

DIRECTORATE-GENERAL FOR INTERNAL POLICIES

POLICY DEPARTMENT **C**
CITIZENS' RIGHTS AND CONSTITUTIONAL AFFAIRS



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**Parliamentary committees of
inquiry in national systems:
a comparative survey of
EU Member States**

NOTE



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NOTE

Abstract

This paper provides an update and extension of a 2007 overview of national provisions for parliamentary committees of inquiry. It concentrates on the legal framework in which these committees operate and the limits and responsibilities under which they carry out their investigations.

Keywords: Rules of procedure, parliamentary inquiry

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

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1. BACKGROUND

Committees of inquiry enable an in-depth investigation of a particular issue. They also focus the public spotlight on the issues under scrutiny and, in that sense, are useful not only for placing certain topics on the political agenda but also for enhancing Parliament's powers of scrutiny and control.

The European Parliament started to make systematic use of this parliamentary instrument soon after the first direct elections in 1979. The regular practice of setting up committees of inquiry, temporary committees or special committees was then given formal legal recognition in the Treaty of Maastricht, which added a new article to the EC Treaty specifying that the Parliament has the right to set up such committees to investigate "alleged contraventions or maladministration in the implementation of Community law, except where the alleged facts are being examined by a court and while the case is still subject to legal proceedings".¹

In 2007, the Inquiry Committee into the Collapse of the Equitable Life Assurance Society requested an overview from the Policy Department of national provisions concerning Parliamentary Committees of Inquiry (PCIs) in selected Member States and Switzerland. The information delivered in this document was summarised in the report of the Committee and served as a basis for its conclusions and recommendations.²

With the entry into force of the Lisbon Treaty the Parliament has obtained the right of initiative to revise the rules for inquiry committees.³ The Committee on Constitutional Affairs is therefore preparing a regulation to increase the powers of such committees (rapporteur: David MARTIN). Therefore, the document mentioned above was updated and extended to cover all 27 Member States. Data provided by the Library experts was evaluated and some further research was conducted by the Policy Department. Very few changes compared to the situation in 2007 have been found. Hence the information concerning the Member States already covered in the 2007 note did not require much modification. The subsequent summary also corresponds closely to the one provided in 2007. The accession of 12 Member States has not changed the situation dramatically because almost all new Member States have constitutional or legal provisions for PCIs and have organised them along the lines practised previously in the EU countries.

The survey is divided in two parts: the first part presents the legal and administrative framework, the second part the procedures governing the activities of PCIs, notably their capacity to fine witnesses who refuse to comply.

In the 2007 version of this overview a more detailed data and references based on a survey conducted by the ECPRD in 2003 were annexed. This information is still valid to a large extent and can be obtained from the Policy Department.⁴

¹ Art. 193.

² A6-0203/2007, p. 344/345. Resolution of 19 June 2007 (T6-0264/2007).

³ Art. 226(2) TFEU: The detailed provisions governing the exercise of the right of inquiry shall be determined by the European Parliament, acting on its own initiative in accordance with a special legislative procedure, after obtaining the consent of the Council and the Commission.

⁴ Doc. PE 378.284.

2. SUMMARY

With respect to the set-up of committees of inquiry in national Parliaments and their working procedures the main conclusion is that the majority of Member States (with the notable exceptions of the House of Commons of the United Kingdom, Sweden and Malta) have a constitutional system that provides for PCIs. It should be noted, however, that some of the British Select Committees (both in the House of Commons and the House of Lords) have objectives and procedures similar to those of PCIs in other countries. They are not included here because they usually have an open-ended mandate much like Standing Committees in other Parliaments. Furthermore, the British system has *ad-hoc* "Inquiries" initiated by the Prime Minister, such as the 2010 Iraq Inquiry, the terms of reference of which were set out by the Prime Minister and agreed by the House of Commons. This was an Inquiry by a committee of Privy Counsellors. It had access to all the information held by the Government and could ask any British citizen to appear before it.

The legal framework for the creation of PCIs in most countries includes provisions either in the Constitution, the Rules of Procedure of the Parliament, or ordinary law. In some countries the legal bases encompass all three levels, whereas in others the relevant provisions can be found in just one or two of the categories mentioned above. References to criminal or penal law do also occur.

The main purpose of PCIs in most systems is supervising the actions of the government or the administration. In some states PCIs have the additional duty to ensure respect of the Constitution or other legal provisions.

In most Member States PCIs have investigative powers similar to those of the courts but to a lesser extent. In some cases (Finland, Ireland, Spain, Sweden, UK House of Lords) PCIs have powers similar those of other parliamentary committees.

At the end of the mandate of PCIs there are usually political consequences and sometimes judicial acts or procedures as well.

The comparative study indicates that in all Member States which have a legal basis for PCIs (except Finland) there is a possibility for these committees to summon witnesses such as heads of public bodies or other citizens to give evidence. In case of non-compliance with an invitation to appear before a PCI there are different sanctions from country to country: in Greece, for example, the chair of a PCI may enforce the witness's compulsory attendance, whereas in Ireland a refusal to appear before the PCI may lead to presentation of a case to the High Court for an order to appear. Refusal to comply may also constitute a criminal offence. In the Netherlands, witnesses who refuse to appear before the committee or who deliberately do not attend may even be imprisoned.

The picture that can be gained from the comparative study indicates also that in most Member States PCIs can require the transmission of information and documentation deemed necessary for the conduct of their investigations from a certain number of administrative or political bodies such as the government, judicial authorities, or administration authorities. In a few countries PCIs can also oblige private bodies to collect information for them.

In most Member States the rules provide PCIs with tools to deal with a refusal of such bodies to collaborate. There is a wide range of possibilities to react to such problems, from administrative fines (e.g., in Austria) to the sanction of being imprisoned (e.g., in

the Netherlands). There are some countries such as Slovenia where PCIs do not have sanctions at their disposal.

Moreover, in most Member States PCIs can utilise parliamentary resources in the execution of their duties. In Austria and Italy (Senate) for instance, PCIs are granted additional help from external advisers to be hired by the PCI as well as from judicial authorities, the criminal police and other administrative authorities.

The data also indicate that in several Member States (e.g., Austria, Belgium, Finland, and Italy) PCIs enjoy a further privilege: they can ask the Courts for documents, and the Courts normally comply with these requests. On the other hand, in France, Ireland, Greece and the Netherlands there is no cooperation between a PCI and the Courts, the two bodies working independently without any direct interaction.

In Austria, Germany and Belgium members of PCIs have a special status. They are obliged to respect confidentiality as regards the activity of the PCI. In Greece, on the other hand, members of PCIs don't enjoy special status but are also subject to confidentiality.

3. CONCLUSIONS

Compared to these provisions, the rules concerning temporary and inquiry committees of the European Parliament⁵ still leave some leeway for a further evolution of the responsibilities of these bodies. In particular, a tightening of the rules governing sanctions for persons or institutions refusing to cooperate would appear useful. Closer cooperation with national authorities could be one way of achieving this. However, the wide discrepancies between the sanctions provided for in different national systems could possibly create problems of discrimination in the European Parliament's treatment of EU citizens via national institutions.

It could hence be envisaged to suggest greater powers for the EP inquiry committees, especially as concerns access to documents and the right to summon witnesses.

⁵ Annex IX of the EP's Rules of Procedure (reproducing the decision adopted by the European Parliament, the Council and the Commission on 19 April 1995; see OJ L 113 of 19.5.1995, p. 2).

4. OVERVIEW OF THE MEMBER STATES

4.1. Legal and administrative framework

	1. Does the parliamentary system provide for PCIs?	2. What are the powers of PCIs ?	3. From which bodies can PCIs request the information and documentation deemed necessary for the conduct of their proceedings?
Austria	<p>The National Council can by resolution set up committees of inquiry (Article 53.1 of the Constitution). The Federal Council does not, however, have the power to do so.</p> <p>The detailed arrangements regarding the establishment and procedure of committees of inquiry take place according to the Federal Rules of Procedure of the National Council (Article 53.2 of the Constitution)..</p>	<p>Currently, only investigative committees have the right to inspect files (see Rules of parliamentary committees of inquiry. Appendix to the Rules of Procedure Law of the National Council 1975, § 25, 2).</p> <p>The committee reports to the National Council on the basis of the evidence. This report may include suggestions (see Appendix to the Rules of Procedure Law of the National Council 1975, § 26, 1 and 3).</p>	<p>From courts and all other public authorities. All public offices must submit their records on request (see Appendix to the Rules of Procedure Law of the National Council 1975, § 25, 1 and 2).</p>
Belgium	Yes	Investigative powers similar to those of the courts.	Government, judicial authorities, administrative authorities and private bodies.
Bulgaria	Yes. Art. 79 (3) of the Constitution: Ad hoc committees shall be elected to conduct inquiries and investigations.	Article 99 (1): The National Assembly, or its elected Committees, may conduct investigations, inquiries and hearings on matters concerning state or public interests.	<p>Art. 80: Any official or citizen subpoenaed by a parliamentary committee shall be obliged to testify and present any required documents.</p> <p>Art. 99(3): (3) Parliamentary Committees may require that Ministers appear before their meetings and answer their questions.</p> <p>Art. 100: Article 100. All government bodies, officials of the government and municipal administration and members of the public, shall have the duty to make available the required</p>

			information and documents relating to the investigations, inquiries and hearings, even where the information constitutes state, official or judicial secret.
Cyprus	Yes, the House of Representatives can set up PCIs for an in-depth examination of a matter, in the framework of its activities pertaining to Parliamentary scrutiny. All Parliamentary committees can act as inquiry committees on matters within their mandate. In practice, this is especially true for the Standing Committee on Development Plans and Public Expenditure Control.	Such committees operate only within the framework of Parliamentary scrutiny and do not have any power to prosecute. They can suggest to competent bodies to conduct further inquiries and take action, when necessary.	Any relevant bodies or persons can be asked to give information and documentation (public administration, public organisations, legal persons governed by public or private law and private individuals).
Czech Republic	Yes: "In order to investigate a matter of public concern, the Chamber of Deputies may establish a commission of inquiry if not less than one fifth of the deputies so move. The proceedings before the commission shall be governed by law. "(Article 30 of the Constitution).	The powers are similar to the powers of the organs involved in criminal offences.	There is no exhaustive list of bodies: "In order to clarify important facts, the Commission of Inquiry may secure all necessary source documents, request all necessary explanations, interrogate witnesses and, if necessary, use the services of an interpreter and/or expert." (Rules of Procedure, § 48, no. 4).
Denmark	Section 51 of the Danish Constitutional Act allows Parliament to set up commissions from among its Members to investigate matters of public importance. Parliament has not established such a commission since June 1945 where a commission was set up to investigate the conditions under the German occupation.	A Parliamentary committee of enquiry may, according to Section 51 of the Constitutional Act, require written or oral information both from private citizens and public authorities.	See 2.
Estonia	Yes: § 17. <i>Types of committees</i> The Riigikogu shall have standing and select committees, committees of investigation and study committees.	§ 20. Committees of investigation: (1) The Riigikogu may form committees of investigation in order to investigate the circumstances relating	Section 22 subsection (1) applies to all types of committees (incl. committees of investigation), subsection (2) applies only to

	<p>The rights of the committees and the work of the committee of investigation are regulated by the Riigikogu Rules of Procedure and Internal Rules Act, RT I 2003, 24, 148. Paragraphs quoted refer to this act.</p>	<p>to a matter of public interest. (2) A committee of investigation shall be formed by a resolution of the Riigikogu which sets out the composition, including an alternate member to substitute for each committee member, and functions and term of authority of the committee. (3) A committee of investigation shall present an interim report on its activities at least once a year and, upon the termination of its activities, it shall present a final report to the Riigikogu.</p>	<p>committees of investigation. § 22. Rights of committees (1) A committee of the Riigikogu has the right to: 1) require information necessary for its work from the Government of the Republic and agencies of the executive power; 2) require the participation of a member of the Government of the Republic in a committee sitting in order to obtain information on a matter within the powers of the member of the Government; 3) invite officials of government agencies and other persons to participate in a committee sitting in order to provide information to and advise the committee. (2) A committee of investigation has the right to summon persons to appear before the committee and to demand information and documents necessary for the performance of its functions. A summoned person is required to appear, provide explanations and reply to questions. Information and documents required by a committee shall be forwarded by the date specified by the committee.</p>
<p>Finland</p>	<p>Yes. The Constitution of Finland of 11 June 1999 (731/1999, amendments up to 802/ 2007 included) Section 35 - Committees of the Parliament. For each electoral term, the Parliament appoints the Grand Committee, the Constitutional Law Committee, the Foreign Affairs Committee, the</p>	<p>Similar to the powers of other Parliamentary Committees.</p>	<p>The Government, the judicial authorities, the administrative authorities and private bodies. The Constitution of Finland 11 June 1999 (731/1999, amendments up to 802/ 2007 included), Section 47 - Parliamentary right to receive information: The Parliament has the</p>

	<p>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 (596/2007).</p> <p>Parliament's Rules of Procedure of 17 December 1999 (40/2000) Section 7 - Committees. The Parliament may establish temporary Committees. The term of a temporary Committee shall continue until it has completed its task.</p>		<p>right to receive from the Government the information it needs in the consideration of matters. The 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. A Committee has the right to receive information from the Government or the appropriate Ministry on a matter within its competence. The Committee may issue a statement to the Government or the Ministry on the basis of the information. Section 37 of Parliament's Rules of Procedure of 17 December 1999 (40/2000) - Hearing of experts: A Committee may hear expert opinions.</p>
France	Oui.	<p>Les commissions d'enquête disposent de moyens juridiques leur permettant de procéder à de véritables enquêtes. Leurs rapporteurs peuvent exercer leurs missions sur pièces et sur place. Par ailleurs, les commissions d'enquête disposent de pouvoirs de contrainte importants : toute personne, dont une commission d'enquête a jugé l'audition utile, est tenue de déférer à la convocation qui lui est délivrée, si besoin est, par un huissier ou un agent de la force publique, à la requête du président de la commission. A l'exception des mineurs de seize ans, elle est entendue sous serment.</p>	<p>Le Gouvernement, les corps de contrôle, les autorités administratives et les personnes privées.</p>
Germany	<p>Bundestag: yes, Bundesrat: no. Basic Law for the Federal Republic of</p>	<p>Most committees of inquiry examine possible misgovernment, maladministration and alleged</p>	<p>Article 44 [Committees of inquiry] (3): Courts and administrative authorities shall be required to</p>

	Germany, Article 44, [Committees of inquiry] (1) The Bundestag shall have the right, and on the motion of one quarter of its Members the duty, to establish a committee of inquiry, which shall take the requisite evidence at public hearings. The public may be excluded.	misconduct on the part of politicians. They may question witnesses and experts and request that further investigations be carried out by courts and administrative authorities. Committees of inquiry summarise their results in reports that are presented to the plenary. Furthermore, the Defence Committee has the right to constitute itself as a committee of inquiry at any time in order to ensure effective parliamentary scrutiny of the armed forces.	provide legal and administrative assistance. Furthermore, § 23 of the Committee of enquiry Act, treating the subject of interrogation of public officials, underlines the fact that the federal government is obliged to issue the necessary approvals for statements.
Greece	Yes	Investigative powers similar to those of the courts. According to Art. 145 of the Rules of Procedure PCIs have all powers of investigative judicial authorities as well as those of the public prosecutor.	The Government, judicial authorities, administrative authorities and private bodies.
Hungary	Yes, according to the Constitution and the Standing Orders of the Parliament. Act XX of 1949 The Constitution of the Republic of Hungary, Chapter II The Parliament, Article 21 (2): The Parliament shall establish standing committees from among its members and may delegate a committee for the investigation of any issue whatsoever. Resolution 16/1994 on the Standing Orders of the Parliament, Chapter 4, Committees of the Parliament, Standing Order No. 34: 1) Parliament may appoint a committee of inquiry to investigate any matter, and may set up an ad hoc committee to deal with issues defined in the resolution on setting up the committee for a period	The powers of PCIs correspond to the powers of the Standing Committees or shall be defined by the Parliament or the temporary committee itself. A committee of inquiry investigating the activities of the Government, any Government agency or ministry shall be presided over by an opposition Member of Parliament. (5) The committee of inquiry shall make a report on its activity, which report shall include the following: 1. the task of the committee; 2. the rules of procedure and methods of inquiry determined by the Committee; 3. The statement of facts the committee has found and of the legal findings the committee has made;	According to Chapter II, The Parliament, Article 21(3) of the Constitution "everyone is obliged to provide Parliamentary Committees with the information requested and is obliged to testify before such committees".

	of time specified in the same (hereinafter committees of inquiry and ad hoc committees shall be referred to jointly as "temporary committees").	<p>4. The presentation of evidence on which its findings are based;</p> <p>5. The comments of the organ or person concerned on the methods and findings of the inquiry.</p> <p>6. A motion on the necessary measures to be taken, if such a proposal thereon has formed part of the committee's tasks.</p>	
Ireland	Yes.	<p>Similar to the powers of other Parliamentary Committees.</p> <p>Investigative powers similar to those of the courts.</p> <p>Only committees which have the power to subpoena persons, papers and records can commence an inquiry; the inquiry is quasi-judicial in nature.</p>	The Government, the administrative authorities and private bodies.
Italy	Yes.	<p>Constitution (Art. 82): The Committee of inquiry conducts its investigations and examinations with the same powers and the same limitations as a judicial authority. The Rules of procedures of both Chambers are almost identical in this respect.</p> <p>Furthermore, each Committee of Inquiry has its own rules of procedure that may give more details on Committee's powers, functions and operational rules.</p>	As with judicial authorities, from any body.
Latvia	Yes (Article 26 of the Constitution): The Saeima shall appoint parliamentary investigative committees for specified matters if not less than one-third of its members request it.	<p>Powers similar to other parliamentary committees:</p> <ul style="list-style-type: none"> - to directly request the information and explanations necessary for its work from the respective Minister and the institutions subordinated to or supervised by him/her, as well as from local governments. 	Government, administrative authorities and private bodies.

		<p>- PCI have the right to invite and question also private persons and, if necessary, in cooperation with experts to audit government, local government and private establishments and enterprises. (Rules of Procedure of the Saeima, LV, 96 (227)).</p> <p>The Prosecutor may participate in the PCI's activities (Articles 8, 9, 10 Law on Parliamentary Investigation Committees).</p>	
<p>Lithuania</p>	<p>The Seimas authorities, committees, parliamentary groups and a group of at least one-fourth of the Members of Seimas shall have the right of initiative to form Ad Hoc Control or Investigation Commissions (Art. 73 of the Seimas Statute).</p>	<p>Statute of the Seimas, Article 75: The Powers and Working Procedure of an Ad Hoc Control or Investigation Commission 1. If an issue is being examined which is relevant to a state secret, the meetings of an Ad Hoc Control or Investigation Commission shall be closed to all persons excepting those who have been invited, whose list shall be compiled in accord with commission members. In other instances the Ad Hoc Control or Investigation Commission may hold closed meetings only upon receiving concurrence from the Seimas. 2. The data collected in the course of work by an Ad Hoc Control or Investigation Commission, that is relevant to a state secret, shall not be published. 3. The law shall establish the powers of Ad Hoc Control and Investigation Commissions. Article 3 of the Law on Ad Hoc Investigation Commissions of the Seimas describes the tasks of PCIs, Article 4 describes the rights of PCIs.</p>	<p>Pursuant to Article 4, paragraph 1, of the Lithuanian Law on Ad Hoc Investigation Commissions of the Seimas the PCIs can request information and documentation from: all state and government institutions, Lithuanian Bank, state and municipal enterprises, institutions and organisations. The PCIs can invite to their meetings state and municipal politicians, officials, officers, other persons who used to work at the state or municipal institutions; other persons can be invited to the meetings, the citizens via mass media could be asked for their help in the investigation.</p>

<p>Luxembourg</p>	<p>Oui. L'article 64 de la Constitution réserve à la Chambre le droit d'enquête qui lui confère la possibilité d'entendre des témoins et de consulter des experts pour réunir des éléments d'information sur une question déterminée. La Chambre exerce ce droit elle-même ou par une commission formée dans son sein. L'exercice du droit d'enquête est réglé par la loi du 18 avril 1911.</p>	<p>Les pouvoirs attribués à la Chambre ou à la commission d'enquête ainsi qu'à leur président sont ceux du juge d'instruction en matière criminelle. Toutefois la Chambre a le droit, chaque fois qu'elle ordonne une enquête, de restreindre ces pouvoirs. Ces pouvoirs ne peuvent être délégués, sauf le droit de la Chambre ou de la commission de faire, en cas de nécessité, procéder par voie de délégation à des devoirs d'instruction spécialement déterminés. Cette mission ne peut être confiée qu'à un conseiller de la Cour supérieure de Justice. Lorsque l'enquête parlementaire doit comprendre le droit de procéder à des perquisitions ou à des visites domiciliaires, ou à des saisies de documents ou correspondances, il y a lieu à loi spéciale. Les pouvoirs de la commission cessent en cas de dissolution de la Chambre. Ils sont suspendus par la clôture de la session, à moins que la Chambre n'en décide autrement. Les séances dans lesquelles les témoins ou les experts sont entendus, sont publiques à moins que la commission n'en ait décidé autrement. Dans tous les cas, chaque membre de la Chambre aura le droit d'assister aux mesures d'instruction, sans avoir toutefois le droit de prendre la parole. L'enquête parlementaire est contradictoire.</p>	<p>Toute personne à laquelle l'enquête peut porter préjudice a le droit d'y être entendue et aura le droit de demander des mesures d'instruction. La commission d'enquête statuera sur l'admissibilité de cette demande.</p>
<p>Malta</p>	<p>There is no provision for the creation of committees of enquiry.</p>	<p>--</p>	<p>--</p>

Netherlands	<p>Yes. A majority in the House of Representatives is needed to launch an inquiry. The initiative can be taken by one or more MPs.</p>	<p>The temporary committee appointed for the specific purpose of conducting the inquiry gathers information and hears witnesses. The right to initiate such inquiries is a far-reaching parliamentary right: witnesses called by the committee are under obligation to appear before it and the committee is entitled to hear them under oath. Written declarations can be asked from anybody. Members of the committee can even make searches anywhere on the territory (without assent of owner). Activities are not interrupted by dissolution of chambers nor at the end of a legislature.</p>	<p>Anyone (natural or moral persons).</p>
Poland	<p>Yes. Article 111 of the Constitution of the Republic of Poland of 2 April 1997: 1. The Sejm may appoint an investigative committee to examine a particular matter. 2. The procedures for work by an investigative committee shall be specified by statute. Standing orders of the Sejm of Republic of Poland of 30 July 1992, Chapter 11a (Art. 136a-136i), on the Investigative Committee.</p>	<p>According to the Act of 21 January 1999 on Sejm investigative committees a committee shall be appointed to examine a particular matter [article 1, paragraph 2]; a resolution on the establishment of the committee shall specify the committee's scope of activity; it may also specify detailed principles of functioning of the committee as well as the time limit for the submission of its report [article 2, paragraph 3]. The committee shall be bound by the scope of its subject matter, as specified in the resolution on its establishment. Any person can be summoned by the committee and they must appear at the time designated by the committee [article 11, paragraph 1]. The committee may appoint experts to obtain a specialist knowledge [article 12a]. The lawfulness of court decisions shall not be a subject of the committee</p>	<p>According to Article 14 of the Act of 21 January 1999 on Sejm investigative committees 1. 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. 2. The committee may acquaint itself with documents or files by examination of the case on site. 3. 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 collect materials if it considers this necessary for the proper conduct of proceedings by other public authorities." Such</p>

		activity [article 8, paragraph 2]. The committee may apply to the Public Prosecutor General to take particular actions [article 15, paragraph 1]. The committee shall present a report on its activities to the Marshal of the Sejm. [article 136g, paragraph 1].	actions shall be taken whilst observing the provisions concerning statutorily protected secrets [Article 16].
Portugal	<p>Article 178 (Committees) of the Constitution of the Portuguese Republic - Seventh Revision: 1. The Assembly of the Republic shall have such committees as may be provided for by the Rules of Procedure, and may form ad hoc committees of inquiry or for any other given purpose. 4. Parliamentary committees of inquiry shall obligatorily be formed when a motion is made to that effect by one fifth of all the Members in full exercise of their office.</p> <p>Article 37 of the Rules Of Procedure of the Assembly of the Republic - Formation of ad hoc parliamentary committees: 1- The Assembly of the Republic may form ad hoc parliamentary committees for any given purpose.</p> <p>Article 233 - Object of parliamentary inquiries 1- The object of parliamentary inquiries shall be to assess compliance with the Constitution and the laws and to consider the acts of the Government and the Public Administration.</p>	<p>Constitution: Article 156 (Members' powers) Members shall have the following powers: f) To request the formation of parliamentary committees of inquiry; Article 178 (Committees) 5. Parliamentary committees of inquiry shall possess the investigative powers of the judicial authorities.</p> <p>Rules of Procedure of the Assembly of the Republic: Article 237 - Powers of parliamentary committees of inquiry: Parliamentary committees of inquiry shall enjoy the investigative powers of the judicial authorities and any other powers and rights provided for by law.</p>	<p>Article 236 - Decisions to hold an inquiry and reports: 1- When the Assembly is required to decide upon the holding of an inquiry, once the decision has been made an ad hoc parliamentary committee of inquiry shall be formed in accordance with the law. 2- The Plenary shall set the date by which the parliamentary committee is to present the report, in accordance with, and within, the limits laid down by law. 3- If the report is not presented by the said date, the parliamentary committee shall substantiate the delay and ask the Plenary to extend the time limit in accordance with, and within, the limits lay down by law.</p>
Romania	<p>Chamber of Deputies: Yes. The Chamber of Deputies may establish Enquiry Committees (Article 64 (4) of the Constitution of Romania and</p>	<p>Similar to the powers of other Parliamentary committees. Any standing committee may open an inquiry in its area of competence on</p>	<p>In view of the hearing, the Parliamentary Enquiry Committee may subpoena any person. Under the law, the institutions and organisations</p>

	<p>Articles 40 (1), 61, 71 (1) and 73 (2) of the Regulations of the Chamber of the Deputies): Following a request by at least 50 Deputies of at least two Parliamentary Groups, the Chamber of Deputies may decide on setting up an Enquiry Committee. At the request of one or several of its Members, any Standing Committee may, within its competence, commence an enquiry on the work carried out by the Government or the public administration, with the consent of the plenum of the Chamber of Deputies (Article 71 (1) of the Regulations).</p> <p>Senate: The Senate may establish Enquiry Committees (Article 64 (4) of the Constitution of Romania and Articles 44 (1), 76 (1) and 78 (1) of the Regulation of the Senate). Following a request of a third of its members, the Senate may decide on setting up an Enquiry committee (Article 78 of the Regulation of the Senate). Any standing committee or one third of senators may open an inquiry in their area of competence on any activity carried out by the Government or by public administrative bodies (Article 76 (1) of the Regulation).</p>	<p>any activity carried out by the Government or by public administrative bodies. Where clarification is deemed necessary of the causes of and the circumstances under which events or actions with harmful effect have occurred, as well as to establish the conclusions, liabilities and steps to be taken, the Chamber of Deputies may decide to commence a parliamentary enquiry. A parliamentary enquiry shall rightfully cease at the time of a judicial procedure being started in relation to the actions or activities making its object, in which case 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 (see: Articles 73 (1) and 74 (2) of the Regulations of the Chamber of the Deputies).</p> <p>Senate: Similar to the powers of the other Parliamentary committees.</p>	<p>shall be under obligation to respond to the requests of the Parliamentary Enquiry Committee within the time limit set by the latter. The Parliamentary enquiry Committee may request such expert's examinations to be carried out. The Committee may also request access to classified information, under the law (see: article 76 (1) (3) (4) and (7) of the Regulations of the Chamber of the Deputies).</p> <p>Senate: Same regulations.</p>
Slovakia	The Slovak parliament cannot establish committees of inquiry.	--	--
Slovenia	Yes. Such committees are provided for by the Constitution, Article 93.	Powers comparable to those of judicial authorities in matters of investigation and examination.	This is defined by the Parliamentary inquiry act, Article 14: (1) The Government, administrative bodies, organisations performing public services, and all bearers of public

			authority must allow the commission of inquiry or the authorised representatives thereof to have access at any time to their documentation, issue the necessary authorisations for testimony, and submit files. (2) The courts must submit to the commission of inquiry those parts of their files that also refer to the subject of the commission of inquiry. (3) The authorities referred to in the first paragraph of this article that objects to the approval of the request due to the fact that in their opinion such would be detrimental to the relations of the Republic of Slovenia with other countries or to its security, must comply with a repeated request from the commission of inquiry.
Spain	Yes	Similar to the powers of other Parliamentary Committees. Investigative powers similar to those of the courts. The results of PCIs shall be disclosed, as the case may be, to the Public Prosecutor for the adoption, when relevant, of the appropriate actions.	Government, administrative authorities and private bodies.
Sweden	No: The Swedish parliamentary system does not provide for PCIs, but allows each of the 16 permanent committees to arrange public meetings or hearings. In the Swedish system, PCI must thus be understood as <i>public meeting or hearing by a parliamentary committee</i> . Some regulations relating to this: The Instrument of Government (SFS	Under the previous proviso it can be said that public hearings are mainly in-depth hearings of experts on a specific issue. A hearing may allow the committee to receive information that not otherwise could have been gathered, in the form of oral expert witness statements, to provide the committee with an extended basis of information for decision-making. The only committee with the constitutional	Government, administrative authorities and private bodies.

	<p>1974:152), Chapter 12. Parliamentary control: Art. 1. The Committee on the Constitution shall examine ministers' performance of their official duties and the handling of Government business. The Committee is entitled for this purpose to have access to the records of decisions taken in Government matters and to all documents pertaining to such matters. 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 official duties or the handling of Government business. Art. 3. A person who is currently, or who has been previously, a minister may be held accountable for a criminal act committed in the performance of his ministerial duties only if he has grossly neglected his official duty thereby. A decision to institute criminal proceedings is taken by the Committee on the Constitution and the case is tried before the Supreme Court.</p> <p>A representative of a State authority shall not be obliged, during a public part of a committee meeting, to furnish information which is subject to secrecy rules at the authority.</p>	<p>power to scrutinize the Government in an investigative manner similar to that of the courts is the Committee on the Constitution. This scrutiny is above all a judicially based scrutiny with elements of parliamentary control in the political sense.</p>	
<p>United Kingdom</p>	<p>House of Lords: Yes. House of Commons: No. In the British Parliament, there are no Committees of Inquiry (although Parliament's broad powers would probably allow it to set them up if it so wished). There</p>	<p>House of Lords: Similar to the powers of other Parliamentary Committees.</p>	<p>Government, judicial and administrative authorities and private bodies.</p>

	<p>are committees on legislation (Standing Committees) and committees to monitor Government departments (Select Committees). The Select Committees conduct 'inquiries', but these are not of a quasi-judicial nature, nor are they specially convened by the House as a whole. Instead, the Members on the Committee decide on the subjects they wish to investigate, and these are often quite general areas of policy.</p>		
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4.2. Procedures and sanctions

	4. Are bodies or persons which refuse to collaborate with PCIs in the provision of information or documentation subject to sanctions?	5. If yes, what sanctions or procedures are applied?	6. What are the consequences arising from lack of attendance or refusal to give evidence before PCIs?
Austria	Yes.	<p>Invitation of informants or experts: If an invited person does not comply without adequate excuse, the committee of inquiry may apply to the Court for imposing a fine (see Rules of parliamentary committees of inquiry. Appendix to the Rules of Procedure Law of the National Council 1975, § 3,3).</p> <p>Apart from bringing the informant before the committee in the case of nonappearance and the imposition of fines and coercive penalties for unjustified denial of a statement to the inquiry committee there are no further means of coercion available. In particular, conducting house searches and confiscation of goods is prohibited (see Appendix to the Rules of Procedure Law of the National Council 1975, § 21).</p>	See 5.
Belgium	Oui.	En vertu de l'article 4 de la loi du 3 Mai 1880 la commission ainsi que son président, pour autant qu'il y soit habilité, peuvent prendre toutes les mesures d'instruction prévues par le Code d'instruction criminelle.	En vertu de l'article 8 de la loi du 3 mai 1880 (modifiée par la loi du 30 juin 1996 - entrée en application le 26 juillet), toute personne autre qu'un membre de la Chambre qui, à un titre quelconque, assiste ou participe aux réunions non publiques de la commission, est tenue, préalablement, de prêter le serment de respecter le secret des travaux.

			Toute violation de ce secret sera punie conformément aux dispositions de l'article 458 du Code pénal.
Bulgaria	No, but pursuant to Art. 102. (1) of the Constitution officials and members of the public, if invited, shall be bound to appear before the Committees of the National Assembly and to provide any requested information and papers.	--	--
Cyprus	The law covering the work of parliamentary committees stipulates that, should someone fail to attend a meeting when requested or provide the information and documentation required, the Parliament can proceed to applying sanctions.	The criminal offence of "contempt of the Parliament" can be sanctioned with up to 6 months of imprisonment or/and with a fine of approximately 500 euro. The same sanctions can apply for whoever attempts to put pressure or offer money in a way to influence someone called to give information and documentation to a committee. For public administrators and independent officials, such failure to cooperate constitutes a disciplinary offence as well, which is sanctioned according to internal rules (legal basis: Law 21/85).	See 5.
Czech Republic	Pursuant to the Rules of Procedure of the Commissions of Enquiry, Article 15) (1) the right to refuse to testify as a witness applies to any relative of the person whose actions are being investigated by the Commission in direct line of descent, his/her sibling, adoptive parent, adoptive child, spouse and partner. (2) A witness shall also be entitled to refuse to testify if his/her testimony might result in criminal proceedings against himself/herself or persons as	Procedure of Arraignment: If a witness – although duly summoned – fails to appear, without excusing himself/herself, he/she may be arraigned. Each witness must be informed of this fact as well as of other consequences of his/her failure to appear in the Commission's summons. If necessary, the Commission shall ask the relevant police authority to arraign such a witness. (Article 12, Section 2, of the Rules of Criminal Procedure).	See 5.

	mentioned in (1).		
Denmark	<p>There are no special rules established by law or in the Standing Orders of the Danish Parliament on Parliamentary committees of enquiry and the sanctions that apply in case the obligation to disclose information is not fulfilled in accordance with Section 51 of the Constitutional Act.</p> <p>As mentioned the rule does not apply in practice, but it is assumed in the literature that a parliamentary committee of inquiry could bring an action to court to order a citizen or an authority who refuses to supply information to provide this information. The sentence would then be enforced by the enforcement court under the normal rules of the Danish Administration of Justice Act.</p>	See 4.	It is not possible to answer this question, since the situation as mentioned is of no practical relevance and there are no special rules.
Estonia	Yes.	<p>§ 23. Obstructing the work of a committee of investigation: (1) Failure to appear without good reason, when summoned by a committee of investigation, failure to submit information or documents, or refusal to provide a statement or reply to questions is punishable by a fine of up to 300 fine units. (2) The provisions of the Penal Code and of the Code of Misdemeanour Procedure apply to misdemeanours provided in subsection (1) of this section. (3) A court shall conduct proceedings in the matters of the misdemeanours provided in</p>	See 5.

		subsection (1) of this section.	
Finland	Yes.	According to the Constitution only the Government is obliged to give Committees information and documents requested. Sanctions for refusing to collaborate are political. For private bodies there are no sanctions. The Parliament has the right to receive from the Government the information it needs in the consideration of matters. The 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.	None.
France	Oui.	Tous les renseignements de nature à faciliter cette mission doivent leur être fournis. Ils sont habilités à se faire communiquer tous documents de service, à l'exception de ceux revêtant un caractère secret et concernant la défense nationale, les affaires étrangères, la sécurité intérieure ou extérieure de l'État et sous réserve du respect du principe de séparation de l'autorité judiciaire et des autres pouvoirs.	La personne qui ne comparait pas ou refuse de déposer ou de prêter serment devant une commission d'enquête est possible d'un emprisonnement de deux ans et d'une amende de 7,500€.
Germany	Yes.	§ 27(1) of the Committee of enquiry Act, treating the subject of unfounded refuse to testify, states that if the witness refuses without legal basis cause, the committee may impose the costs caused by this and impose a fine of up to 10,000 EUR on the witness. § 27(2) mentions a possible coercive detention, to be imposed by the investigating judge of Federal Court at the request of	See 5.

		the inquiry committee in very special cases.	
Greece	Yes.	The Minister is obliged to present originals or copies of all documents requested by PCIs with the exception of those concerning diplomatic or military secret affecting the security of the State.	The PCI is entitled to examine witnesses, proceed to autopsies according to the Code of Criminal procedure. If a witness is not wishing to present before the PCI, the President of the PCI may request his forcible presentation.
Hungary	Sanctions are not mentioned in the Constitution or the Standing Orders but can be imposed according to specific provisions made by the Parliament or the temporary committee.	See 4.	This is not regulated by the Constitution or the Standing Orders but the temporary committee's provisions can apply.
Ireland	Yes.	Failure to obey may lead to an application in a summary manner to the High Court for such orders as may be appropriate and may also constitute an offence under the Act.	See 5.
Italy	According to the Code of Criminal Procedure (art. 198), witnesses are obliged to appear before the judge. This also applies to PCIs.	Although PCIs have the same powers as the judicial authority, they usually do not inflict sanctions directly but they rather transmit acts to the judicial authority. For instance, they can ask to activate the procedure of "forced accompaniment", by which a judge can order the police to find the witness and take him/her to the hearing by force.	See 5.
Latvia	Yes (Article 173(2). Rules of Procedure of Saeima): (2) If the persons, establishments or enterprises referred to in this Article do not fulfil the requirements of a parliamentary inquiry committee with regard to their questioning or auditing, the police, upon the	Articles 11, 12 of the Law on Parliamentary Investigation Committees, on the responsibilities of a witness. Article 7 (2) Law on Parliamentary Investigation Committees: If a person fails to appear at a parliamentary investigation committee, the court upon	Section 272 of the Criminal Law. Failing to Provide Requested Information and Providing False Information (1) For a person failing to make timely provision of requested information to a State institution authorised by law to request information, if this is repeated within

	request of the committee, shall take coercive measures to ensure the fulfilment of the above requirements.	the request of the committee shall decide on enforced arrival.	a one-year period, the applicable sentence is custodial arrest, or community service, or a fine not exceeding thirty times the minimum monthly wage. (2) For a person who knowingly provides false information to a State institution authorised by law to request information, including a parliamentary investigation commission, the applicable sentence is deprivation of liberty for a term not exceeding two years or community service, or a fine not exceeding fifty times the minimum monthly wage.
Lithuania	Yes.	If state and government institutions, enterprises, organisations, etc. refuse to provide the PCI with the requested documents, the PCI can ask the police to obtain these documents (Article 4 (2) of the Law on Ad Hoc Investigation Commissions of the Seimas. Witnesses are warned in writing of the criminal liability for false statements, explanations, information and data, as well as the administrative responsibility for not fulfilling the PCI's requirements. Criminal liability can also apply (Art. 233, 235 of the Criminal Code) as well as administrative (civil law) responsibility (Art. 187 (7) of the Code of Administrative Violations of Law).	See 5.
Luxembourg	Oui.	Les témoins, les interprètes et les experts sont soumis, devant la Chambre ou la commission ou le magistrat-commis, aux mêmes obligations que devant le juge d'instruction; en cas de refus ou de négligence d'y satisfaire, ils sont passibles des mêmes peines. Le	Le coupable de faux témoignage, l'interprète et l'expert coupables de fausse déclaration, le coupable de subornation de témoins, d'experts, d'interprètes, seront punis d'un emprisonnement de deux mois à trois ans et privés du droit de vote et

		<p>serment sera prêté d'après la formule suivante: "Je jure de dire toute la vérité, rien que la vérité."</p> <p>Sources: * Constitution du Grand-duché du Luxembourg; Article 64. "La Chambre a le droit d'enquête. La loi règle l'exercice de ce droit."</p> <p>* Règlement de la Chambre des Députés: Chapitre 20 De la procédure des enquêtes parlementaires</p>	<p>d'éligibilité pendant cinq ans au moins et dix ans au plus.</p> <p>Lorsque le faux témoin, l'expert ou l'interprète aura reçu de l'argent, une récompense quelconque ou des promesses, il sera condamné de plus à une amende de 123,95 à 7.436,81 euros. La même peine sera appliquée au suborneur sans préjudice d'autres peines.</p>
Malta	--	--	--
Netherlands	Yes.	<p>Yes. They can be forced to appear or give witness by order of a tribunal (penalty payment can be imposed). If they refuse to give witness they can be imprisoned ("held hostage"; max. 30 days). In some cases persons can remain silent and are allowed not to answer to specific questions.</p>	<p>See 5. All meetings are public (exceptions: serious reasons) . A public report is made up after conclusion of meetings. In some cases documents can be kept confidential. Sources : Article 70 of the Dutch constitution: The two Chambers shall jointly and separately have the right of inquiry to be regulated by Act of Parliament. Act on Parliamentary Enquiry of 5 august 1850 (Wet op de parlementaire enquête)</p>
Poland	<p>According to the Act of 21 January 1999 on Sejm investigative committees the committee may apply to the Public Prosecutor General to take particular actions [article 15, paragraph 1]. A chairman, or any member of the committee authorised by him, may take part in actions referred to in para. 1 [article 15, paragraph 2]. According to the Act of 21 January 1999 on Sejm investigative</p>	<p>According to the Act of 21 January 1999 on Sejm investigative committees the Public prosecutor shall take those particular actions on the basis of the provisions of the Code of Penal Procedure and the Act of 20 June 1985 on the Prosecutors Office [article 15, paragraph 2].</p>	<p>A person summoned by the committee may appoint a representative who must be a barrister or legal counsel [article 11b, paragraph 3] but shall not be released from an obligation to appear in person before the committee and give testimony. The relevant provisions of the Code of Penal Procedure [in particular Chapter 21] concerning summoning of witnesses shall apply, as appropriate. In the</p>

	committees: Any person can be summoned by the committee and they must appear at the time designated by the committee [article 11, paragraph 1].		event that any person has failed to appear before the committee without reasonable justification of absence, 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. Any person summoned shall have the right to abstain from answering a question if such an answer would expose the person summoned or anyone close to him, within the meaning of article 115, paragraph 11 of the Penal Code, to accountability for a criminal or fiscal offence; refuse to give testimony about statutorily protected secrets in cases specified by this Act.
Portugal	Refusal to collaborate with PCIs is considered as a 'crime of qualified disobedience' (under criminal law)	Sanctions are pronounced according to the Portuguese criminal law.	A lack of attendance or a refusal to give evidence is prosecuted under the Portuguese criminal law (Article 17).
Romania	Chamber of Deputies: Yes. "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" (article 76 (5) of the Regulations of the Chamber of the Deputies). Senate: Yes. The attendance of the persons invited to the hearings is compulsory; in the case of refusal they will face legal actions as provided by the law (article 76 (6))	Chamber of Deputies and Senate: Judicial fines of 300 000 lei - 5 000 000 lei (approx. 7 - 120 €) are imposed on a person not attending and/or refusing to testify after she/he received a subpoena according to the law; - an expert that refuses to provide an expertise and/or do not deliver it within the time limit - institution in the case of refusal to provide evidence (Article 39 of the Emergency Government Ordinance no 138/2000). Imprisonment from 6 months to 3 years for the members of the government in the case of unjustified refusal to give to the Chamber of Deputies, Senate or the Standing Committees, within the set	see 5.

	of the Regulation of the Senate).	time limit, information and documents required by the latter.	
Slovakia	--	--	--
Slovenia	The are no sanctions.	--	This is defined by Article 8, par. 2 - 3 of the Parliamentary inquiry act: (2) The commission of inquiry may require that the competent court impose fines pursuant to the Criminal Procedure Act on an expert who has been summoned but has failed to appear or who does not want to carry out the expertise. (3) At the request of the commission of inquiry the competent court shall order that a person subject to inquiry, a witness, or an expert be brought before the commission.
Spain	Yes.	According to the Organic Act 5/1984 all Spanish citizens and foreigners who live in Spain are obliged to attend in person in front of the PCI in order to inform the committee, as requested.	See 5.
Sweden	--	--	--
United Kingdom	--	--	--

DIRECTORATE-GENERAL FOR INTERNAL POLICIES

POLICY DEPARTMENT CITIZENS' RIGHTS AND CONSTITUTIONAL AFFAIRS **C**

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