisage the possibility to set up a committee of inquiry jointly with any other parliamentary assembly, national institution, supranational entity, any other entity?

With regard to the legal and administrative framework

Question 5: Does your parliamentary system envisage the possibility to set up a committee of inquiry jointly with any other parliamentary assembly, national institution, supranational entity, any other entity?

If so, please specify which ones and under which circumstances.

Country	YES	NO	
Austria (respondents: Nationalrat, Bundesrat)		NO	
Belgium (respondent: Chambre des Représentants)		NO	
Bulgaria (Respondent: National Assembly)		NO	
Croatia - (Respondent: Hrvatski sabor)			Not prescribed.
Czech Republic (Respondent: Chancellory of the Chamber of Deputies)		NO	A Committee of Inquiry is a body of the Chamber of Deputies established by will of the Chamber to investigate a matter of public interest. The Committee is responsible to the Chamber, but it acts independently on its procedures or assemblies, assemblies of other state's departments, or any other institution in general.

Question 5: Does your parliamentary system envisage the possibility to set up a committee of inquiry jointly with any other parliamentary assembly, national institution, supranational entity, any other entity?

Denmark ²⁸ (Respondent: Folketinget)		NO	
Estonia (Respondent: Riigikogu)		NO	
Finland - (Respondent: Eduskunta)		NO	
France - (Respondent: Assemblée Nationale)		NO	But aside from committees of inquiry, the following may be noted:) the existence of bodies common to the National Assembly and the Senate, such as the Parliamentary Intelligence Delegation (set up by Law No 2007-1443 of 9 October 2007);) joint hearings by the two chambers of the French Parliament. For example, on 28 June 2018, the two delegations on women's rights and equal opportunities organised a joint meeting, open to the press, on women and science. ²⁹
Germany (Respondents: Bundestag, Bundesrat)		NO	
Hungary - (Respondent: National Assembly)		NO	
Italy - (Respondent: Camera dei Deputati)	YES		Joint Committees of Inquiry made up of both Deputies and Senators, are generally set up by the passing of a law. The Committees of Inquiry, whether consisting of members of just one House of Parliament or of members of both

²⁸ As explained in the context of the Question 1, please note that the answers given pertain to commissions of inquiry under the Commissions of Inquiry Act of 1999, not to parliamentary committees of inquiry under Section 51 of the Constitutional Act, as the latter have lost practical relevance.

²⁹ <http://www2.assemblee-nationale.fr/15/les-delegations-comite-et-office-parlementaire/office-parlementaire-d-evaluation-des-choix-scientifiques-et-technologiques/secretariat/a-la-audition-commune-sur-les-femmes-et-les-sciences>

			Houses, conduct their investigations and examinations with the same powers and the same constraints as judicial authorities
Latvia - (Respondent: Latvijas Republikas Saeima)	YES		Upon a reasoned suggestion by the Parliamentary investigatory committee, the Prosecutor General shall immediately appoint one or more prosecutors to participate in the work of the Parliamentary investigatory committee. The task of the prosecutor is to verify that the information available to the Parliamentary investigatory committee does not include an indication of a criminal offense committed or in preparation. For this purpose, the prosecutor shall organize, direct and conduct the examination in accordance with the procedure laid down in the Law on the Prosecutor's Office. Members of the Parliamentary investigatory committee and the Prosecutor shall have the right to acquaint themselves with operational development files to the extent deemed appropriate by the head of the investigating authority.
Poland - (Respondent: Sjem)		NO	
Portugal - (Respondent: Assembleia da Republica)		NO	
Romania - (Respondent: Camera Deputatilor)	YES		According to the Article 64 (4) of the Constitution : <i>Each Chamber shall set up Standing Committees and may institute inquiry committees or other special committees. The Chambers may set up joint committees.</i>
Slovenia (Respondent: Drzavni Zbor (National Assembly))		NO	
Spain - (Respondent: Congreso de los Diputados)	YES		Article 76.1 of the Spanish Constitution foresees the possibility to jointly create a PCI by the Congress of Deputies and Senate. This is confirmed by Article 53 of the Standing Orders of the Congress of Deputies which envisages that <i>the creation of nonpermanent Committees (...) and <u>their possible mixed or joint character</u> (...) may be agreed by the</i>

Question 5: Does your parliamentary system envisage the possibility to set up a committee of inquiry jointly with any other parliamentary assembly, national institution, supranational entity, any other entity?

			<p><i>Bureau of Congress, on its own initiative, by two Parliamentary Groups or by one-fifth of the members of the Chamber and after hearing the Board of Spokespersons.</i></p> <p><i>Moreover, Article 59.2 of the Standing Orders of the Senate states that: if the proposal refers to a Joint Commission of the Congress of Deputies and the Senate, its constitution shall require the prior approval of both Houses. If the proposal is presented and approved in the Senate, it shall be immediately transferred to the Congress.</i></p> <p>There is no legal provision regarding the possibility of establishing PCI together with other bodies.</p>
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With regard to the legal and administrative framework

Question 6: In which cases can your parliament start a procedure of inquiry?

(ratio materiae)

Country	
Austria <i>(Respondent: Nationalrat, Bundesrat)</i>	<p>According to Article 53 B-VG, the subject matter of the investigation is a certain completed process regarding matters in which the Federation is responsible for implementing the laws. This includes all activities of executive bodies or officers of the Federation through which the Federation exercises rights associated with holding an economic interest and supervisory rights irrespective of the proportion of its interest. An examination of jurisdiction is excluded.</p>
Belgium <i>(Respondent: Chambre des Représentants)</i>	<p>In all cases, in principle.</p>
Bulgaria - <i>(Respondent: National Assembly)</i>	<p>No</p>
Croatia - <i>(Respondent: Hrvatski sabor)</i>	<p>A commission of inquiry may be set up for any matter of public interest.</p> <p>Issues of public interest are particularly considered the realization of the fundamental values of the Constitution of the Republic of Croatia as defined in Article 3 of the Constitution, fundamental freedoms and rights of man and citizen of Chapter III of the Constitution, the legality of the work of state bodies, public services and legal persons governed by public law, and issues concerning public morality.</p>
Czech Republic <i>(Respondent: Chancellory of the Chamber of Deputies)</i>	<p>A Committee of Inquiry is a special body of the Chamber of Deputies established to investigate a matter of public interest.</p> <p>Committees of Inquiry generally investigate the actions of various bodies of the state administration and the Chamber of Deputies may draw various conclusions from the outcome of an investigation. For example, the Chamber may, by means of a resolution, request the Government to adopt certain appropriate measures, or it may request the resignation of a responsible</p>

	<p>administrative official or Government member, or the Chamber may even adopt a resolution of no confidence in the Government.</p> <p>Although the Committee is primarily intended to supervise the work of the government, the agenda of the Committee can be much broader. As an example from the history can serve the Committee of Inquiry investigating several cases of intrusion into lives of relatives of Members of the Chamber of Deputies and putting them under pressure by various means to influence the Members in the fifth electoral term of the Chamber.</p> <p>The term “public interest” is defined neither by the Constitution nor by the Rules of Procedure of the Chamber of Deputies. It is a general term which interpretation must be based mainly on the previous decisions of the Chamber to form a Committee of Inquiry and related legislation. It is a distinctive decision of the Chamber to establish a certain investigation as a matter of public interest.</p>
Denmark³⁰ <i>(Respondent: Folketinget)</i>	<p>A commission of inquiry can be established to conduct an investigation of “a particular matter of general importance”, in the words of the Act. The Minister for Justice must establish a commission if the Folketing passes a resolution to that effect. In the latter case, the minister must consult with the Standing Orders Committee of the Folketing before deciding the terms of reference of the inquiry.</p>
Estonia <i>(Respondent: Riigikogu)</i>	<p>Matters of public concern. According to subsection 20 (1) of the Riigikogu Rules of Procedure and Internal Rules Act, the Riigikogu may form committees of investigation in order to investigate the circumstances of events of public interest.</p>
Finland - <i>(Respondent: Eduskunta)</i>	<p>According to the Section 35 of the Constitution the Parliament may appoint Committees ad hoc for the preparation of, or inquiry into, a given matter. This formula is very wide. The Parliament decides in which cases an ad hoc committee is necessary.</p>
France - <i>(Respondent: Assemblée Nationale)</i>	<p>Article 6 of the Order No 58-1100 of 17 November 1958 on the functioning of the parliamentary assemblies provides that <i>committees of inquiry shall be formed to collect information on specific matters or on the management of public services or State-owned companies.</i></p>

³⁰ As explained in the context of the Question 1, please note that the answers given pertain to commissions of inquiry under the Commissions of Inquiry Act of 1999, not to parliamentary committees of inquiry under Section 51 of the Constitutional Act, as the latter have lost practical relevance.

<p>Germany (Respondents: Bundestag, Bundesrat)</p>	<p>The investigative power of the German Bundestag - being the Parliament on federal level - is limited to the area of competence of the Federal Government. Hence, the Bundestag's committees of inquiry cannot investigate in matters that fall (solely) within the remit of the Länder.</p> <p>As regards the content of the inquiry, it is the task of a committee of inquiry to investigate facts of which the clarification is in the public interest and to report to the Bundestag. Inquiries into private matters are impermissible, unless there is a public interest related to it. The right of parliamentary inquiry is broad, but not unlimited. Its limits are to be found exclusively in the Constitution itself and in the provisions which give Article 44 of the Basic Law a more concrete form. This means that only within this "constitutional competence of the Bundestag" is an investigation procedure admissible (Section 1 (3) of the Committees of Inquiry Act). The separation of powers prohibits the review of court rulings and decisions. In addition, the so-called core area of executive self-responsibility of the federal government poses another limit as well as the protection of the welfare of the state (see also answer to question 2 "request documents"). Furthermore, only those matters that have already been finished and which are of public interest are accessible to an investigation by the Bundestag. Matters of defense are assigned to the Defense Committee under Article 45a of the Basic Law and are thus excluded from examination by a committee of inquiry.</p>
<p>Hungary - (Respondent: National Assembly)</p>	<p>Pursuant to Section 24 (1) of the Act XXXVI of 2012 on the National Assembly, Section 24 (1)</p> <p><i>The National Assembly – in line with Article C)(1) of the Fundamental Law – may delegate a committee of inquiry to examine any matter of public interest revealed within the National Assembly's supervisory powers if the clarification of the case is not feasible by way of an interpellation or question (prompt question). No committee of inquiry shall be established for the establishment of specific legal liability or for the examination of a case that falls within the powers of the Constitutional Court, the State Audit Office or local governments. The examination shall not be extended to a case, which is in the phase of preparing the decision. Neither shall the examination be extended to a case, which is subject of a criminal, infraction, civil or administrative is proceeding in progress.</i></p> <p>Additionally, based on 27A (1) of the above mentioned parliamentary act, Section 27/A (1)</p> <p><i>With the exception of the committee of inquiry, a parliamentary committee may decide in its discretion to conduct an inquiry in a matter related to its functions, the examination of which could be the subject of the activity of a committee of inquiry delegated by the National Assembly on the basis of Section 24(1).</i></p>
<p>Italy - (Respondent: Camera dei Deputati)</p>	<p>Each Chamber may launch investigations on matters of public interest.</p>

<p>Latvia - <i>(Respondent: Latvijas Republikas Saeima)</i></p>	<p>Establishment of such <i>ad hoc</i> committees is an extraordinary solution in every special case. In fact the government itself with its inactivity or wrong action is a reason to start investigation. The notion of the Article 26 of the Constitution “for specified matters” indicates that the Parliament starts the parliamentary investigations when it is concerned that “something bad and threatening can happen”.</p> <p>With few exceptions the parliamentary investigations are started by the opposition. Reasons for such establishment are diverse. During the time of the first Independence the parliamentary investigatory committees were formed due to political reasons, then during the time of the second Independence it is obvious that mainly the committees work in order to examine financial crimes of a large scale, which are related to taking over of banks, restructuring or corruption of the banks. Nowadays the committees are formed in order to examine financial activity of former Prime Ministers, to disperse suspicions about irregularities of the privatisation process permitted by separate banks, equity capital companies and even sanatoriums and to assure of compliance of the activity of state institutions to the interests of the state and society. Also the committees are created to investigate child sexual abuse (pedophilia) among the political elite of the state and to clarify the possible involvement of the state officials in the smuggling transactions, suspicions about unlawfulness in the justice system, about reasons of mass tragedies.</p> <p>The essence of the parliamentary committee is the function of the parliamentary control, which are the rights of the opposition. This committee can investigate “everything” and can come forward with a political statement giving political assessment of any fact. Therefore the investigation should be the case that is sufficiently important for the state, moreover it should be with a negative shade (condemnable or criminal). In addition there should be a probability that the government in general or some separate official has acted against the law or permitted undue care or inactivity. The practice of the parliamentary investigations of Latvia testify that the object of the parliamentary investigations is an event with a public interest, where there are suspicions about the activity (inactivity) of the executive power in the negative meaning. Initiators of establishment of some committees even did not tried to hide that the investigations are started in order to fight with political competitors, but some are called “true pre-election committees”, which means that such committees has an aim, an idea who is to be blamed and what the real offense is, which should be converted in the final report.</p>
<p>Poland - <i>(Respondent: Sjem)</i></p>	<p>The scope of activity of Sejm’s investigative committees includes any “particular matter” related to the functioning of the Council of Ministers and governmental administration.</p>

<p>Portugal - (Respondent: Assembleia da Republica)</p>	<p>As per Article 233 of the Rules of Procedure of the Assembly of the Republic, the purpose of parliamentary inquiries is to assess compliance with the Constitution and the laws and consider the acts of the Government and the Administration.</p> <p>In accordance with Article 1 of Law No 5/933: Article 1 Functions and object</p> <p><i>1 – The function of parliamentary inquiries is to scrutinise compliance with the Constitution and the laws and to consider the acts of the Government and the Administration.</i></p> <p><i>2 – The object of a parliamentary inquiry may be any matter of public interest that is relevant to the exercise of the Assembly of the Republic's competences.</i></p> <p><i>3 – Parliamentary inquiries are conducted by ad hoc Assembly committees formed especially for each case, in accordance with the Rules of Procedure.</i></p> <p>In accordance with Article 8 (1) and (2) of Law No 5/933: Article 8 On the object of committees of inquiry</p> <p><i>1 – Government or Administration acts that occurred during legislatures prior to that which is currently underway may only be the object of parliamentary inquiries when they concern matters that are still under consideration, new facts, or facts that have since come to light.</i></p> <p><i>2 – During each legislative session it is not permitted to form new committees of inquiry with an object that has given rise to the formation of another committee which is still exercising its functions or which completed them during the legislative session in question, save if new facts appear.</i></p> <p>Pursuant to Article 178 (5) of the Constitution of the Portuguese Republic, Parliamentary committees of inquiry have the investigative powers of the judicial authorities.</p> <p>It is not possible to open a parliamentary inquiry regarding all matters, in fact, the actions of parliamentary committees of inquiry have extrinsic and intrinsic limits.</p> <p>The Legal Regime governing Parliamentary Inquiries provides that <i>parliamentary committees of inquiry enjoy those of the judicial authorities' investigative powers which the Constitution does not reserve to those authorities</i>. With regard to extrinsic limits, they derive from respect for fundamental rights, rights, freedoms and guarantees and the constitutional principles of justice, legality, proportionality, good faith, impartiality and the principle of separation of powers. Consequently, parliamentary</p>
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	<p>committees of inquiry actions cannot jeopardise fundamental rights, in particular the right of citizens to the privacy of private and family life and to the inviolability of home and correspondence.</p> <p>The intrinsic limits are inherent to the very functioning and subject of the parliamentary inquiry. In fact, parliamentary committees of inquiry are political bodies and cannot be transformed into courts. Hence, parliamentary committees of inquiry do not have the power to investigate criminal proceedings, the power to judge, the power to issue search warrants, to exercise powers of conformation of subjective rights, to determine detention for interrogation, to enter homes or perform any kind of intrusion into private communications.</p>
<p>Romania - (Respondent: Camera Deputatilor)</p>	<p>Romanian Parliament (both Chambers) may set up a temporary inquiry committees to investigate matters in the framework of parliamentary scrutiny, electoral matters, violation of human rights, matters of public administration.</p>
<p>Slovenia (Respondent: Drzavni Zbor (National Assembly))</p>	<p>The National Assembly may order inquiries on any matter of public importance. Everything that can be defined as a matter of public importance may be subject to parliamentary inquiry. However, the concept of “matter of public importance” is indefinite. When defining a “matter of public importance” and thus the subject of a parliamentary inquiry, one needs to rely primarily on the competences of the National Assembly and use additional criteria to determine the scope of parliamentary inquiry or the powers of the commission of inquiry. Above all, the following criteria are to be considered: the principle of public interest, the principle of separation of powers, the principle of constitutionality and legality (respect for human rights and freedoms) and the principle of legal certainty (of the investigative task).</p> <p>The principle of legal certainty dictates that the fundamental prerequisite for a decision on whether a parliamentary commission of inquiry should remain within the limits of its powers is a precise definition of the subject of inquiry, which is important for the relationship between the commission of inquiry and the National Assembly as well as for the relationship between the commission of inquiry and third parties or state bodies involved in the procedure. A precise definition of the subject of inquiry is also a prerequisite for effective judicial protection. An inquiry which the commission would carry out beyond its limits would be contrary to the law. A precise definition of the subject is necessary primarily because of the protection of participants in the inquiry who need to know what the subject of the inquiry is and what the investigative tasks are. Otherwise, they cannot effectively exercise their rights nor fulfil their duties properly. When considering the content, it is primarily necessary to derive from the act ordering a parliamentary inquiry, which defines the subject (description of the</p>

matter of public importance) and the purpose of parliamentary inquiry, as this sets out the task of the commission of inquiry. Both represent the subject of the act ordering the inquiry, which is published in the Official Gazette of the Republic of Slovenia (together with the scope of the parliamentary inquiry, if included in the request).

The following two important restrictions of the inquiry activity of the National Assembly derive directly from the Constitution: in ordering a parliamentary inquiry, it is necessary to comply, on the one hand, with the principle of separation of powers and, on the other, respect an individual's constitutional rights. In the Parliamentary Inquiry Act, the two restrictions are explicitly defined. Article 1 defines the purpose of a parliamentary inquiry. A parliamentary inquiry is carried out to determine and assess the state of facts which can serve as the basis for the National Assembly to decide on the political responsibility of bearers of public functions, on amending legislation, or on other decisions within its constitutional power. Restriction on the constitutional powers of the National Assembly means that the subject of a parliamentary inquiry cannot interfere with the (exclusive) powers of the Executive or the Judiciary.

The constitutional basis for restriction of parliamentary inquiries in relation to the Judiciary lies in the principle of independence of the Judiciary (Article 125 of the Constitution). Since the Judiciary, as one of the three branches of power, is fully involved in the system of mutual control, restriction and cooperation, the problems in the functioning of the Judiciary as a whole and the development trends thereof may be the subject of a parliamentary inquiry. Lengthy court proceedings may be such a case. However, the principle of independence of the Judiciary means that it is prohibited that another branch of government takes decisions relating to open court proceedings that could have any influence on the formation of opinion in an individual case. It is not important in what form the Parliament is trying to influence the court's decision. Likewise, the subject of decision-making in parliament and therefore also the subject of a parliamentary inquiry cannot be the legality and appropriateness of individual judgments and court proceedings.

In a parliamentary inquiry, judges may not be heard on issues that are or have been the subject of decision-making in a court proceeding. Such a prohibition derives from the first paragraph of Article 134 of the Constitution which determines the immunity of a judge in respect of opinions they make in court. Compliance with the principle of separation of powers and independence of the Judiciary is provided also in Article 2 of the Parliamentary Inquiry Act which allows a parliamentary inquiry into a case already dealt with in criminal proceedings. In each of these proceedings the state plays a significantly different role. The aim of a parliamentary inquiry is to detect irregularities in various areas of social life and in the functioning of state bodies. Court proceedings aim to prosecute and convict individuals for criminal conduct. The state of facts, which is the subject of a parliamentary inquiry, is therefore not equal to the state of facts which is the subject of decision-making in criminal proceedings. Of course, a parliamentary inquiry may not obstruct court proceedings. It is necessary to ensure that the

	<p>parliamentary procedure does not prejudge the decision of the court in the case running on the same state of affairs and that it does not affect the procedural status of a person who is accused in court proceedings.</p> <p>The investigative power of the National Assembly is, on the other hand, limited by the constitutional provisions on human rights and fundamental freedoms. The Constitution guarantees every individual's freedoms which cannot be subject to limitation by law nor the subject of a parliamentary inquiry. Even the parliamentary commission of inquiry is therefore bound by the constitutional guarantees of human rights and fundamental freedoms.</p>
<p>Spain - <i>(Respondent: Congreso de los Diputados)</i></p>	<p>In any case of public interest. For instance, the last committees of enquiry have covered issues such as airplane and trains accidents, corruption, the financial crisis and terrorist attacks.</p>

2. Legal proceedings, sanctions and legal remedies

Question 7: Do your parliamentary committees of inquiry have the possibility to adopt sanctions or to launch legal proceedings with regard to the following:

COUNTRY		YES	NO	
Austria (Respondents: Nationalrat, Bundersat)	Groundless refusal to provide any documents requested.	YES		<p>If, in the opinion of the PCI or of a quarter of its members, an organ required to provide information fails to comply, or to adequately comply with its obligation to provide information, the PCI or a quarter of its members may require said organ to comply with its obligation within a period of two weeks. The reasons for such demand shall be stated in writing (§ 27 (4) RP-IC).</p> <p>The Constitutional Court shall under Article 138b (1) [4] B-VG rule on the lawfulness of the partial or total refusal to provide information to the PCI if so petitioned by the requested organ or by a quarter of the members of the PCI after expiry of the before-mentioned period or if the PCI, upon a motion submitted in writing, decides to file such a petition.</p>
	Groundless refusal by natural persons of the request to be heard.	YES		<p>If an informant without due cause fails to comply with a summons served on him/her personally the PCI may petition the Federal Administrative Court to impose a penalty for contempt. Such petition shall indicate the reason (§ 36 (1) RP-IC).</p> <p>The PCI may at the same time issue a second summons, warning the informant that it could, in case of repeated non-compliance, issue a warrant to have him/her brought before the Committee. Should the informant fail to comply with such summons without due cause, the PCI may order him/her to be brought before the Committee by the competent law-enforcement agency (§ 36 (2) RP-IC).</p> <p>Compulsory attendance shall be subject to appeal to the Federal Administrative Court (§ 36 (4) RP-IC).</p>
	Giving false evidence.		NO	<p>According to § 288 (3) of the Criminal Code, anyone that gives false evidence before a PCI of the National Council shall be sentenced by the court to imprisonment for a term up to three years. Note that only the judicial authorities can launch proceedings. A PCI or any of its (former) members can report its/his/her suspicion to judicial authorities.</p>

	Bribing individuals.		NO	See above.
Belgium (Respondent: Chambre des Représentants)	Groundless refusal to provide any documents requested.	YES		<p>1. Under Article 4(5)(2) of the 1880 Law, if the judge to whom a request for criminal, police and disciplinary information has been made deems himself unable to accede to that request, an action may be brought before a college consisting of the first President of the Court of Cassation, the President of the Constitutional Court and the first President of the Council of State.</p> <p>2. The committee of inquiry may seize information which it deems necessary (cf. duty of inquiry referred to in Article 4(2) of the 1880 Law).</p>
	Groundless refusal by natural persons of the request to be heard.	YES		<p>On the basis of Article 10 of the 1880 Law.</p> <p>Article 8(9) of the 1880 Law provides the following: <i>Any person named to be heard as a witness shall be required to appear and comply with the summons on pain of imprisonment of between eight days and six months and a fine of between EUR 500 and EUR 10 000. The provisions of Book I of the Criminal Code, including Chapter VII and Article 85, shall apply.</i></p>
	Giving false evidence.	YES		<p>On the basis of Article 10 of the 1880 Law.</p> <p>Article 9(1) and (2) of the 1880 Law provides the following: <i>Any person found guilty of false testimony, any interpreter or expert found guilty of providing false statements, or any person found guilty of bribing witnesses, experts or interpreters shall be punished by imprisonment of two months to three years and deprived of the right to vote and to stand for election for at least five years but not more than 10 years.</i></p> <p><i>Where witnesses, experts or interpreters have received money, rewards or promises in exchange for false testimony or statements, they shall be subject to a fine of between EUR 50 and EUR 3 000.</i></p>
	Bribing individuals.	YES		<p>On the basis of Article 10 of the 1880 Law.</p> <p>Inter alia, Article 9(3) of the 1880 Law provides the following: <i>The same penalty shall be applicable to the briber, without prejudice to other penalties.</i></p>

Bulgaria - (Respondent: National Assembly)	Groundless refusal to provide any documents requested.		NO	
	Groundless refusal by natural persons of the request to be heard.		NO	
	Giving false evidence.		NO	
	Bribing individuals.		NO	
Croatia (Respondent: Hrvatski sabor)	Groundless refusal to provide any documents requested.	YES		A fine of HRK 50.000 to 1.000.000 or a sentence of imprisonment of 6 months to 5 years shall be imposed on the responsible person in the legal person who fails to submit to the commission of inquiry all the requested documentation.
	Groundless refusal by natural persons of the request to be heard.	YES		
	Giving false evidence.	YES		
	Bribing individuals.			Not specified.

Czech Republic (Respondent: Chancellery of the Chamber of Deputies)	Groundless refusal to provide any documents requested.		NO	In general, a Committee of Inquiry does not have any legal power to adopt sanctions of any kind. The main power of the Committee is political power. As a body of the Chamber of Deputies, the Committee represents in essence will of the people to investigate a matter of public interest. Any refusal to co-operate and to provide necessary information or documents can result in serious political consequences.
	Groundless refusal by natural persons of the request to be heard.		NO	Any persons called to testify before a Committee of inquiry are legally required to do so and must provide the Committee with any relevant information concerning the investigated matter. If the requested person does not appear, the Committee may decide to have him or her brought to appear by the appropriate authority, but if the witness refuses to testify, the Committee of Inquiry does not have any legal power to adopt sanctions of any kind.
	Giving false evidence.	YES		In general, a Committee of Inquiry does not have any legal power to adopt sanctions of any kind. Witnesses are informed about their rights and obligations before the hearing according to the Appendix 1 of the Rules of Procedure of the Chamber of Deputies. If the informed witness gives false evidence, false testimony, he or she can be prosecuted in criminal proceedings according to the law.
	Bribing individuals.	YES		In general, a Committee of Inquiry does not have any legal power to adopt sanctions of any kind. Witnesses are informed about their rights and obligations before the hearing according to Appendix 1 of the Rules of Procedure of the Chamber of Deputies. If there is a case of bribing an informed individual, it is viewed as an obstruction to a legal procedure and persons responsible can be prosecuted in criminal proceedings according to the law.
Denmark³¹ (Respondent: Folketinget)	Groundless refusal to provide any documents requested.	YES		A commission of inquiry chaired by a judge may issue an order to comply with its requests for documents. If the order is disregarded, the commission may apply the sanctions provided for in Section 178 of the Administration of Justice Act, i.e. the same sanctions that a court may apply to witnesses who refuse to testify. This includes fining the witness, having the witness brought in by the police, ordering the witness to pay damages for any expenses due to his/her failure to appear as summoned, ordering the witness to pay daily fines for each day

³¹ As explained in the context of the Question 1, please note that the answers given pertain to commissions of inquiry under the Commissions of Inquiry Act of 1999, not to parliamentary committees of inquiry under Section 51 of the Constitutional Act, as the latter have lost practical relevance.

				<p>he/she refuses to appear (for no more than 6 months in total), or ordering the police to take the witness into custody until he/she testifies (also for no more than 6 months in total).</p> <p>Such decisions are subject to appeal to the High Court of Eastern Denmark.</p> <p>A commission of inquiry chaired by a judge may also avail itself of the services of the Bailiff's Court to gain possession on required documents.</p>
	Groundless refusal by natural persons of the request to be heard.	YES		<p>A commission of inquiry chaired by a judge may apply the sanctions provided for in Section 178 of the Administration of Justice Act to a witness who refuses to testify. See the answer above.</p>
	Giving false evidence.		NO	<p>Under Section 14 of the Commissions of Inquiry Act, cf. Sections 158-160 of the Criminal Code, perjury before a commission of inquiry is punishable in the same way as before a court, i.e. by up to 4 years of imprisonment, by a fine in case the false statement is of no consequence to the matter on which information is sought, or by a fine or up to 4 months of imprisonment in cases of gross negligence.</p> <p>It is not for the commission itself, however, to decide on such criminal sanctions.</p>
	Bribing individuals.		NO	<p>We assume that the question refers to active bribery in the context of a commission of inquiry, e.g. bribing or attempting to bribe a member of a commission.</p> <p>Such bribery is punishable under Section 122 of the Criminal Code. It is not for the commission itself, however, to decide on such criminal sanctions</p>
Estonia (Respondent: Riigikogu)	Groundless refusal to provide any documents requested.		NO	<p>Pursuant to the Riigikogu Rules of Procedure and Internal Rules Act (section 23), failure to appear before a committee of investigation without a valid reason following a summons from the committee, failure to present information or documents, or refusal to provide explanations or to reply to questions is punishable by a fine of up to 300 fine units (the maximum fine is € 1200).</p>
	Groundless refusal by natural persons		NO	

	of the request to be heard.			<p>Although sanctions were provided for by law in 2003, the sanctions have never been applied. The reason for that is deficiency of the law. The law does not say which authority is responsible for conducting extra-judicial proceedings. Without clear regulation, the procedure for applying sanctions cannot be carried out.</p> <p>There have been many attempts to amend the law, but the situation has remained unchanged. Public condemnation is the only punishment that can befall persons who do not cooperate with the committee.</p> <p>During the last years the issue of sanctions has been under discussion in our Parliament. There are different views. According to one point of view, the committees and the outcomes of their work are purely political and involve no legal consequences. Therefore, it has been considered unjustified to give the committees the same powers that courts have. On the other hand, some politicians find that effective sanctions are necessary and justified in view of the significant public interest in the work and the results of the work of the investigation committees.</p>
	Giving false evidence.		NO	Public condemnation is the only punishment.
	Bribing individuals.	YES		A PCI may submit a report of a criminal offence to an investigative body or the Prosecutor's Office.
Finland (Respondent: Eduskunta)	Groundless refusal to provide any documents requested.		NO	
	Groundless refusal by natural persons of the request to be heard.		NO	
	Giving false evidence.		NO	

	Bribing individuals.		NO	
France <i>(Respondent: Assemblée Nationale)</i>	Groundless refusal to provide any documents requested.	YES		According to Article 6 of the Order No 58-1100 of 17 November 1958 on the functioning of the parliamentary assemblies , a person who fails to appear or refuses to make a statement or to take an oath before a committee of inquiry shall be liable to two years' imprisonment and a fine of EUR 7 500. A refusal to disclose the documents referred to shall render a person subject to the same penalties.
	Groundless refusal by natural persons of the request to be heard.	YES		According to Article 6 of the Order No 58-1100 of 17 November 1958 on the functioning of the parliamentary assemblies , [a]ny person that a committee of inquiry has seen fit to hear shall be required to comply with the summons delivered to him, if necessary, by a bailiff or law enforcement officer, at the request of the chair of the committee. (...) A person who fails to appear or refuses to make a statement or to take an oath before a committee of inquiry shall be liable to two years' imprisonment and a fine of EUR 7 500.
	Giving false evidence.	YES		According to Article 6 of the Order No 58-1100 of 17 November 1958 on the functioning of the parliamentary assemblies , the person heard must 'swear an oath' before the committee of inquiry, on pain of 'two years' imprisonment and a fine of EUR 7 500'
	Bribing individuals.			In the event of false testimony or bribery of witnesses, the provisions of Articles 434-13, 434-14 and 434-15 of the Criminal Code respectively shall apply.
Germany <i>(Respondents: Bundestag, Bundesrat)</i>	Groundless refusal to provide any documents requested.	YES		<p>Regarding the refusal by state authorities, Section 18 (3) of the Committees of Inquiry Act stipulates that [u]pon application by the committee of inquiry or by one quarter of its members, the Federal Constitutional Court shall rule on the lawfulness of a refusal to accede to a request, and the investigating judge at the Federal Court of Justice shall rule on the lawfulness of a classification.</p> <p>Regarding the publication of files by federal courts (judicial assistance) or by state authorities and courts (administrative assistance) at the request of the investigating committee, the investigating judge of the Federal Supreme Court decides on disputes pursuant to Section 18 (4) sentence 2 of the Act.</p> <p>If objects are not voluntarily surrendered by private natural or legal persons, the investigating committee may set a fine of up to 10,000 EUR, Section 29 (2) of the Act. At the request of the Committee, the investigating judge</p>

				may order the Federal Court of Justice to impose coercive detention or the seizure of evidence, Section 29 (2) and (3) of the Act.
	Groundless refusal by natural persons of the request to be heard.	YES		<p>If witnesses fail to appear without excuse despite having been properly summoned, the Committee of Inquiry may order their coercive presentation without a judicial decision or impose a fine of up to 10,000 EUR (section 21 (1) sentence 1 of the Committees of Inquiry Act). The witness may also be ordered to pay the costs caused by the absence.</p> <p>Section 27 (1) of the Act, treating the subject of unfounded refuse to testify, states that if the witness refuses to testify for no legal reason, the committee may impose the costs caused by this and impose a fine of up to 10,000 EUR on the witness. Section 27 (2) of the Act mentions a possible coercive detention, to be imposed by the investigating judge of Federal Court at the request of the Committee in very special cases.</p>
	Giving false evidence.	YES		<p>False testimony by witnesses before the Committee of Inquiry is punishable under sections 153, 162 (2) of the Criminal Code (<i>Strafgesetzbuch</i>).</p> <p>Pursuant to Sections 267ff. of the Criminal Code, the production of a counterfeit document, the falsification a genuine document or the use of a counterfeit or a falsified document is punishable. The Committees of Inquiry Act does not give the Committee the possibility to adopt sanctions itself. The public prosecutor's office is responsible for any investigations.</p>
	Bribing individuals.	YES		According to Sections 331ff. of the Criminal Code, taking and giving bribes is a punishable offence. As for the matter of giving false evidence, there is no special sanctions mechanism.
Hungary - (Respondent: National Assembly)	Groundless refusal to provide any documents requested.			Not specified. Pursuant to Section 25 (3) of the Act XXXVI of 2012 on the National Assembly, <i>[s]hould the party obliged to cooperate fail to comply with the obligation referred to in paragraph (2), the chair of the sitting shall, on the basis of the information received from the chair of the committee of inquiry, publicly announce the violation of the obligations at the next sitting of the National Assembly.</i>
	Groundless refusal by natural persons			

	of the request to be heard.			
	Giving false evidence.			
	Bribing individuals.			
Italy <i>(Respondent: Camera dei Deputati)</i>	Groundless refusal to provide any documents requested.		NO	The parliamentary committees of inquiry carry out investigations and examinations with the same powers and limitations as the judicial authority. Parliamentary committees of inquiry can only inform the judicial authority that it provides on the basis of the Articles of the Criminal Code and criminal procedure.
	Groundless refusal by natural persons of the request to be heard.		NO	
	Giving false evidence.		NO	
	Bribing individuals.		NO	
Latvia - <i>(Respondent: Latvijas Republikas Saeima)</i>	Groundless refusal to provide any documents requested.	YES		<p>Law on Parliamentary investigatory committees stipulates that any person who knowingly falsifies or deliberately falsifies an opinion, or knowingly falsifies a translation, or refuses to provide an explanation, an opinion or a translation to a Parliamentary investigatory committee, or is compelled to make a false explanation, an opinion or a translation is liable to criminal liability.</p> <p>If the person fails to appear at the invitation of the Parliamentary investigatory committee the court decides on the forced entry of a person on the proposal of the commission.</p> <p>The power of the legislator to investigate is limited, the subject matter of the investigation may not be court proceedings and criminal prosecution. The prosecutor, who might be involved with the permission of the chair</p>

				of the meeting of the Parliamentary investigatory committee, has the right to ask questions to the invited persons. The task of the prosecutor is to check whether information being at the disposal of the Parliamentary investigatory committee does not contain indications to already committed or prepared criminal offence, but the further activities the prosecutor performs in the order as stated by the Law on Prosecutor's office, and not here in the meeting of the Parliamentary investigatory committee is performing any procedural activities. He/she is due to perform them in accordance with the Law on Prosecutor's office.
	Groundless refusal by natural persons of the request to be heard.	YES		
	Giving false evidence.	YES		
	Bribing individuals.	YES		
Poland (Respondent: Sjem)	Groundless refusal to provide any documents requested.		NO	General rules apply, i.e. to possibility to refer the matter to state prosecution in order to initiate criminal proceedings.
	Groundless refusal by natural persons of the request to be heard.	YES		According to Article 12(1) of the Act on Sejm Investigative Committees, in the event that any person summoned to testify <i>has failed to appear before the committee without reasonable justification of absence, or has left the place of the committee's activity before its conclusion, or has unreasonably refused to give testimony or take the oath, the committee may submit a motion to the Regional Court in Warsaw requesting imposition of a penalty for breach of order.</i>
	Giving false evidence.		NO	General rules apply, i.e. to possibility to refer the matter to state prosecution in order to initiate criminal proceedings.

	Bribing individuals.		NO	General rules apply, i.e. to possibility to refer the matter to state prosecution in order to initiate criminal proceedings.
Portugal (Respondent: Assembleia da Republica)	Groundless refusal to provide any documents requested.	YES		<p>In accordance with Article 13 (5), (6) and (7) of Law No 5/933 (Legal Regime governing Parliamentary Inquiries):</p> <p>Article 13 Committee powers : (...)</p> <p><i>5 – Provision of the information and documents referred to in paragraph (3) has priority over any other services and shall be made within ten days, failing which the person responsible is guilty of the commission of the crime referred to in Article 19, save in the event that the recipients of the request possess a weighty justification that makes it advisable for the committee to extend the time limit or cancel the step.</i></p> <p><i>6 – Requests of the type referred to in paragraph (3) must mention the present Law and transcribe paragraphs (5) of the present Article and (1) of Article 19.</i></p> <p><i>7 – During the course of an inquiry, a refusal to give testimony, provide information or present documents shall only be deemed justified under the terms of criminal procedural law and of the present Law.</i></p> <p>Which results that it is the regime provided for in the Code of Criminal Procedure that functions as a model regime in this matter.</p> <p>In fact, the provisions of Articles 135 and 182 of the Code of Criminal Procedure concerning professional secrecy concerning, in particular, officials, lawyers, doctors and banking institutions shall apply with the necessary adaptations.</p> <p>In accordance with the provisions of Article 135 of the Code of Criminal Procedure concerning professional secrecy:</p>

				<p><i>1 – The religion or religious confession ministers and the attorneys, doctors, journalists, <u>members of credit institutions</u>³² and all other persons to whom the law allows or imposes secrecy may exempt themselves from testifying on facts covered by secrecy.</i></p> <p><i>2 – In the event of grounded doubts as to the legitimacy of the exemption, the judicial authority before which the exemption has been invoked makes the necessary investigations. If, after the investigation, it is found that the exemption is illegitimate, the authority shall order, or require the court to order, the witness to testify.</i></p> <p><i>3 – A higher jurisdiction than the court where the exemption has been invoked or - where the exemption has been argued before the Supreme Court of Justice - the plenary of criminal sections, may decide that the witness will testify regardless of professional secrecy whenever justified, according to the principle of prevailing interest considering, in particular, the need for evidence in order to clarify the truth, the gravity of the crime and the need to protect legal assets. Intervention is ordered by the judge, ex officio or upon request.</i></p> <p><i>4 – In cases foreseen by paragraphs 2 and 3 above, the judicial authority or court takes the decision after hearing the representative body of the profession bound by professional secrecy, under the terms and for the purposes of the law applying to that professional body.</i></p> <p><i>5 – The provisions of paragraphs 3 and 4 do not apply to religious secrecy.</i></p> <p>Article 182 of the Code of Criminal Procedure provides the following, as regards professional secrecy or official and state secrecy:</p> <p><i>1 - Persons mentioned in Articles 135 to 137 shall provide the judicial authority, upon request, with any documents or items that may be in their possession and that should be seized, except where they invoke, in writing, professional secrecy, secrecy binding officials or State secrecy.</i></p> <p><i>2 - If the refusal is based upon professional secrecy or secrecy binding officials, the provisions of Article 135(2)(3) and of Article 136(2) shall apply accordingly.</i></p>
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³² The recent amendment (Law 15/2019, of 12 February which amended Executive-Law 282/92, of 31 December) provided that members of credit institutions cannot invoke professional secret to a parliamentary investigative committee, within its object.

			<p><i>3 - If the refusal is based upon State secrecy, the provisions of Article 137(3) shall apply accordingly."</i></p> <p>In accordance with the provisions of Article 19 (1) of Law No 5/933, <i>Outside the cases provided for in Article 17, failure to appear, refusal to testify or non-compliance with legitimate orders given by a parliamentary committee of inquiry in the exercise of its functions constitute the crime of qualified disobedience for the purposes provided for in the Penal Code.</i></p> <p>Paragraph 2 of the same legal provision states that <i>In the event that any of the facts provided for in the previous paragraph are verified, and after first consulting the committee, the latter's chairman shall communicate it to the President of the Assembly, together with those elements that are indispensable to the preparation of a case file, for the purpose of reporting the case to the Public Prosecutors' Office.</i></p> <p>In accordance with Article 348 (2) of the Criminal Code, <i>the penalty is imprisonment of up to 2 years or a fine of up to 240 days in cases where a legal provision commences the punishment of qualified disobedience.</i></p>
	Groundless refusal by natural persons of the request to be heard.	YES	<p>Under Article 17, paragraph 1, of Law No 5/933, <i>failure to appear or refusal to testify before a parliamentary committee of inquiry shall only be deemed justified under the general terms of criminal procedural law.</i> Consequently, it is the regime provided for in the Code of Criminal Procedure that functions as a model regime in this matter</p> <p>In fact, the provisions of Articles 135 and 182 of the Code of Criminal Procedure concerning professional secrecy concerning, in particular, officials, lawyers, doctors and banking institutions shall apply with the necessary adaptations.</p> <p>In accordance with the provisions of Article 19 (1) of Law No 5/933, <i>Outside the cases provided for in Article 17, failure to appear, refusal to testify or non-compliance with legitimate orders given by a parliamentary committee of inquiry in the exercise of its functions constitute the crime of qualified disobedience for the purposes provided for in the Penal Code.</i></p> <p>Paragraph 2 of the same legal provision states that <i>in the event that any of the facts provided for in the previous paragraph are verified, and after first consulting the committee, the latter's chairman shall communicate it to the President of the Assembly, together with those elements that are indispensable to the preparation of a case file, for the purpose of reporting the case to the Public Prosecutors' Office.</i></p>

			Under Article 348 (2) of the Criminal Code, <i>the penalty is imprisonment of up to 2 years or a fine of up to 240 days in cases where a legal provision commences the punishment of qualified disobedience.</i>
	Giving false evidence.	YES	<p>Article 360 (1) of the Criminal Code states the following:</p> <p><i>"Who, as witness, expert, technician, translator or interpreter, before a court or official competent to receive as evidence, testimony, report, information or translation, give testimony, report, give information or make false translations, shall be punished with imprisonment from 6 months to 3 years or with a fine of not less than 60 days."</i></p> <p>Article 256 (1) of the Penal Code states the following:</p> <p><i>Who, with the intention of causing injury to another person or the State, to obtain for himself or for another person an illegitimate benefit, or to prepare, facilitate, execute or cover another crime:</i></p> <p><i>A) To manufacture or to produce false document or any of the components destined to embody it;</i></p> <p><i>B) Falsify or alter document or any of the components that integrate it;</i></p> <p><i>C) Abuse another person's signature to falsify or counteract document;</i></p> <p><i>D) Falsely state that a document or any of its components is legally relevant;</i></p> <p><i>E) Use a document referred to in the preceding paragraphs; or</i></p> <p><i>F) By any means, furnish or hold falsified or counterfeit documents; shall be punished with imprisonment for up to three years or with a fine.</i></p>
	Bribing individuals.	YES	<p>Article 374 (1) of the Criminal Code regarding active corruption provides the following:</p> <p><i>Who, by himself or by an interposed person, with his consent or ratification, gives or promises to an official, or to a third party by indication or knowledge of it, an equity or non-equity advantage for the purpose indicated in paragraph 1 of article 373, is punished with imprisonment from one to five years.</i></p>

Romania (Respondent: Camera Deputatilor)	Groundless refusal to provide any documents requested.			<p>According to Article 76 of the Rules of Procedure of the Romanian Chamber of Deputies:</p> <p>(5) The provisions of the law regarding the citation, appearance and hearing of witnesses, as well as those regarding the producing and handing over of objects or documents, or the performing of expert's examinations, shall apply accordingly.</p> <p>(6) The President of the Committee conducting the enquiry shall advise the person being heard that he/she is under obligation to tell the truth, to withhold nothing of what he/she knows, and that failure to comply with that obligation shall entail criminal liability.</p>
	Groundless refusal by natural persons of the request to be heard.			
	Giving false evidence.			
	Bribing individuals.			
Slovenia (Respondent: Drzavni Zbor (National Assembly))	Groundless refusal to provide any documents requested.	YES		Seizure, ordered by a court on a request of the commission of inquiry.
	Groundless refusal by natural persons of the request to be heard.	YES		<p>Attendance is compulsory.</p> <p>If a requested natural person does not attend without relevant grounds, the commission of inquiry is obliged to request the competent court to order that this person is brought forcibly by a police escort to one of the next scheduled hearings of the commission.</p> <p>Such a person may also be sanctioned with a monetary fine.</p>
	Giving false evidence.	YES		The parliamentary commission is a working body of the National Assembly and is therefore subject to the requirement of Article 145 of the Criminal Procedure Act, which stipulates that all state bodies and organisations with public authority are obliged to report any criminal offence for which the offender is prosecuted ex officio, if they are informed or become otherwise aware of it.

	Bribing individuals.	YES		The parliamentary inquiry primarily determines the political responsibility of the bearers of public authority. The findings of the report, which is generally public, can of course be used to assert criminal, tort and disciplinary liability under general rules to be further investigated and determined by other competent authorities. See also the answer above.
Spain - (Respondent: <i>Congreso de los Diputados</i>)	Groundless refusal to provide any documents requested.	YES		The same penalties shall be incurred by the authority or official who obstructs the investigation (...) refusing or unduly delaying the sending of the reports requested or making it difficult for them to have access to the files or administrative documentation necessary for such an investigation (<i>Article 502.2 Criminal Code</i>).
	Groundless refusal by natural persons of the request to be heard.	YES		Those who, having been legally requested and under warning, fail to appear before a CI of the Cortes Generales or of a Legislative Assembly of the Autonomous Community, shall be punished as convicted of the crime of disobedience. If the defendant is a public authority or civil servant, the penalty of suspension from employment or public office for a period of six months to two years shall also be imposed (<i>Article 502.1 Criminal Code</i>).
	Giving false evidence.	YES		Any person summoned before a PCI who fails to give the truth in his/her testimony shall be punishable by a term of imprisonment of six months to one year or a fine of 12 to 24 months (<i>Article 502.3 Criminal Code</i>).
	Bribing individuals.		NO	There is no provision in this respect.

Question 8: Do your parliamentary committees of inquiry have legal remedies with regards the following:

COUNTRY		YES	NO	
Austria - <i>(Respondents: Nationalrat, Bundesrat)</i>	Acts and omissions by a committee of inquiry, its members and officials and other servants of the national parliament working under their responsibility, which violate the rules of procedure with regard parliamentary inquiry.	YES		<p>Members of a PCI can be held responsible regarding the treatment of classified information. If a member, after having been called to order, persistently violates the provisions of the Information Rules Act by disclosing classified information in a sitting, the Chairperson may impose an administrative fine in the amount of 500 to 1,000 EUR. Such fine shall be imposed in the course of a committee sitting. A statement of the reasons shall be given. The fine shall be noted in the Official Record. It shall be notified by the Chairperson in writing to the respective Committee member without undue delay as well as to the President of the National Council (§ 54 (2) RP-IC).</p> <p>Whoever in contravention of the provisions of the Information Rules Act discloses or uses classified information of level 3 or 4 to which s/he has gained access under this Act, which is not generally accessible, and the disclosure or use of which is liable to violate public security, criminal justice, comprehensive national defence, external relations or a legitimate private interest, shall be sentenced by the court to imprisonment for a term of up to three years. Here again, proceedings can only be launched by judicial authorities (§ 18 (1) Information Rules Act).</p> <p>Civil servants of the Parliamentary Administration are responsible under criminal laws (e.g. breach of official secrecy) and disciplinary law.</p>
	Acts and omissions by a committee of inquiry, its members and officials and other servants of the national parliament working under their responsibility, which violate the rights of natural or legal persons concerned by an investigation.	YES		According to Article 138b para 1 no. 7 B-VG anyone who claims that his/her personality rights have been infringed due to the conduct of a PCI of the National Council, of a member of such a committee in exercising his functions as a member of the National Council, or officials exercising their function in proceedings before the PCI can appeal to the Constitutional Court.

Belgium (Respondent: <i>Chambre des Représentants</i>)	Acts and omissions by a committee of inquiry, its members and officials and other servants of the national parliament working under their responsibility, which violate the rules of procedure with regard parliamentary inquiry.	YES		Article 8(1) of the 1880 Law: <i>Any person, other than a Member of the House, who, in any way, assists or takes part in non-public committee meetings shall be required, in advance, to take an oath to keep the content of those meetings confidential. Any breach of confidentiality shall be punished in accordance with Article 458 of the Criminal Code.</i> If a member of the House breaches the confidentiality of a parliamentary committee of inquiry, penalties may be imposed on him pursuant to Article 67(2) of the Rules of Procedure of the House.
	Acts and omissions by a committee of inquiry, its members and officials and other servants of the national parliament working under their responsibility, which violate the rights of natural or legal persons concerned by an investigation.		NO	
Bulgaria - (Respondent: <i>National Assembly</i>)	Acts and omissions by a committee of inquiry, its members and officials and other servants of the national parliament working under their responsibility, which violate the rules of procedure with regard parliamentary inquiry.		NO	
	Acts and omissions by a committee of inquiry, its members and officials and other servants of the national parliament working under their responsibility, which violate the rights of natural or legal persons concerned by an investigation.		NO	

Croatia - <i>(Respondent: Hrvatski sabor)</i>	Acts and omissions by a committee of inquiry, its members and officials and other servants of the national parliament working under their responsibility, which violate the rules of procedure with regard parliamentary inquiry.			<p>The commission of inquiry shall adopt its own rules of procedure.</p> <p>Procedural issues not regulated by the Commissions of Inquiry Act or the rules of procedure of the commission of inquiry shall be subject to the General Administrative Procedure Act.</p>
	Acts and omissions by a committee of inquiry, its members and officials and other servants of the national parliament working under their responsibility, which violate the rights of natural or legal persons concerned by an investigation.			See above.
Czech Republic <i>(Respondent: Chancellory of the Chamber of Deputies)</i>	Acts and omissions by a committee of inquiry, its members and officials and other servants of the national parliament working under their responsibility, which violate the rules of procedure with regard parliamentary inquiry.		NO	<p>The Committee of Inquiry is directly responsible to the Chamber of Deputies as it is established by will of the Chamber and composed of its members. The Committee sees that any person involved in the process of the investigation, being the member of the Committee or otherwise, refrains from any behaviour disrupting or belittling the procedures. If any such situation should arise, the Chamber itself draws consequences and acts according to the Rules of Procedure of the Chamber of Deputies and the Rules of Procedure of the Committee of Inquiry.</p>
	Acts and omissions by a committee of inquiry, its members and officials and other servants of the national parliament working under their responsibility, which violate the rights of natural or legal persons concerned by an investigation.		NO	<p>All persons concerned by the investigation are informed about their rights and obligations before the hearing according to the Appendix 1 of the Rules of Procedure of the Chamber of Deputies. If their rights are violated, concerned persons can seek a remedy through judicial bodies.</p> <p>In the matter of revealing sensitive information to general public, The Committee as a whole can be accountable for such violation, but the individual members of the Committee, being also members of the Chamber of Deputies, are protected by the immunity stemming from their mandate while giving speech on the premises of the</p>

				Chamber of Deputies, and can be punished by the Mandate and Immunity Committee with a fine and/or apology only.
Denmark³³ (Respondent: <i>Folketinget</i>)	Acts and omissions by a committee of inquiry, its members and officials and other servants of the national parliament working under their responsibility, which violate the rules of procedure with regard parliamentary inquiry.		NO	The Commissions of Inquiry Act does not specify under which circumstances, or by which procedure, a member of a commission can be removed from that position, and does not otherwise provide for sanctions against a member of a commission. Persons working for the commission may, presumably, be removed by a decision of the commission itself.
	Acts and omissions by a committee of inquiry, its members and officials and other servants of the national parliament working under their responsibility, which violate the rights of natural or legal persons concerned by an investigation.		NO	See answer above.
Estonia (Respondent: <i>Riigikogu</i>)	Acts and omissions by a committee of inquiry, its members and officials and other servants of the national parliament working under their responsibility, which violate the rules of procedure with regard parliamentary inquiry.		NO	
	Acts and omissions by a committee of inquiry, its members and officials and other servants of the national parliament working under their responsibility, which		NO	Natural and legal persons may have recourse to the court if they find that their rights have been violated.

³³ As explained in the context of the Question 1, please note that the answers given pertain to commissions of inquiry under the Commissions of Inquiry Act of 1999, not to parliamentary committees of inquiry under Section 51 of the Constitutional Act, as the latter have lost practical relevance.

	violate the rights of natural or legal persons concerned by an investigation.			
Finland - (Respondent: Eduskunta)	Acts and omissions by a committee of inquiry, its members and officials and other servants of the national parliament working under their responsibility, which violate the rules of procedure with regard parliamentary inquiry.		NO	
	Acts and omissions by a committee of inquiry, its members and officials and other servants of the national parliament working under their responsibility, which violate the rights of natural or legal persons concerned by an investigation.		NO	
France - (Respondent: Assemblée Nationale)	Acts and omissions by a committee of inquiry, its members and officials and other servants of the national parliament working under their responsibility, which violate the rules of procedure with regard parliamentary inquiry.	YES		Order No 58-1100 of 17 November 1958 on the functioning of the parliamentary assemblies 1. <u>sets limits to Members' investigative powers:</u> <i>All the information necessary to facilitate this task must be provided. 'They shall be empowered to require communication to them of all service documents, except those covered by secrecy rules and concerning national defence, foreign affairs or the internal or external security of the State, and subject to compliance with the principle of separation between the judiciary and other powers.'</i> 2. <u>provides for penalties under the criminal law for failure to comply with the obligation of secrecy:</u> <i>Any person who, within 25 years, without prejudice to the longer periods laid down in Article L. 213-2 of the Heritage Code, discloses or publishes information about the non-public proceedings of a committee of inquiry, unless the report published at the end of the</i>
	Acts and omissions by a committee of inquiry, its members and officials and other servants of the national parliament working under their responsibility, which violate the rights of natural or legal persons concerned by an investigation.			

				<p>committee's work contained that information, shall be liable to the penalties laid down by Article 226-13 of the Criminal Code.</p> <p><u>Article 226-13 of the Criminal Code:</u> 'Disclosure of secret information by a person who is the holder of that information by virtue either of his status or of his profession, or by virtue of a temporary post or remit, shall be punishable by one year's imprisonment and a fine of EUR 15 000.</p>
Germany <i>(Respondents: Bundestag, Bundesrat)</i>	Acts and omissions by a committee of inquiry, its members and officials and other servants of the national parliament working under their responsibility, which violate the rules of procedure with regard parliamentary inquiry.		NO	The German Bundestag does not have any specific mechanisms to determine whether a committee is violating the rules of the Committees of Inquiry Act . Nor are there specific regulations on sanctions. Regarding singular members of the committee, the chairperson is not authorised by the Act or by the Rules of Procedure (<i>Geschäftsordnung des Deutschen Bundestages</i>) to impose sanctions on members of the committee in cases of a breach of order. However, the chairperson can take informal measures to maintain order, such as censuring or admonishing members.
	Acts and omissions by a committee of inquiry, its members and officials and other servants of the national parliament working under their responsibility, which violate the rights of natural or legal persons concerned by an investigation.	YES		Witnesses who believe their rights have been infringed, for example if an administrative fine has been imposed because of their failure to testify before the committee of inquiry, can seek legal redress (Article 44 (2), first sentence, of the Basic Law in conjunction with section 304 (2) of the Code of Criminal Procedure). Jurisdiction lies with the Federal Court of Justice (Section 36 of the Committees of Inquiry Act). Finally, a natural or legal person that claims a violation of rights through measures taken by the Committee has the option of submitting a constitutional complaint to the Federal Constitutional Court.
Hungary - <i>(Respondent:</i>	Acts and omissions by a committee of inquiry, its members and officials and other servants of the national parliament working under their responsibility, which			In these cases all legal remedies are available for citizens or organisations depending on the nature of possible violation (civil or penal law etc.).

National Assembly)	violate the rules of procedure with regard parliamentary inquiry.			
	Acts and omissions by a committee of inquiry, its members and officials and other servants of the national parliament working under their responsibility, which violate the rights of natural or legal persons concerned by an investigation.			In these cases all legal remedies are available for citizens or organisations depending on the nature of possible violation (civil or penal law etc.)
Italy - (Respondent: <i>Camera dei Deputati</i>)	Acts and omissions by a committee of inquiry, its members and officials and other servants of the national parliament working under their responsibility, which violate the rules of procedure with regard parliamentary inquiry.		NO	The parliamentary committees of inquiry carry out investigations and examinations with the same powers and limitations as the judicial authority. Parliamentary committees of inquiry can only inform the judicial authority that it provides on the basis of the Articles of the Criminal Code and criminal procedure.
	Acts and omissions by a committee of inquiry, its members and officials and other servants of the national parliament working under their responsibility, which violate the rights of natural or legal persons concerned by an investigation.		NO	
Latvia - (Respondent: <i>Latvijas Republikas Saeima</i>)	Acts and omissions by a committee of inquiry, its members and officials and other servants of the national parliament working under their responsibility, which violate the rules of procedure with regard parliamentary inquiry.	YES		Members and staff of the Parliamentary investigatory committee shall be held administratively liable for the unauthorized disclosure of information obtained in closed session of the Parliamentary inquiry Committee. The administrative offense report shall be drawn up by the chairman of the parliamentary investigatory committee or the person replacing him.

	Acts and omissions by a committee of inquiry, its members and officials and other servants of the national parliament working under their responsibility, which violate the rights of natural or legal persons concerned by an investigation.	YES		<p>The members and staff of the Parliamentary investigatory Committee shall be held criminally liable in accordance with the procedures laid down by law for unauthorized disclosure of information that offends against the privacy of individuals.</p> <p>Members of the Parliamentary investigatory Committee and persons invited shall be subject to the rules governing the non-disclosure of information protected by law.</p> <p>A person has the right to refuse to provide explanations about himself and his family members.</p>
Poland (Respondent: Sjem)	Acts and omissions by a committee of inquiry, its members and officials and other servants of the national parliament working under their responsibility, which violate the rules of procedure with regard parliamentary inquiry.		NO	
	Acts and omissions by a committee of inquiry, its members and officials and other servants of the national parliament working under their responsibility, which violate the rights of natural or legal persons concerned by an investigation.		NO	
Portugal (Respondent: Assembleia da Republica)	Acts and omissions by a committee of inquiry, its members and officials and other servants of the national parliament working under their responsibility, which violate the rules of procedure with regard parliamentary inquiry.	YES		<p>In accordance with the provisions of Article 12 (4) of the Law No 5/933 (Legal Regime governing Parliamentary Inquiries):</p> <p><i>Any Member of the Assembly of the Republic who breaches the duty of secrecy in relation to a committee of inquiry's work, or who fails to attend more than four meetings without justification, shall lose his seat on the committee.</i></p> <p>According to Article 12 (5):</p>

				<p><i>In the case of a breach of secrecy, the committee of inquiry must arrange a summary investigation and must decide, by a qualified majority of at least two thirds of its members, whether a breach has occurred and the identity of its author.</i></p> <p>Article 2 (1) of the Statute Governing Parliamentary Staff states: <i>Parliamentary staff have the following general duties:</i></p> <ul style="list-style-type: none"> <i>a) The duty to pursue the public interest, which consists of defending it, with respect for the Constitution, the laws and citizens' legally protected rights and interests;</i> <i>b) The duty of disinterestedness, which consists of not taking direct or indirect, monetary or other advantage from the functions they exercise for themselves or for third parties;</i> <i>c) The duty of impartiality, which consists of performing their functions even-handedly in relation to the interests they are faced with, without discriminating positively or negatively towards any of them, from a perspective of respect for equality between political forces and between citizens;</i> <i>d) The duty of loyalty, which consists of performing their functions in subservience to the objectives of the organ, department or service;</i> <i>(...)</i> <i>f) The duty of diligence, which consists of understanding and applying legal and regulatory norms and the orders and instructions of their hierarchical superiors, and exercising their functions in accordance with the objectives that are set and using the competencies that are deemed appropriate;</i> <i>g) The duty of obedience, which consists of obeying and fulfilling the orders of their legitimate hierarchical superiors, when given in the interests of the service and in the form laid down by law; (...)</i>
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			<p>Article 3 (1) of the Statute Governing Parliamentary Staff states the following: <i>Parliamentary staff have the following special duties:</i></p> <p><i>a) The duty of political neutrality, which consists of not giving, in the exercise of their functions, any indication of a party-political option or preference for any legislative policy solution, and not engaging in acts or omissions that in any way favour or prejudice a political position to the detriment or advantage of another or others;</i></p> <p><i>b) The duty of professional secrecy with regard to all the facts and information of which they can only have had knowledge in the exercise or as a result of the exercise of their functions;</i></p> <p><i>c) The duty of professional confidentiality, which consists of the prohibition on supplying any non-public information or document regarding the work of the Assembly of the Republic without prior authorisation by higher authority; (...)</i></p> <p>Article 11 of the Statute Governing Parliamentary Staff provides the following, as regards breach of duties:</p> <p><i>The provisions of the Disciplinary Statute governing Workers who Exercise Public Functions apply to breaches of the duties referred to in the present Chapter</i></p>
	Acts and omissions by a committee of inquiry, its members and officials and other servants of the national parliament working under their responsibility, which violate the rights of natural or legal persons concerned by an investigation.	YES	<p>Pursuant to Article 10 of the Statute governing Members of the Assembly of the Republic, regarding non-liability:</p> <p><i>Members of the Assembly of the Republic are not civilly or criminally liable for or subject to disciplinary sanctions in relation to their votes or the opinions they express in the exercise of their functions.</i></p> <p>Regarding inviolability, Article 11 (1), (2) and (3) of the Statute governing Members of the Assembly of the Republic provides the following:</p>

				<p><i>1 – No Member of the Assembly of the Republic may be detained, arrested or imprisoned without the Assembly's authorisation, save for a wilful crime which is punishable by imprisonment for a maximum term of more than three years and in flagrante delicto.</i></p> <p><i>2 – Members of the Assembly of the Republic may not be heard as makers of declarations or official suspects without the Assembly's authorisation. In the event of the existence of strong indications of the wilful commission of a crime that is punishable by imprisonment for a maximum term of more than three years, the Assembly shall obligatorily authorise that a Member be heard as an official suspect.</i></p> <p><i>3 – In the event that criminal proceedings are brought against a Member of the Assembly of the Republic and he is definitively charged, the Assembly shall decide, within the time limit laid down in the Rules of Procedure, whether or not he must be suspended so that the proceedings can take their course, as follows:</i></p> <p style="padding-left: 40px;"><i>a) When the crime is of the type referred to in paragraph (1), suspension is obligatory;</i></p> <p style="padding-left: 40px;"><i>b) The Assembly may limit the Member of the Assembly of the Republic's suspension to the time which, under the circumstances, it deems most appropriate to both the exercise of his mandate and the furtherance of the criminal proceedings.</i></p> <p>In accordance with Article 12 (4) of Law No 5/933 (Legal Regime governing Parliamentary Inquiries):</p> <p><i>Any Member of the Assembly of the Republic who breaches the duty of secrecy in relation to a committee of inquiry's work, or who fails to attend more than four meetings without justification, shall lose his seat on the committee.</i></p>
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			<p>Under Article 12 (5) of Law No 5/933:</p> <p><i>In the case of a breach of secrecy, the committee of inquiry must arrange a summary investigation and must decide, by a qualified majority of at least two thirds of its members, whether a breach has occurred and the identity of its author.</i></p> <p>Article 2 (1) of the Statute Governing Parliamentary Staff states: <i>Parliamentary staff have the following general duties:</i></p> <ul style="list-style-type: none"> <i>a) The duty to pursue the public interest, which consists of defending it, with respect for the Constitution, the laws and citizens' legally protected rights and interests;</i> <i>b) The duty of disinterestedness, which consists of not taking direct or indirect, monetary or other advantage from the functions they exercise for themselves or for third parties;</i> <i>c) The duty of impartiality, which consists of performing their functions even-handedly in relation to the interests they are faced with, without discriminating positively or negatively towards any of them, from a perspective of respect for equality between political forces and between citizens;</i> <i>d) The duty of loyalty, which consists of performing their functions in subservience to the objectives of the organ, department or service;</i> <i>(...)</i> <i>f) The duty of diligence, which consists of understanding and applying legal and regulatory norms and the orders and instructions of their hierarchical superiors, and exercising their functions in accordance with the objectives that are set and using the competencies that are deemed appropriate;</i>
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				<p><i>g) The duty of obedience, which consists of obeying and fulfilling the orders of their legitimate hierarchical superiors, when given in the interests of the service and in the form laid down by law.</i></p> <p><i>h) The duty of courtesy, which consists of treating Members of the Assembly of the Republic and other political officeholders, hierarchical superiors and colleagues, members of the security forces and the staff of the parliamentary groups, other workers and the general public with respect and civility; (...)</i></p> <p>Article 3(1) of the same Statute stipulates the following: <i>Parliamentary staff have the following special duties:</i></p> <p><i>a) The duty of political neutrality, which consists of not giving, in the exercise of their functions, any indication of a party-political option or preference for any legislative policy solution, and not engaging in acts or omissions that in any way favour or prejudice a political position to the detriment or advantage of another or others;</i></p> <p><i>b) The duty of professional secrecy with regard to all the facts and information of which they can only have had knowledge in the exercise or as a result of the exercise of their functions;</i></p> <p><i>c) The duty of professional confidentiality, which consists of the prohibition on supplying any non-public information or document regarding the work of the Assembly of the Republic without prior authorisation by higher authority; (...)"</i></p> <p>Pursuant to Article 11 of the same Statute, regarding breach of duties:</p> <p><i>The provisions of the Disciplinary Statute governing Workers who Exercise Public Functions apply to breaches of the duties referred to in the present Chapter.</i></p>
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Romania (Respondent: <i>Camera Deputatilor</i>)	Acts and omissions by a committee of inquiry, its members and officials and other servants of the national parliament working under their responsibility, which violate the rules of procedure with regard parliamentary inquiry.			
	Acts and omissions by a committee of inquiry, its members and officials and other servants of the national parliament working under their responsibility, which violate the rights of natural or legal persons concerned by an investigation.			
Slovakia - (Respondent: <i>National Council</i>)				
Slovenia- (Respondent: <i>Drzavni Zbor</i> (National Assembly))	Acts and omissions by a committee of inquiry, its members and officials and other servants of the national parliament working under their responsibility, which violate the rules of procedure with regard parliamentary inquiry.	YES		At least in principle, legal remedies under the provisions of relevant statutes are applicable. Constitutional complaint.
	Acts and omissions by a committee of inquiry, its members and officials and other servants of the national parliament working under their responsibility, which	YES		At least in principle, legal remedies under the provisions of relevant statutes are applicable. Constitutional complaint.

	violate the rights of natural or legal persons concerned by an investigation.			
Spain - <i>(Respondent:</i> <i>Congreso de los Diputados</i>	Acts and omissions by a committee of inquiry, its members and officials and other servants of the national parliament working under their responsibility, which violate the rules of procedure with regard parliamentary inquiry.		NO	
	Acts and omissions by a committee of inquiry, its members and officials and other servants of the national parliament working under their responsibility, which violate the rights of natural or legal persons concerned by an investigation.		NO	

Question 9: Does your system allow for the continuation of an ongoing inquiry investigation when legal proceedings on the same facts are initiated after the setting up of the committee? If so, under which conditions?

With regard to sanctions and legal remedies

Question 9: Does your system allow for the continuation of an ongoing inquiry investigation when legal proceedings on the same facts are initiated after the setting up of the committee? If so, under which conditions?

(Sub judice rule)

Country	YES	NO	
Austria - <i>(Respondents: Nationalrat, Bundesrat)</i>	YES		<p>The RP-IC foresee a consultation mechanism if the investigations of a PCI and judicial authorities overlap (§ 58). The Chairperson of a PCI shall communicate to the Federal Minister of Justice the requests for evidence and the summonses of informants. If the Federal Minister of Justice is of the opinion that demands for submission of files and documents, requests to take evidence, or summonses of informants affect the activities of the prosecuting authorities with respect to specific investigations, s/he may require the Chairperson to enter into the consultation procedure, which shall be opened by the Chairperson without delay.</p> <p>The consultation procedure shall be conducted by the Chairperson, who shall be assisted by the Procedural Judge. The Parliamentary Groups shall be involved in the consultation procedure, for which purpose each of them may designate one member.</p> <p>Under the consultation procedure, the Chairperson and the Federal Minister of Justice may agree in writing that appropriate measures shall be taken to give due consideration to the activities of the prosecuting authorities with respect to specific investigations when determining the PCI's schedule of work, submitting files and documents as well as evidence taken, hearing informants and in connection with the PCI's publications. The interests of criminal prosecution shall be weighed against the interests of parliamentary control.</p> <p>Should the PCI and the Federal Minister of Justice disagree on the necessity or the interpretation of such agreement, the Committee may call upon the Federal Minister of Justice to take position thereon within a period of two weeks.</p>

Question 9: Does your system allow for the continuation of an ongoing inquiry investigation when legal proceedings on the same facts are initiated after the setting up of the committee? If so, under which conditions?

			The Constitutional Court shall decide under Article 138b (1) [6] B-VG on the necessity or interpretation of such agreement if so petitioned by the PCI or the Federal Minister of Justice after the lapse of the before mentioned period.
Belgium (Respondent: Chambre des Représentants)	YES		Article 1(2) of the 1880 Law: <i>Investigations carried out by the House of Representatives shall not replace investigations carried out by the courts, with which they may exist in parallel without, however, impeding their conduct.</i>
Bulgaria - (Respondent: National Assembly)		NO	
Croatia - (Respondent: Hrvatski sabor)		NO	A commission of inquiry cannot be set up for the issues that have been brought to court for as long as the proceeding lasts. If a judicial proceeding is instituted on an issue for which a commission of inquiry was previously established, it will immediately cease to operate.
Czech Republic (Respondent: Chancellory of the Chamber of Deputies)	YES		The work of the Committee and the work of authorities involved in criminal proceedings are independent of each other. The work of the Committee must not interfere in criminal proceedings in any way, otherwise the division of power guaranteed by the Constitution is violated. The Committee can request information on the matter from the authorities involved in criminal proceedings, mainly the public prosecutor's office, they can co-operate, but the requests cannot be of such kind that they would interfere in the criminal proceedings. Considering the past practice of the Committees of Inquiry in the Czech Republic, the co-existence of a Committee of Inquiry and legal proceedings involved in the same matter has had positive effects upon the proceedings. Although being independent of each other, the parallel existence of the Committee alone gave the investigation of the criminal proceedings weight and helped smooth any administrative obstacles of the investigation.

Question 9: Does your system allow for the continuation of an ongoing inquiry investigation when legal proceedings on the same facts are initiated after the setting up of the committee? If so, under which conditions?

Denmark ³⁴ (Respondent: <i>Folketinget</i>)	YES		<p>The Commissions of Inquiry Act does not explicitly address this situation.</p> <p>Denmark has an adversarial system of criminal justice, so courts do not generally conduct investigations.</p> <p>An investigation by the police and the prosecution service can, in principle, be conducted in parallel with the work of a committee of inquiry. This was the case in the so-called Farum inquiry (an inquiry into malpractice in local government that ran from 2003 to 2012). In that case, the terms of reference of the commission of inquiry specifically provided that the inquiry should not cover any parts of the total chain of events that would eventually be included in an indictment in a criminal case; i.e., the commission was not to make assessments on the responsibility of individuals for actions and omissions included in an indictment. During the course of the inquiry, the commission coordinated with the prosecution service to ensure that this was observed</p>
Estonia (Respondent: <i>Riigikogu</i>)	YES		<p>A PCI may act in parallel with a judicial investigation if the parliamentary investigation does not interfere in any way with the judicial investigation. PCIs try to avoid expressing opinions on issues that are discussed in judicial investigations, in view of the principle of separation of powers, and the principle that justice is administrated exclusively by the courts and no one has the right to interfere with the administration of justice.</p>
Finland - (Respondent: <i>Eduskunta</i>)	YES		<p>The work and procedure of an ad hoc inquiry committee is fully independent and separated from e.g. legal proceedings.</p>
France - (Respondent: <i>Assemblée Nationale</i>)		NO	<p>Order No 58-1100 of 17 November 1958 on the functioning of the parliamentary assemblies provides the following:</p> <p><i>'A committee of inquiry may not be set up to investigate matters which have given rise to legal proceedings, so long as those proceedings are pending. If a committee has already been set up, its remit shall end upon the launch of a judicial investigation into the matters that it has been instructed to inquire into.'</i></p>

³⁴ As explained in the context of the Question 1, please note that the answers given pertain to commissions of inquiry under the Commissions of Inquiry Act of 1999, not to parliamentary committees of inquiry under Section 51 of the Constitutional Act, as the latter have lost practical relevance.

Question 9: Does your system allow for the continuation of an ongoing inquiry investigation when legal proceedings on the same facts are initiated after the setting up of the committee? If so, under which conditions?

		<p>Article 139 of the Rules of Procedure of the National Assembly establishes a procedure for prior consultation of the Minister of Justice by the assembly concerned before a committee of inquiry is set up, in order to avoid this type of confusion, which would undermine the separation of powers between the judiciary and the legislature.</p> <p>The Article provides the following:</p> <p><i>The President of the Assembly shall notify the Keeper of the Seals, Minister of Justice, of a motion for a resolution to set up a committee of inquiry.</i></p> <p><i>If the Keeper of the Seals indicates that legal proceedings are in progress relating to the matters which led to the tabling of the motion, the motion may not be debated. If a debate on it has already begun, it shall immediately be suspended.</i></p> <p><i>Where a judicial investigation has been launched after the setting-up of the committee, the President of the Assembly, having had the matter referred to him by the Keeper of the Seals, shall inform the chair of the committee of the fact. The committee shall immediately cease its work.</i></p>
Germany <i>(Respondents: Bundestag, Bundesrat)</i>	YES	<p>Judicial investigations and the investigations of a committee of inquiry are independent and do not limit the other. Therefore, a continuation is possible without condition. This is based on the different purposes of the proceedings: while the targets of judicial investigations are usually individuals, committees of inquiry investigate into the decisions and behaviour of the government. Thus, in practice judicial investigations and investigations of a committee of inquiry are usually not fully congruent.</p> <p>If judicial investigations are instituted against a member of government and a committee of inquiry shall investigate in the same matter concerning the same member of government neither the judicial investigation nor the investigations of the committee of inquiry have to be suspended until the other is closed.</p>
Hungary - <i>(Respondent: National Assembly)</i>		<p>Pursuant to Section 24 (1) of the Act XXXVI of 2012 on the National Assembly:</p> <p><i>(...) No committee of inquiry shall be established for the establishment of specific legal liability or for the examination of a case that falls within the powers of the Constitutional Court, the State Audit Office or local governments. The examination shall not be extended to a case, which is in the phase of preparing the decision. Neither shall the examination be extended to a case, which is subject of a criminal, infraction, civil or administrative proceeding in progress.</i></p>

Question 9: Does your system allow for the continuation of an ongoing inquiry investigation when legal proceedings on the same facts are initiated after the setting up of the committee? If so, under which conditions?

Italy - (Respondent: <i>Camera dei Deputati</i>)	YES		Yes, in the event of a subsequent judicial procedure on the same facts that are the subject of a previous and ongoing inquiry investigation by a parliamentary committee of inquiry, the national system allows for the continuation of both, usually in serious cases to carry out investigations to complement (and not replace) those of the judiciary. Speaking on a much debated issue, the Constitutional Court has defined the limits of use - by the Commissions of inquiry - of the powers of the judicial authority: the task of the parliamentary commissions of inquiry "is not to judge, but only to gather news and data necessary for the exercise of the functions of the Chambers" (judgement No. 231 of 1975); the investigative powers of the PCI should "safeguard the prerogatives of the applicant judicial authority, which also holds a parallel power of investigation, constitutionally relevant".
Latvia - (Respondent: <i>Latvijas Republikas Saeima</i>)	YES		The purpose of the Committee's activities is to identify and evaluate shortcomings in the work and regulatory framework of state and local government institutions, also identifying the officials responsible for the shortcomings, as well as formulate proposals for improving the regulatory framework and the work of state and local government institutions. While the committee is acting within its competence, the police and prosecutor's office may conduct pre-trial investigations and prosecutions in criminal proceedings. Information obtained in pre-trial criminal proceedings shall be disclosed only with the permission of the investigator or prosecutor and to the extent determined by him or her until its completion. The Committee investigates shortcomings in the regulatory system and the functioning of public authorities without interfering with the work of law enforcement agencies.
Poland - (Respondent: <i>Sejm</i>)	YES		<p>According to Article 8(1) of the Act on Sejm Investigative Committees, <i>the fact of pending proceedings or a final conclusion thereof by any other public authority shall not prevent the possibility of holding proceedings before the committee.</i></p> <p>However Article 8(3) of the Act provides for possibility for suspending a parliamentary inquiry, stating that <i>the Committee, with consent of the Marshal of the Sejm, may suspend its own activity until the conclusion of a particular stage or the whole of proceedings pending before another public authority.</i></p> <p>Article 8(4) clarifies that <i>the proceedings conducted by the committee may be suspended particularly when there exists a reasonable presumption that the material collected in the course of the proceedings before another public authority might be useful for a comprehensive examination of the matter by the committee.</i></p>

Question 9: Does your system allow for the continuation of an ongoing inquiry investigation when legal proceedings on the same facts are initiated after the setting up of the committee? If so, under which conditions?

Portugal <i>(Respondent: Assembleia da Republica)</i>	YES		<p>In accordance with Article 5 of Law No 5/933 (Legal Regime governing Parliamentary Inquiries), regarding Notification of the Attorney General:</p> <p><i>1 – The President of the Assembly of the Republic shall communicate the content of the resolution or the part of the provisions of the motion that orders the holding of an inquiry, to the Attorney General.</i></p> <p><i>2 – The Attorney General shall inform the Assembly of the Republic whether any criminal proceedings are underway on the basis of the same facts, and if so, the phase in which those proceedings find themselves.</i></p> <p><i>3 – In cases in which criminal proceedings are underway, the Assembly shall decide whether to suspend the parliamentary inquiry process until the corresponding judicial sentence transits in rem judicatam.</i></p> <p>The current understanding seems to be that parliamentary inquiry and criminal prosecution can run in parallel, having the same constitutional value but with different scopes and effects.</p>
Romania - <i>(Respondent: Camera Deputatilor)</i>		NO	<p>According to Article 7(1) of the Rules of Procedure of the Romanian Chamber of Deputies, <i>the investigation of actions or activities that form the subject of criminal enquiries or are on cause-lists in courts of law may not be the subject of a parliamentary enquiry.</i></p> <p>The Standing Bureau of the Chamber of Deputies shall inform the criminal investigation authorities that they may have access to all the documents referring to that case, existing in the archives of the Chamber of Deputies.</p>
Slovenia <i>(Respondent: Drzavni Zbor (National Assembly))</i>	YES		<p>Article 2 of the Parliamentary Inquiry Act allows a parliamentary inquiry into a case already being dealt with in criminal court proceedings as in each of these proceedings the state plays a significantly different role. The aim of a parliamentary inquiry is to detect irregularities in various areas of social life and in the functioning of state bodies whereas court proceedings aim to prosecute and convict individuals for alleged criminal conduct. The state of facts, which is the subject of a parliamentary inquiry, is therefore not equal to the state of facts which is the subject of decision-making in criminal court proceedings. Of course, a parliamentary inquiry may not obstruct court proceedings. Therefore, it is necessary to ensure that the parliamentary inquiry procedure does not prejudge the decision of the court in the case running on the same state of affairs and that it does not affect the procedural status of a person who is accused in criminal court proceedings.</p>

Question 9: Does your system allow for the continuation of an ongoing inquiry investigation when legal proceedings on the same facts are initiated after the setting up of the committee? If so, under which conditions?

Spain <i>(Respondent: Congreso de los Diputados</i>	YES		<p>Yes, in the event of a subsequent judicial procedure on the same facts that are the subject of a previous and ongoing inquiry investigation by a PCI, the national system allows for the continuation of both.</p> <p>There is no limitation in this regard. The standing orders of both Houses state that parliamentary inquiries shall never interfere with judicial proceedings, and their findings shall not be binding for the courts, but they do not prevent them from carrying out an investigation in parallel with a judicial one.</p>
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With regard to sanctions and legal remedies

Question 10: Which consequences/outcomes can PCIs have? Do they have a legally binding/enforceable nature?

Country	
Austria - (Respondents: Nationalrat, Bundesrat)	
Belgium - (Respondent: Chambre des Représentant)s	Article 13(1) of the 1880 Law: <i>Committees shall record their work in a public report. They shall record their conclusions and, where appropriate, set out their observations regarding the findings of the investigation and propose legislative amendments.</i> <i>Although the reports of committees of inquiry are not legally binding, they have a certain political weight none the less.</i>
Bulgaria - (Respondent: National Assembly)	Following the adoption of a decision by the National Assembly on a report adopted by the committee, the decision may contain recommendations.
Croatia - (Respondent: Hrvatski sabor)	The commission of inquiry shall, upon completion of the task, submit a report to the Parliament with a proposal of the measures to be taken by the Parliament, according to the commission of inquiry.
Czech Republic (Respondent: Chancellory of the	Upon termination of an investigation, the Committee of Inquiry presents its findings to the full assembly of the Chamber of Deputies and may propose the adoption of a resolution. The findings of the Committee are not legally binding, but any following resolutions adopted by the Chamber carry full political strength of the assembly.

<i>Chamber of Deputies)</i>	Moreover, the Committee of Inquiry may inform the appropriate law enforcement authorities if any facts obtained during the investigation indicate that a criminal offence may have been committed. While the Committee as a whole is not obliged to inform the authorities, the individual members of the Committee are, according to the law.
Denmark³⁵ (Respondent: <i>Folketinget</i>)	<p>A commission of inquiry is not a court and does not have powers to pass judgment on any person or entity. A commission may, however, be tasked with carrying out legal assessments to elucidate whether there are sufficient grounds for public authorities to initiate proceedings to hold individuals responsible for actions or omissions, except in the case of government ministers. It is then left to other authorities to decide whether to proceed with the matter, and the actual proceedings against civil servants etc. then follow other rules that depend on the form of employment and other factors.</p> <p>With regard to government ministers, a commission of inquiry is restricted to stating its findings of fact, as it is up to the Folketing to decide whether and how to hold the minister responsible. The Standing Orders of the Folketing contains a procedure for the political follow-up on the findings of a commission of inquiry with regard to ministers.</p>
Estonia (Respondent: <i>Riigikogu</i>)	Reports, legally non-binding recommendations. The PCI presents to the Riigikogu an interim report on its work at least once a year and, upon the termination of its work, presents a final report (subsection 20 (3) of the Riigikogu Rules of Procedure and Internal Rules Act). The reports of the committees of investigation are published on the website of the Riigikogu. The conclusions of PCIs may be remitted to the prosecutor's office for criminal proceedings to be initiated.
Finland - (Respondent: <i>Eduskunta</i>)	<p>An ad hoc inquiry committee may issue a report on the matter which then is presented to and debated in the plenary session of the Parliament. The plenary session may approve a resolution on the matter. This resolution is communicated to the Government. The Government provides an account of the measures it has undertaken in response to the resolution in due course in its Annual Report to Parliament.</p> <p>An ad hoc inquiry committee has the right to receive a report from the Government or the appropriate Ministry on a matter within its competence. The Committee may then issue directly a statement to the Government or the Ministry on the basis of the report</p>

³⁵ As explained in the context of the Question 1, please note that the answers given pertain to commissions of inquiry under the Commissions of Inquiry Act of 1999, not to parliamentary committees of inquiry under Section 51 of the Constitutional Act, as the latter have lost practical relevance.

<p>France - (Respondent: Assemblée Nationale)</p>	<p>There are three main consequences:</p> <p><u>a) Guiding the action of the government</u></p> <p>The conclusions and proposals generally occupy an important place in the reports of committees of inquiry. These documents, of course, reflect the opinion of a majority of the committee's members, but it is customary to include a minority opinion in a separate section.</p> <p>The conclusions contained in the reports may be debated without a vote then being taken on them; Members may also raise them using the standard parliamentary procedures, in particular by putting questions to the Government.</p> <p>The revised version of the Rules of Procedure of the National Assembly adopted on 27 May 2009 provides that, when six months have elapsed after the publication of the report of a committee of inquiry, the member of the competent standing committee designated by that committee to that effect shall report to it on the implementation of the conclusions of the committee of inquiry.</p> <p><u>b) The power to bring legal action</u></p> <p>In conducting their investigations, committees of inquiry may discover criminal wrongdoing. Although a committee of inquiry cannot determine precisely what offences are involved, or rule on the penalty applicable, it may forward the information that it has gathered to the Ministry of Justice, at its request, for the purpose of initiating a judicial investigation, or refer the matter directly to the Public Prosecutor's Office, pursuant to Article 40 of the Code of Criminal Procedure (as was the case with the committee of inquiry into the influence of sectarian movements on minors in 2006).</p> <p><u>c) Prompting parliamentary activity</u></p> <p>Standing committees may take up an issue that has been considered by a committee of inquiry and complement its investigations; in addition, there have been instances in which former members of a committee of inquiry have participated in tabling a bill to remedy shortcomings in legislation that have been revealed during an inquiry.</p>
<p>Germany (Respondents:</p>	<p>Following the conclusion of the inquiry, the committee of inquiry submits a written report to the Bundestag pursuant to section 33(1) of the Committees of Inquiry Act. If there are differences of opinion on the findings between the governing coalition and the opposition, as is usually the case, the report contains both the majority and the minority view. The report becomes an official printed paper of the Bundestag and is published on the Bundestag's website and in print version.</p>

<i>Bundestag, Bundesrat)</i>	The findings of a committee of inquiry have no sanctioning effect. Courts are not bound by the content of the report. Under the second sentence of Article 44 (4) of the Basic Law, the courts are free to evaluate and rule upon the facts that were the subject of the investigation.
Hungary - (Respondent: National Assembly)	<p>No legally binding or enforceable nature.</p> <p>As stated in Section 26 of the Act XXXVI of 2012 on the National Assembly, <i>the committee of inquiry shall draw up a report on its activity. The report shall be drawn up by the chair of the committee of inquiry. The committee of inquiry shall take a decision on submitting the report to the National Assembly. The National Assembly shall discuss the report, and shall adopt a resolution on its acceptance or rejection.</i></p> <p><i>Challenging at the court or at any other authority the report and the findings contained in it shall not be entertained. The written remarks made on the findings related to him or her by the person affected by the report or by the resolution of the National Assembly adopted on the basis of the report shall be published on the website of the National Assembly.</i></p>
Italy - (Respondent: Camera dei Deputati)	The parliamentary committees of inquiry do not have a legally binding or applicable nature, they exhaust their work by preparing a report to be presented to the Assembly in the manner and within the time frame provided for by its establishing law.
Latvia - (Respondent: Latvijas Republikas Saeima)	<p>The final report or interim report of the Parliamentary investigatory committee and the facts contained therein shall not be binding on the courts and tribunals and other persons.</p> <p>It is indicated that the Parliament is “discussing and making the respective decision” of the final report of the investigatory committees. The Constitutional Court has indicated that the final report may be used to pass acts of more parliamentary type – amendments of the existing laws or passing of new laws, declaring one’s attitude towards this or that problem. Respectively the report can serve as the basis for evaluation of the activity of the government and making of the respective decision or to become the basis for motion of censure on the Prime Minister, the Minister or the government as such. The final report is a political document and is not binding to the judicial power. The committee can only establish a possible violation, in order with the final report to turn the Saeima’s attention to the shortcomings in the legislative acts or to turn the attention of the competent law enforcement bodies to the established possible violation or fact that became know to them during the course of investigation, which would be useful in the pre-trial investigation.</p>

	<p>After the publication of the final report in the official gazette <i>Latvijas Vēstnesis</i>, the Parliamentary investigatory committee shall forward the proposals contained therein to the <i>Saeima</i> committees, the Cabinet of Ministers, ministries or any other public institution competent for implementation of the respective proposals.</p> <p>The authorities designated in the final report of the Parliamentary investigatory committee, which are competent to remedy the deficiencies in question, shall evaluate the information contained in the final report and decide whether to remedy the deficiencies identified in the final report.</p>
<p>Poland - (Respondent: Sjem)</p>	<p>According to Article 19a (1) of the Act on Sejm Investigative Committees, <i>the committee shall draw up a report on its activity.</i></p> <p>Article 19a (2) states that <i>the report of an investigative committee shall contain the committee position on the matter specified in the resolution establishing the committee.</i></p> <p>Each report is presented to the plenary in order to be discussed (no voting on the report is held by the plenary).</p> <p>Recommendations included in a committee report are not legally binding, thus the Sejm and other state authorities decide on any possible future activities related to the outcome of a parliamentary inquiry.</p>
<p>Portugal - (Respondent: Assembleia da Republica)</p>	<p>The work of the parliamentary committees of inquiry leads to the preparation of a final report. According to Article 20 of Law No 5/933 (Legal Regime governing Parliamentary Inquiries), this final reports shall obligatorily mention:</p> <ul style="list-style-type: none"> a) The object of the inquiry; b) The questionnaire, if there was one; c) A technical note briefly listing the steps taken by the committee; d) The conclusions of the inquiry, approved based on the draft report or on the alternative proposals submitted, each of them containing a brief statement of their grounds; e) Any recommendations; f) The vote of each committee member, together with any written explanations of vote submitted in writing; g) Proposals which have not been included in their final version, mentioning their proponents.

Pursuant to Article 21 of [Law No 5/933](#) (Legal Regime governing Parliamentary Inquiries) (regarding debate and resolution):

- 1 – The President of the Assembly of the Republic shall include consideration of the report and any explanations of vote on the order of business at most thirty days after their publication.
- 2 – Together with the report, parliamentary committees of inquiry may submit a draft resolution.
- 3 – Once the report has been submitted to the Plenary, a debate shall be opened.
- 4 – The debate shall be introduced by a brief exposé by the committee chairman and the designated rapporteur or the representative of the panel of designated rapporteurs, and shall conform to a specific table of times which the President of the Assembly of the Republic shall set after first consulting the Conference of Leaders.
- 5 – Without prejudice to the overall times available for discussion, each parliamentary group shall dispose of three minutes in which to present its explanations of vote.
- 6 – The Plenary may decide to publish committee minutes in full or in part, subject to the provisions of Article 15.
- 7 – Together with the report, the Plenary shall consider any draft resolutions that are submitted to it.
- 8 – The report shall not be the object of a plenary vote.

In accordance with Articles 20 and 21 of [Law No 5/933](#) (Legal Regime governing Parliamentary Inquiries), the final report of an inquiry committee shall be published in the Journal of the Assembly of the Republic and presented and debated before the Plenary. Together with the report, parliamentary committees of inquiry may submit a draft resolution, to be voted.

Furthermore, committee minutes and all the documents in a committee's possession may be consulted once its final report has been approved, save if they pertain to meetings or steps that were not public, because the object of the meetings and steps was a matter that was subject to state secrecy, the secrecy of judicial proceedings, or secrecy for reasons concerning the protection of people's private life, because the witnesses opposed publicising the meeting on the grounds of the need to safeguard fundamental rights, or because the meetings and steps endangered the secrecy of the sources of information, save authorisation by the interested parties.

Although it's not mandatory, it's been customary to inform the Attorney General's Office of the final report, which is especially pertinent when the committee considers that it has found facts that may indicate possible crimes. However, this raises the question whether, and to what extent, this information can be used in criminal proceedings as evidence.

<p>Romania - (Respondent: Camera Deputatilor)</p>	<p>The conclusions, liabilities and steps contained in the parliamentary enquiry report, as debated in the Chamber of Deputies, shall be reflected in the content of a decision that, after adoption, shall be forwarded to the competent authorities for examination and solutions, together with the report, if need be. (Article 78 (1) of the Rules of Procedure of the Romanian Chamber of Deputies).</p>
<p>Slovenia (Respondent: Državni Zbor (National Assembly))</p>	<p>Pursuant to the Constitution, the instrument of parliamentary inquiry is limited, on the one hand, by the principle of the separation of powers and, on the other, by the constitutional rights of individuals. The Parliamentary Inquiry Act explicitly defines both limitations. Article 1 defines the purpose of a parliamentary inquiry, which can be carried out in order to determine and assess the state of facts which can serve as the basis for the National Assembly to decide on the political responsibility of bearers of public functions, on amending legislation, or on other decisions within its constitutional power. The limitation to the constitutional powers of the National Assembly means that the subject of parliamentary inquiry must not interfere with the exclusive powers of the Judiciary. Therefore, the goal of the National Assembly in the parliamentary inquiry procedure should not be to determine possible criminal liability. The findings of the report, which is generally of public nature, can however be used to assert criminal, tort and disciplinary liability under general rules to be further investigated and determined, but by other competent public authorities.</p>
<p>Spain - (Respondent: Congreso de los Diputados)</p>	<p>PCI findings will not be binding on the Judiciary and will not affect judicial decisions. However, the Bureau of Congress may transfer them to the Public Prosecutor's Office for the exercise of the appropriate actions.</p> <p>The conclusions should be reflected in a decision that will be discussed in the Plenary of the Chamber. After hearing the Board of Spokespersons, the President of the Congress shall order the debate, give the floor and set the times of the interventions.</p> <p>The conclusions approved by the Plenary of the Chamber will be published in the "Official Gazette of the Cortes Generales" and communicated to the Government (at the request of the proposing Parliamentary Group, the rejected particular votes shall also be published in the "Official Gazette of the Cortes Generales").</p>

This survey, provided by the Policy Department for Citizens' Rights and Constitutional Affairs at the request of the AFCO Committee, looks into the legal and administrative framework in which parliamentary committees of inquiry operate in the EU Member States. It focuses, in particular, in the investigative powers these committees have at hand to assist national parliaments in exercising parliamentary control. It also examines the role of Member States' parliamentary committees of inquiry in guiding the action of the government, enhancing transparency and eradicating contraventions and maladministration.