

Policy Department
Citizens' Rights and Constitutional Affairs

**PARLIAMENTARY COMMITTEES
OF INQUIRY:
A SURVEY**

CONSTITUTIONAL AFFAIRS

This note was requested by the European Parliament's committee on the Crisis of the Equitable Life Assurance Society.

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Directorate-General Internal Policies

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Citizens Rights and Constitutional Affairs

Parliamentary committees of inquiry in national systems:

a comparative survey of selected EU Member States and Switzerland

Abstract:

This paper provides an 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.

[31/01/2007]

Executive Summary

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 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

This study aims at developing some criteria for possible modifications of the powers of the EP's committees of inquiry. Such proposals will perhaps be made in the framework of the final report of the Temporary Committee of Inquiry into the Collapse of the Equitable Life Assurance Society.² In order to gather comparative information concerning the set-up and the working procedures of the committees of inquiry of national parliaments of the Member States, data collected from 15 Member States in 2003 were evaluated. The information was provided by the correspondents of the European Centre for Parliamentary Research and Documentation (ECPRD), to which the authors express their gratitude. Some further research was conducted in the Policy Department.

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 (except for the House of Commons of the United Kingdom) have a constitutional system that provides for Parliamentary Committees of Inquiry (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.

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.

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.

¹ Art. 193

² See http://www.europarl.europa.eu/comparl/tempcom/equi/default_en.htm

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 examined in this survey 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 under scrutiny here 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).

Moreover, in most Member States PCIs can dispose of parliamentary assistance in the performance of their duties. In Austria, Italy (Senate) and Switzerland, 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, Italy, Sweden, and also in Switzerland) 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 the members of PCIs have a special status. They are obliged to respect confidentiality as regards the activity of the PCI. In Greece and Sweden, on the other hand, members of PCIs don't enjoy special status but are also subject to confidentiality.

Compared to these provisions, the rules concerning temporary committees of investigation of the European Parliament³ 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.

³ Annex VIII 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).

The survey is divided in two parts: the main part concentrates on the issues raised by the Chair of the Committee of Inquiry into the Collapse of the Equitable Life Assurance Society. The annex presents supplementary data collected in the 2003 survey conducted by the ECPRD.

Overview of the main questions raised by the Committee on the Crisis of the Equitable Life Assurance Society⁴

Legal framework, duties and purpose

	1. Does the parliamentary system provide for PCIs?	2. What are the powers of PCIs ?
Austria	Yes	Investigative powers similar to those of the courts.
Belgium	Oui	Investigative powers similar to those of the courts
Finland	Yes	Similar to the powers of other Parliamentary Committees
France	Oui	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.
Germany	-Bundestag: According to Article 44 of the Basic Law for the Federal Republic of Germany, the German Bundestag may, and must, set up a committee of inquiry on a motion supported by one quarter of its Members. -Bundesrat: no PCIs.	Committees of inquiry primarily examine possible cases of misgovernment, maladministration and misconduct on the part of politicians. Furthermore, the committees may request that further investigations be carried out by courts and administrative authorities. The Act Governing the Legal Framework for Committees of Inquiry regulates the rights of these committees.
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.
Ireland	Yes	-Similar to the powers of other Parliamentary Committees -investigative powers similar to those of the courts Only those committees which have the power to send for persons, papers and records can commence an inquiry; the inquiry is quasi-judicial in nature.
Italy-Chamber	Yes	Investigative powers similar to those of the courts
Italy-Senate	Yes	Investigative powers similar to those of the courts
Netherlands	Yes	Questioning under oath.
Spain-Senate	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

⁴ Letter by Ms Mairead McGUINNESS of 14 November 2006

		may be, to the Public Prosecutor for the adoption, when relevant, of the appropriate actions.
Spain-Congress	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.
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 our system, a PCI must thus be understood as <i>public meeting or hearing by a parliamentary committee</i> .	-Similar to the powers of other Parliamentary Committees -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 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.
Switzerland	Yes	-En vertu de l'article 166 (2) de la loi du 13 Décembre 2002 La commission d'enquête peut, selon le cas, confier à un chargé d'enquête le soin d'administrer les preuves. Celui-ci agit conformément au mandat que lui a confié la commission d'enquête et suivant ses instructions. -En vertu de l'article 171 (1) de la loi du 13 Décembre 2002 Lorsque l'Assemblée fédérale a décidé d'instituer une commission d'enquête parlementaire aucune autre commission n'est plus autorisée à procéder à des investigations sur les événements qui font l'objet du mandat confié à cette commission d'enquête.
UK-House of Lords	Yes	Similar to the powers of other Parliamentary Committees
UK-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 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.	-

Procedures, part 1

	3. From which bodies can PCIs request the information and documentation deemed necessary for the conduct of their proceedings?	4. Are bodies that refuse to collaborate with PCIs in the provision of information or documentation subject to sanctions ?
Austria	- The Government - The judicial authorities - The administrative authorities	Yes

Belgium	-The Government -The judicial authorities -The administrative authorities -Private bodies	Yes
Finland	- The Government - The judicial authorities - The administrative authorities - Private bodies	Yes
France	-Le Gouvernement -Les corps de contrôle -Les autorités administratives -Les personnes privées	Oui
Germany	-The judicial authorities -The administrative authorities -The committee of inquiry may also question witnesses and experts.	Yes
Greece	-The Government -The judicial authorities -The administrative authorities -Private bodies	Yes
Ireland	-The Government -The administrative authorities -Private bodies	Yes
Italy-Chamber	-The Government -The judicial authorities -The administrative authorities -Private bodies	Yes
Italy-Senate	-The Government -The judicial authorities -The administrative authorities -Private bodies	Yes
Netherlands	-The Government -The administrative authorities - Private bodies	Yes
Spain-Senate	-The Government -The administrative authorities -Private bodies	Yes
Spain-Congress	-The Government -The administrative authorities -Private bodies	Yes
Sweden	-The Government -The administrative authorities -Private bodies	No
Switzerland	-The Government -The judicial authorities -The administrative authorities -Private bodies	Yes
UK-House of Lords	-The Government -The judicial authorities -The administrative authorities -Private bodies	-

Procedures, part 2

	5. If yes, which sanctions or procedures?	6. What are the consequences arising from lack of attendance or refusal to give evidence before PCIs?
Austria	Administrative fines in case a witness refuses to testify without justification.	Administrative fines.
Belgium	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.
Finland	According to the Constitution only the Government is obligated to give Committees information and documents requested. Sanctions for refusing to collaborate are political. For private bodies there are no sanctions.	None
France	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€.
Greece	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.
Ireland	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.	
Italy-Chamber	-	-
Italy-Senate	Even of the PCI has the power of judicial authority; the majority of doctrine says that they should not inflict sanctions directly, because this judicial power is exclusively.	There is no specific rule; It can decide transmit the acts to the judicial authority for the opening of a criminal prosecution. In practice some Commissions claimed the power to place under arrest the false or reticent witness.
Netherlands	Imprisonment	Imprisonment
Spain	According to the Organic Act 5/1984 all the 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.	
Sweden	Providing a committee with written or oral information is not compulsory, but in general it's viewed as well-established practice to provide the information requested. Committees have for a number of years discussed the possibility of sanctions against those who provide the committee with false information. No result can be said to have come out of these discussions, since sanctions imply that anyone who is invited to give a statement must be under oath, and the obligation to take an oath may counteract the willingness to provide a detailed statement. Those who are invited to give a statement are neither under oath, nor do they have a duty to attend.	No legal or other consequences exist as a result of lack of attendance or refusal to give evidence.
Switzerland	-En vertu de l'article 166 (4) de la loi du 13	-En vertu de l'article 170 (1) Celui qui, étant témoin, aura

	Décembre 2002 Les personnes interrogées par le chargé d'enquête ont le droit de refuser de répondre aux questions qui leur sont posées ou de remettre certains documents. Dans le cas où elles refusent, elles sont interrogées par la commission d'enquête. - En vertu de l'article 171 (2) Les personnes interrogées par le chargé d'enquête ont le droit de refuser de répondre aux questions qui leur sont posées ou de remettre certains documents. Dans le cas où elles refusent, elles sont interrogées par la commission d'enquête. - En vertu de l'article 168 (1) La commission d'enquête parlementaire identifie les personnes dont les intérêts sont directement concernés par l'enquête et les en informe sans délai.	fait un faux témoignage devant une commission d'enquête ou, étant expert, aura fourni un constat ou un rapport faux sera puni des peines prévues à l'art. 307 du code pénal 17. -En vertu de l'article 170 (2) Celui qui, sans motif légal, refuse de faire une déclaration ou de remettre des documents sera puni des peines prévues à l'art. 292 du code pénal.
UK-House of Lords	Ordinarily witnesses attend and documents are produced voluntarily. Should it be necessary to compel the attendance of witnesses or the production of papers, an order of the House would be required.	

Relations with the Courts

	7. Can PCIs be established on matters under judicial review?	8. If yes, do the PCI and the Court work independently or are there specific procedures to combine the work of the two bodies?	9. In the case of cooperation, which procedures are in place to ensure the proper separation of powers?
Austria	Yes	They are working independently; however, the courts are obliged to comply with the PCIs' request to take evidence and to make their files available to them.	-
Belgium	Oui	En vertu de l'article 1 de la loi du 3 Mai 1880 En cas de concours d'une enquête parlementaire et d'une enquête judiciaire, le déroulement normal de cette dernière ne peut être entravé.	-
Finland	Yes	Independently	-
France	Non: lorsque les faits ont donné lieu à des poursuites judiciaires et aussi longtemps que les poursuites sont en cours, mais il a été admis depuis 1971 que l'existence de poursuites judiciaires n'est pas un obstacle insurmontable à la création d'une commission dans la mesure de l'étendue des faits dont est saisie, pour sa part, l'autorité judiciaire.	Il n'y a, quoiqu'il en soit, pas de collaboration entre les commissions d'enquête et les institutions judiciaires dans le cas d'enquêtes parallèles. Les deux organes travaillent indépendamment l'une de l'autre.	
Germany	No: According to Article 44 (4) of the Basic Law for the Federal Republic of Germany, the decisions of investigative committees shall not be subject to judicial review.	-	According to Article 44 (4), the courts shall be free to evaluate and rule upon the facts that were the subject of the investigation.
Greece	Yes	PCIs and the Courts work independently	-
Ireland	No: Generally speaking, they would stay away from matters which are subject to some	-	-

	court proceedings.		
Italy-Chamber	Yes	The PCI and the Court work independently	-
Italy-Senate	Yes	There might be specific procedures.	-
Netherlands	Yes	There are no specific procedures to combine the work of the PCI and the Court, but the two bodies should ensure that there is a minimum of interference between their works.	-
Spain-Senate	Yes	Independently	According to Section 60.3 of the Senate's Standing Orders, The conclusions reached by these Committees shall be rendered public unless an overall or partial decision to the contrary needs to be adopted. Those conclusions shall neither be binding upon the Courts nor will they affect judicial resolutions.
Spain-Congress	Yes	Independently	According to Section 60.3 of the Senate's Standing Orders, The conclusions reached by these Committees shall be rendered public unless an overall or partial decision to the contrary needs to be adopted. Those conclusions shall neither be binding upon the Courts nor will they affect judicial resolutions.
Sweden	Yes	Whereas committees have the right to arrange a hearing on a matter under judicial review, it is not recommended. In some cases the committee may decide to conduct their hearing without bringing the issue under judicial review into consideration, or the committee awaits the final judicial examination before it makes its decision.	A certain distance should be adapted to the legal proceedings, to avoid any influence on the process.
Switzerland	No	En vertu de l'article 171 de la loi du 13 Décembre 2002 Lorsque l'Assemblée fédérale a décidé d'instituer une commission d'enquête parlementaire aucune autre commission n'est plus autorisée à procéder à des investigations sur les événements qui font l'objet du mandat confié à cette commission d'enquête. L'institution d'une commission d'enquête n'empêche pas l'engagement ou la poursuite d'une procédure judiciaire civile ou administrative, d'une enquête pénale préliminaire ou d'une procédure pénale.	-
UK-House of Lords	No	-	-

Annex: Further details of committees' legal framework and working procedures

Legal framework, duties and purpose

	Legal basis	Purpose
Austria	-the Constitution; Article 53 -the Rules of Procedure of the Parliament ; Chapter 33 and annex	Supervising the actions of the Government and the Administration.
Belgium	-the Constitution; Article 56 -the Rules of Procedure of the Parliament; Titre III, chapitre IV (articles 76 et 77) du Règlement du Sénat -the Ordinary Law; Loi du 3 Mai 1880 sur les enquêtes parlementaires	- Ensuring observance of the Constitution and the Law - Supervising the actions of the Government and the Administration - Le droit d'enquête parlementaire est une compétence accessoire par rapport aux fonctions législative, de contrôle politique et juridictionnelle des Chambres.
Finland	-the Constitution; Article- Sec. 53 -the Rules of Procedure of the Parliament; Chapter II (Sec. 7,8 and 17) and IV	Committees are appointed ad hoc for the preparation of, or inquiry into, a given matter decided by the Parliament.
France	Articles 140 à 144 du Règlement de l'Assemblée et article 6 de l'Ordonnance n° 58.1100 relative au fonctionnement des assemblées parlementaires (en annexe).	Les commissions d'enquête sont constituées pour recueillir des éléments d'information sur des faits déterminés ou sur la gestion des services publics ou des entreprises nationales.
Germany	-the Constitution; Article 44	The committees of inquiry examine possible misgovernment, maladministration and possible misconduct on the part of politicians.
Greece	-the Constitution; Article 68, par. 2-3 -the Rules of Procedure of the Parliament; Chapter D/ articles 144-149	Supervising the actions of the Government and the Administration.
Ireland	-the Rules of Procedure of the Parliament -the Ordinary Law; Law no. 17/97	-Supervising the actions of the Government and the Administration -Anything which comes within the terms of reference of committees
Italy-Chamber	-the Constitution; Article 82 -the Rules of Procedure of the Parliament; Section 140-142 - the Ordinary Law	-The Chamber set-up a Committee of Inquiry on issues that stand in the public interest.
Italy-Senate	-the Constitution; Article 82 -the Rules of Procedure of the Parliament; Section 162-163 (Senate) -Each PCI, when established by law, has its own set up law as legal framework	Each house may conduct inquiries on matters of public interest. If the other Chamber also decides to carry out an enquiry into the same subject, the Committees of the two Chambers may decide to proceed jointly.
Netherlands	-the Constitution; Article 70 -the Rules of Procedure of the Parliament; Section XII -the Ordinary Law	Supervising the actions of the Government and the Administration.
Spain-Senate	-the Constitution; Section 76 -the Rules of Procedure of the Parliament; Sections 52 y 53 -the Ordinary Law	-Ensuring observance of the Constitution and the Law -Supervising the actions of the Government and the Administration -Other: To investigate on any matter of public interest
Spain-Congress	-the Constitution; Section 76 -the Rules of Procedure of the Parliament; Sections 52 y 53	-Ensuring observance of the Constitution and the Law -Supervising the actions of the Government and the Administration

	-the Ordinary Law	-Other: To investigate on any matter of public interest
Sweden	-the Rules of Procedure of the Parliament -the Ordinary Law	-Ensuring observance of the Constitution and the Law -Supervising the actions of the Government and the Administration - Committees normally use public hearings as a means of gathering information in the process of consideration of a specific matter. The Committee on the Constitution can, in the process of examining ministers' performance of their official duties and the handling of Government business ⁵ arrange special hearings where ministers, <i>specifically</i> , are questioned by the committee.
Switzerland	-the Rules of Procedure of the Parliament; Title 9	Supervising the actions of the Government and the Administration
UK-House of Lords	-the Rules of Procedure of the Parliament	-Supervising the actions of the Government and the Administration -Other
UK-House of Commons	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 are committees on legislation (Standing Committees) and committees to monitor Government departments (Select Committees).	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.

Set-up

	Who can propose a PCI ?	For a PCI to be established:
Austria	MPs	Is must be approved by the Chamber
Belgium	MPs	Is must be approved by the Chamber
Finland	MPs	Is must be approved by the Chamber
France	Le dépôt d'une proposition de résolution tendant à la création d'une commission d'enquête est une initiative exclusivement parlementaire qui appartient aux députés et, le cas échéant, aux groupes parlementaires.	La création d'une commission d'enquête résulte d'un vote de l'Assemblée
Germany	MPs	A minimum number of MPs must propose the setting-up of the PCI: According to article 44 (1) of the Basic Law for the Federal Republic of Germany, the Bundestag shall have the right, and on the motion of one quarter of its Members of duty , to establish an investigative committee.
Greece	MPs	A minimum number of MPs must propose the setting-up of the PCI: proposal must be signed by at least 1/5 of the total number of MPs. Decision for the setting-up is taken by the plenum by increased majority.
Ireland	-MPs -Parliamentary Groups -Committees -The Government -There have been only three inquiries under the current legislation. In all	It must be proposed by a Committee, given specific powers by Parliament to send for persons, papers and records and then be approved/given specific powers by the Sub-Committee(s) of the Committees on Procedure and Privileges of Dáil Éireann (and Seanad Éireann).

	cases, the proposal came from the committees themselves.	
Italy-Chamber	MPs	Is must be approved by the Chamber
Italy-Senate	MPs	-Is must be approved by the Chamber -Proposals for parliamentary enquiries shall follow the procedures laid down for bills. The PCI can be established by a deliberation of the single Chamber or a both one. Frequently PCI are set up by law approved by both Chambers.
Netherlands	MPs	Is must be approved by the Chamber
Spain-Senate	-MPs (25 Senators of different Parliament Groups) -Parliamentary Groups (At least 2 Parliamentary Groups, having in total 25 prepossess) -The Government	-Is must be approved by the Chamber - A minimum number of MPs (25) must propose the setting-up of the PCI -The Government
Spain-Congress	-MPs (25 Senators of different Parliament Groups) -Parliamentary Groups (At least 2 Parliamentary Groups, having in total 25 prepossess) -The Government	-Is must be approved by the Chamber -A minimum number of MPs (25) must propose the setting-up of the PCI -The Government
Sweden	-Committees The committees independently decide if, and when, public hearings are to be held and the subject of the hearing. The committees also independently decide whether a public hearing shall be partly or wholly public.	-In general, a majority of MPs in a committee decides on the setting-up of a public hearing. Due to the different cultures in each of the 16 committees in the Riksdag, the amount of MPs needed to decide on whether to have a public hearing might vary between committees. It is not unusual that a minority of committee members request a public hearing in a specific matter.
Switzerland	-MPs -Committees	-Is must be approved by the Chamber -Other: it must be approved by both chambers
UK-House of Lords	Members of the House of Lords	- Is must be approved by the Chamber

Composition

	Composition of PCIs:	PCIs are chaired by:
Austria	Is specific	Case-by-case election
Belgium	Reflects essentially the composition of the Senate	Les présidences de commission font l'objet d'une répartition globale entre les différents groupes politiques, dans le respect de la règle proportionnelle. Cet usage non écrit s'applique en principe également aux commissions d'enquête parlementaire.
Finland	-Reflects the composition of the Parliament -Decided separately for each Committee appointed	Case-by-case election
France	La composition des commissions d'enquête est proportionnelle à celle des groupes parlementaires.	Les commissions d'enquête sont généralement présidées par un membre de la majorité. Cependant la fonction de président ou de rapporteur revient de plein droit à un membre du groupe auquel appartient le premier signataire de la proposition de résolution du vote de laquelle résulte la création de la commission d'enquête, ou, en cas de pluralité de propositions, de la première déposée, sauf si ce groupe fait connaître au Président de

		l'Assemblée sa décision de ne revendiquer aucune des deux fonctions.
Germany	-	-
Greece	Reflects the composition of the Parliament	Always an MP of the parliamentary majority
Ireland	Reflects the composition of the Parliament (although there may be variations in this)	Case-by-case election (generally the Chairman of the Committee, whether Government or opposition side)
Italy-Chamber	Reflects the composition of the Parliament	-Case-by-case election -In some cases the legal framework that creates the PCI gives the power to nominate the President of the Committee of Inquiry to the President of the Parliament or to the two Presidents of the two Chambers.
Italy-Senate	Reflects the composition of the Parliament	-Case-by-case election -President or Presidents of the Chambers
Netherlands	Reflects the composition of the Parliament	Case-by-case election
Spain-Senate	-Reflects the composition of the Parliament -According to Section 59.1 of the Senate's Standing Orders, At the proposal of the Government or of twenty-five Senators not belonging to the same Parliamentary Group, the Senate may create Committees of Enquiry or Special Committees in order to carry out enquiries or studies concerning any matters of public interest. Its constitution shall comply with the provisions of section 52.	Case-by-case election
Spain-Congress	-Reflects the composition of the Parliament -According to Section 52 of the Senate's Standing Orders, Following the constitution of the Senate and within the term to be fixed to that effect by the Speaker, the Parliamentary Groups shall notify in writing which of their members must form part of the different Committees, in accordance with the provisions of the foregoing section.	Case-by-case election
Sweden	Reflects the composition of the Parliament	Case-by-case election
Switzerland	-Reflects the composition of the Parliament -Is specific	Case-by-case election
UK-House of Lords	-Is specific	Case-by-case election

Statute of PCI members

	Do members of PCIs have a special statute?	If yes, are members subject to secrecy as regards the activity of PCIs:	Is there a limit of unjustified absences for each member? If yes, what are the sanctions to MPs when the maximum number of absences is exceeded?	Can members be replaced at any time?	Are members of PCIs subject to other duties?
Austria	Yes	Yes (partly)	No	Yes	no specific ones

Belgium	Oui	Oui: avertissement, blâme ou exclusion de la commission d'enquête.	Non	Aucune règle n'est prévue en l'espèce.	-
Finland	No	-	No	Yes	No
France	Non	Si la commission d'enquête travaille sous le régime du secret, les membres de la commission doivent s'y conformer. Est susceptible d'être punie des peines prévues à l'article 226.13 du Code pénal (un an d'emprisonnement et 15.000 € d'amende) toute personne qui, dans un délai de trente ans, divulguera ou publiera une information relative aux travaux non publiés d'une commissions d'enquête, sauf si le rapport publié à la fin des travaux de la commission a fait état de cette information.	Non	Oui	Non
Germany	-	-	-	-	-
Greece	No	Yes: The minutes of the sessions are not made public.	No	Yes	Participate in other standing Committees, the Plenum and regular MPs duties.
Ireland	No	-	No. However, it is generally accepted that if a member misses one meeting it would be difficult/inappropriate for him to continue to participate in the inquiry and there would be a difficulty in him being involved in ultimate decisions/findings of the committee.	No: it is generally accepted that a member can only be replaced before the inquiry starts its evidence taking.	They continue with their normal parliamentary duties in so far as they can.
Italy-Chamber	No	It is decided in the Legal framework.	No	Yes	-
Italy-Senate	No	Specific rules may be in the institutive laws.	No	No	The Committee of inquiry conducts its investigations and examinations with the same powers and the same limitations as a judicial authority.
Netherlands	No	-	No	Yes	No
Spain-Senate	No	They could meet in Camera; and there are not specific sanctions.	Yes: Senator who repeatedly fails to attend the sittings without the relevant leave from the Bureau.	Yes	Yes

			Sanctions: one month or more according to the resolution adopted in Camera by the House.		
Spain-Congress	No	They could meet in Camera; and there are not specific sanctions.	Yes: Senator who repeatedly fails to attend the sittings without the relevant leave from the Bureau. Sanctions: one month or more according to the resolution adopted in Camera by the House.	Yes	Yes
Sweden	No	Yes; According to the Riksdag Act, Chapter 4 article 15 <i>No Member...may disclose without authority any matter which the Government, or the committee, has determined shall be kept secret, having regard to the security of the Realm or for any other reason of exceptional importance arising out of relations with another state or international organisation.</i>	No	Yes	No
Switzerland	No	No	No	No	-
UK-House of Lords	Yes	No: The Committee's orders of reference, powers and membership are agreed by the House.	No	Yes	-

Procedures (Part I)

	Is there a time limit on the duration of PCIs?	If yes, what is the usual time limit?	Can the time limit be extended?	What kind of assistance do PCIs have in the performance of their duties?
Austria	No	-	-	- Parliamentary assistance only - External advisers hired by the PCI - Assistance from the judicial authorities - Assistance from the criminal police - Assistance from administrative authorities
Belgium	Oui	La durée du mandat de la Commission d'enquête est fixée par le Sénat lors de la création de la commission	Oui	-Parliamentary assistance -External advisers hired by the PCI -Assistance from the judicial authorities
Finland	No	-	Yes	Parliamentary assistance only
France	Oui	6 mois maximum á compté du vote en séance publique	Non	Les commissions d'enquête sont dotées d'une petite équipe de fonctionnaires parlementaires. Elles peuvent demander à la Cour des comptes de

				procéder à des enquêtes sur la gestion des services ou organismes qu'elles contrôlent.
Germany	-	-	-	-
Greece	Yes	1-4 months	Yes	- Assistance from the judicial authorities - Assistance from the criminal police - Assistance from the administrative authorities
Ireland	No, although Parliament or the committee itself could impose such a limit.	-	-	-External advisers hired by the PCI, both by individual members and by the committee as a whole -Officials of Parliament
Italy-Chamber	Yes	It is decided in the Legal framework.	Yes	External advisers hired by the PCI
Italy-Senate	It depends on the cases. Some set up laws indicate a date of expiry, some fix a time limit for the end of its work. In some there are no limits on the duration.		Yes	- Parliamentary assistance only - External advisers hired by the PCI - Assistance from the judicial authorities - Assistance from the criminal police - Assistance from the administrative authorities
Netherlands	No	-	Yes	- Parliamentary assistance - External advisers hired by the PCI - Assistance from the administrative authorities
Spain-Senate	Yes: These Committees use to fix their schedules.	It depends on the circumstances	Yes	-Parliamentary assistance only -Assistance from the administrative authorities
Spain-Congress	Yes: These Committees use to fix their schedules.	It depends on the circumstances	Yes	-Parliamentary assistance only -Assistance from the administrative authorities
Sweden	No	-	Since public hearings are established within the realm of committee work, hearings do not have any time limit as such.	-Parliamentary assistance only -External advisers hired by the PCI -Assistance from the administrative authorities
Switzerland	No	-	-	-Parliamentary assistance only -External advisers hired by the PCI -Assistance from judicial authorities -Assistance from the criminal police -Assistance from the administrative authorities
UK-House of Lords	No	-	-	-Parliamentary assistance only -External advisers hired by the PCI

Procedures (Part II)

	The quorum of PCIs: is an operating quorum required?	The quorum of PCIs: is a deliberative quorum required? How many?	Calling of witnesses: can any head of a public body be called to give evidence?	Can any citizen be called to give evidence?
Austria	No	Yes: more than half of the members	Yes	Yes
Belgium	No	Oui: Majorité: en vertu du droit commun et de l'article 23-6 du Règlement du Sénat	Yes	Yes
Finland	Yes: 2/3	Yes: 2/3	No	No
France	Non	Non	Oui	Oui
Germany	-	-	-	-
Greece	No	Quorum required only in reaching a decision.	Yes	Yes
Ireland	Yes: Although not set down, it is generally accepted that the quorum is all members; inquiries to date have been carried out by sub-committees of the main committee where membership has typically comprised 6/7 members.	Yes: It is generally accepted that the quorum is all members; inquiries to date have been carried out by sub-committees of the main committee where membership has typically comprised 6/7 members.	Yes	Yes
Italy-Chamber	No	No	Yes	Yes
Italy-Senate	No	No	Yes	Yes
Netherlands	Yes: Half+1	No	Yes	Yes
Spain-Senate	The General quorum of Committees: According to Section 82 of the Senate's Standing Orders, Both the Plenary Sitting and the Committees, once they have been duly convened, shall start their sittings irrespective of the number of Senators present at that time, without prejudice to what these Standing Orders may determine on matters of quorum and on other requirements for the adoption of resolutions.	No	Yes	Yes
Spain-Congress	The General quorum of Committees: According to Section 82 of the Senate's Standing Orders, Both the Plenary Sitting and the Committees, once they have been duly convened, shall start their sittings irrespective of the number of Senators present at that time, without prejudice to what these Standing Orders may determine on matters of quorum and on other requirements for the adoption of resolutions.	No	Yes	Yes
Sweden	No	No	Yes	Yes: The committee may call anyone to give evidence, but appearing before the committee is

				voluntary. It is however a well-established practices to appear when invited by the committee.
Switzerland	No	No	Yes	Yes
UK-House of Lords	Yes: 3	Yes: 3	Yes	Yes

Public nature of proceedings

	PCI meetings:	Documents of PCIs:	Evidence given at PCI:
Austria	It is a case-by-case decision	Are restricted (except the committee report)	Is public (with exceptions)
Belgium	Les réunions de la commission sont publiques. La commission peut cependant à tout moment décider du contraire.	Ils sont publics	Application de l'article 3, alinéa 3, de la loi du 3 mai 1880 : les réunions de la commission sont publiques ; la commission peut cependant à tout moment décider le contraire.
Finland	Restricted, but can be made public or partly public during the time when the Committee is gathering information for the preparation of a matter.	During the inquiring documents/evidences are restricted. After the process is completed all documents are public, if not separately decided to be restricted.	
France	Auditions publiques, à huit clos ou au cas par cas publiques ou à huit clos, selon la décision initiale de la commission d'enquête, les délibérations internes restant soumises au secret.	Les documents remis aux commissions d'enquêtes peuvent être publiés en annexe du rapport de la commission d'enquête	Les commissions d'enquête ont la possibilité de publier les témoignages des personnes entendues, qui sont admises à prendre connaissance du compte-rendu de leur audition. Toutefois, les intéressés peuvent faire part de leurs observations par écrit. Ces observations sont soumises à la commission qui peut décider d'en faire état dans son rapport.
Germany	According to article 44 (1) of the Basic Law for the Federal Republic of Germany, the investigative committee shall take the requisite evidence at public hearings. The public may be excluded.	-	According to article 44 (1) of the Basic Law for the Federal Republic of Germany, the investigative committee shall take the requisite evidence at public hearings.
Greece	Are always restricted	Restricted	Restricted
Ireland	Are always public but can be a case-by-case decision	Are published on a case-by-case basis as the Committee directs	Is public: oral evidence is generally in public although there may be some exceptions to this; written evidence only becomes public after decision by the Committee or Sub-Committee.
Italy-Chamber	It is a case-by-case decision	Other	Other
Italy-Senate	It is a case-by-case decision	It depends on the decisions of PCI.	It depends on the PCI's decisions case by case.
Netherlands	It is a case-by-case decision	Are restricted (but they are public after the inves-	Is public

		tigation; except for confidential documents in state-interest)	
Spain-Senate	It is a case-by-case decision	It depends on the Committees decision	It depends on the kind of evidence
Spain-Congress	It is a case-by-case decision	It depends on the Committees decision	It depends on the kind of evidence
Sweden	It is a case-by-case decision: Hearings are open or closed depending on the matter being discussed.	-Are public -Are restricted In general, most documents are public, unless they concern matters subjected to secrecy rules. In that case, they are restricted. The committee may in some cases revoke the restriction.	-Is public -Is restricted In general, evidence given at a hearing is public. If the hearing covers matters subjected to secrecy rules, both documents and evidence are restricted, and the hearing is closed after decision by the committee.
Switzerland	Are always restricted	-Are restricted	-Is restricted
UK-House of Lords	Evidence is usually held in public; deliberation takes place privately.	Reports and evidence are published	Is public

Relation with the Courts

	Can PCIs ask Courts for document?	If yes, do Courts normally send the required documents without raising obstacles?	Can the Courts ask PCIs (or the Parliament, in case of concluded inquiries) for documents?	If yes, does the Parliament normally send the required documents without raising obstacles?	If, at the end or during an inquiry, the PCI finds that someone may have incurred in criminal activity:
Austria	Yes	Yes	Yes	case-to-case decision	It provides its documentation in its final report to the plenary.
Belgium	Yes	Yes	Yes	Le cas échéant, le Sénat vérifie si la communication des documents demandés peut nuire au bon déroulement de l'enquête parlementaire (en général ou en particulier avec une attention particulière pour le respect du secret garanti à certains témoins).	Submits a report to the public prosecutor
Finland	Yes	Yes	Yes	Yes	The matter is to that part transferred to the Police that will do an inquiry and after that the Public prosecutor makes his/her decision based on the police inquiry.
France	Il n'y a, quoiqu'il en soit, pas de collaboration entre les commissions d'enquête et les institutions judiciaires dans le cas d'enquêtes parallèles. Les deux organes travaillent indépendamment l'un de l'autre.				
Germany	-	-	-	-	-

Greece	-	-	Yes	Yes	Submits a report to the public prosecutor.
Ireland	No	-	Yes	No, difficulties may arise with this.	The Committee only has power to submit its report to Parliament; It could make recommendations in relation to the above.
Italy-Chamber	Yes	-	Yes	-	Submits a report to the public prosecutor
Italy-Senate	Yes	-	Yes	Under specified conditions a "functional secret" can be opposed.	Submits a report to the public prosecutor
Netherlands	No	No	Yes	Yes	Other
Spain-Senate	No usually	-	See Section 60.5 Senate's Standing Orders.	Yes	Submits a report to the public prosecutor
Spain-Congress	No usually	-	See Section 60.5 Senate's Standing Orders.	Yes	Submits a report to the public prosecutor
Sweden	Yes	Yes	Yes	Yes	Other: The Instrument of Government, Chapter 12 art. 3 states that: A person who is currently, or has been previously, a minister may be held accountable for a criminal act committed in the performance of his official duties only if he has grossly neglected his official duty thereby.
Switzerland	Yes	Yes	No	No	Submits a report to the public prosecutor
UK-House of Lords	-	-	-	-	-

Final report and further steps

	Rapporteur of the final report:	Is a final report mandatory?	Is the final report:	In case a final report is drawn up, what information should it contains?	Which further steps can result after the end of the proceedings:
Austria	case-by-case election	Yes	- Always published - Subject to parliamentary assessment	Information regarding the proceedings of the committee, the evidence taken, the facts ascertained and an evaluation of the evidence.	Political consequences
Belgium	Case-by-case election	No	Always published	Les conclusions sur les responsabilités politiques et le cas échéant, des recommandations structurelles (éventuellement des suggestions de modifications législatives).	Political consequences
Finland	Case-by-case election	No	Always published	According to Section 42 Parliament's Rules of Procedure, reports and statements of a Committee shall be concise. The proposals of the Committee shall be formulated as	Political consequences

				resolutions. The same applies to protests and dissenting opinions, unless these are limited to the expression of a position different from that of the Committee. A report and a statement shall bear the names of the members participating in the decisive reading of the matter. If a member has participated only partially, this shall also be indicated. A report, a statement and the appended protests and dissenting opinions shall be scrutinised by the secretary of the Committee, unless the Committee decides otherwise.	
France	Les rapporteurs des commissions d'enquête appartiennent généralement à la majorité.	Non, si à l'expiration du délai de 6 mois, la commission n'a pas déposé son rapport, son président remet au Président de l'Assemblée les documents en sa possession. Ceux-ci ne peuvent donner lieu à aucune publication, ni à aucun débat. Il n'y a pas de cas d'application de cette disposition depuis 1958. Le rapport doit avoir été approuvé par la majorité de la commission d'enquête. Il est imprimé et diffusé sauf demande d'examen en comité secret (possibilité ouverte au Premier Ministre et aux dixièmes des membres de l'Assemblée). Il n'y a pas de cas d'application de cette disposition depuis 1958.		Il appartient au rapporteur de déterminer les informations qu'il souhaite faire figurer dans son rapport.	Conséquences politiques et législatives
Germany	-	Yes	Committees of inquiry summarise their results in reports that are presented to the plenary.	-	Judicial procedures
Greece	-There is no one rapporteur for the final report.	No	- Always published - Subject to parliamentary assessment	-The final report usually contains more than one final conclusions according to the political views expressed. -The procedure of the PCI, the number of witnesses and other persons examined, the means used to reach the final conclusions and the final conclusions (usually one from each political party).	Political consequences The Courts may request certain documents from those presented in the PCI.
Ireland	Case-by-case election. Generally speaking from experience the final report is drawn up by the members of the committee with input from experts.	Yes: anything a committee does is in the context of a report to Parliament.	-Always published -Subject to parliamentary assessment: Not always, although the Executive will take account of its findings.	Matter entirely for the Committee but you would expect background to issue under inquiry, issues arising from the evidence heard and recommendations/findings.	Consequences could be wide ranging depending on findings.

Italy-Chamber	Case-by-case election	-	Always published	-	Political consequences
Italy-Senate	Case-by-case election	No The Final Report exclusively has a political result. The Final Report can never affect the judicial sentence.	Always published, but the PCI can decide not to include all documents to the Final Report.	There is no a general rule; it depends on the type of inquiry and on the set up law.	Political consequences
Netherlands	No rapporteur, it is a commission as a whole that presents the report.	Yes	- Always published - Subject to parliamentary assessment	It must answer the investigation questions.	Political consequences (case-by-case)
Spain-Senate	Case-by-case election	No	Always published: The conclusions must be rendered public unless an overall or partial decision to the contrary is taken.	It depends on each case	Political consequences -Judicial procedures -Other
Spain-Congress	Case-by-case election	No	Always published: The conclusions must be rendered public unless an overall or partial decision to the contrary is taken.	It depends on each case	-Political consequences -Judicial procedures -Other
Sweden	Case-by-case election: The rapporteur – a selected MP from the committee – provides a neutral summary of the report at the beginning of the Chamber debate.	Yes	-Always published - Subject to parliamentary assessment A committee report must be copied and distributed to all members of the Riksdag before being introduced in the Chamber.	The report normally contains an account of the matter including current legislation, information received from authorities and an account of the issues having been discussed in the hearing.	-Political consequences -Judicial procedures The decision by the Riksdag is a basis of further Government action in the matter.
Switzerland	Case-by-case election	Yes	-Always published - Subject to parliamentary assessment	Decision of the PCI	No direct results, decisions of both chambers are necessary
UK-House of Lords	The report embodies the text agreed by the majority of the Committee. There is no rapporteur, as such.	Yes	-Always published -Subject to parliamentary assessment	This is the responsibility of the Committee.	-Political consequences

