



**Parliament of Montenegro**  
**Section for Research, Analysis, Library and Documentation**

Research paper:  
**PARLIAMENTARY HEARINGS**  
**Number of hearings held and decision-making on holding hearings - comparative review**

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*\* The contents of this document do not reflect the official views of the Parliament of Montenegro*

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## Foreword

In order to collect information on parliamentary hearings, the Section for Research, Analysis, Library and Documentation submitted a questionnaire to national parliaments of several countries, through the ECPRD Network<sup>1</sup>. The questionnaire contained questions regarding the total number of committee hearings held in 2011, total number of persons invited to hearings, as well as, questions about the total number of hearings of the Minister of Defense, Minister of Interior, the police chief and intelligence service chief. Furthermore, the questionnaire included questions related to public hearings, number of hearings intended for gathering information on legislative issues and hearings regarding the parliamentary oversight role, as well as questions about who is in charge of deciding on holding of committee hearings and deciding about who is to be invited to the hearings.

The remainder of this paper presents a comparative overview on the committee hearings held in 18 parliaments: **Belgium** - *Chambre des Représentants* and *Senate*, **Denmark** - *Folketinget*, **Estonia** - *Riigikogu*, **Finland** - *Eduskunta*, **France** - *Assemblée Nationale*, **the Netherlands** - *Tweede Kamer der Staten-Generaal*, **Italy** - *Camera dei Deputati* and *Senate*, **Canada** - *House of Commons*, **Macedonia** - *Sobranie*, **Norway** - *Storting*, **Germany** - *Bundestag*, **PACE** - *Parliamentary Assembly of the Council of Europe*, **Portugal** - *Assembleia da Republica*, **United States of America** - *Congress*, **Slovakia** - *Národná rada*, **Serbia** - *Narodna Skupština Republike Srbije*, **Spain** - *Congreso de Diputados*, including **Montenegro**. Additionally, responses to the questionnaire provided by Georgia, Latvia, Croatia and Israel also served as a source of information. However, these countries weren't included in the study, as the submitted responses were insufficient to draw specific conclusions (in the context of this study).

The answers were analyzed, systematized and then presented in graphical and tabular form. The key findings are presented graphically, while the second part of the document contains all the information about public hearings, which are classified into two categories - tables:

1. Number of committee hearings in 2011;
2. Decision-making on holding hearings and persons to be invited to hearings.

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<sup>1</sup> ECPRD Request No. 1916 *Number of Hearings*, January 24, 2012

## I Summary

Before MPs decide on an issue that is being discussed by the working body, they may need additional information for the preparation of a law or other acts which are supportive of or unfavorable to the current or future enforcement of laws, as well as other issues of interest to the working body. Namely, if the subject of a law is complex, i.e. refers to political or controversial issues requiring expert opinions on specific solutions and other issues of interest to citizens, a working body may request for the assistance of experts, scientists, officials or other persons, for the purpose of obtaining the necessary information. Additionally, parliamentary committees may request from the government and its representatives, and other public officials, relevant information regarding the implementation of policies, law enforcement and other activities of the government and public authorities.

One way of gathering information is through parliamentary hearings. Parliamentary hearings are very popular within the United States Congress as an important method for the collection and analysis of information needed, in order to make a decision. Even European countries have highly developed mechanisms through which the working bodies of the parliament gather information from representatives of various institutions and organizations.

In certain parliaments, mechanisms for the collection of information are known as hearings, whereas in some parliaments mechanisms represent the right of the committee to request information or demand from an individual to appear before the committee. Hearings may vary in nature, they can take a form of consultations or another way of collecting evidence.<sup>2</sup> Some parliaments make a clear distinction between hearings intended for gathering information on legislative issues and hearings intended for exercising the oversight role (**Belgium, Denmark, Netherlands, FYR Macedonia, Norway, Spain and Portugal**). Additionally, in some countries such as **Norway and Portugal**, hearings are held on budget issues. On the other hand, the parliaments of some countries do not recognize the difference between various hearing procedures (**Canada, USA, Germany, Serbia, Croatia, Parliamentary Assembly of the Council of Europe**), whereas in **Finland**, hearings represent a regular procedure within the committee, considering that the committee begins its work by hearing experts about issues, which are previously submitted for discussion.

The parliaments of **Estonia, Italy, Slovakia, Georgia, Latvia** and **Israel** do not have the hearing procedure defined. However, the rules of procedure of parliaments of these countries envisage the right of a working body to solicit certain information from the government and other public authorities, in order to perform their work, as well as the right to demand the presence of respective state authorities in committee meetings, for the purpose of providing answers to parliamentary questions or for the purpose of submitting reports to the committee. Additionally, the committees have the right to invite experts on a permanent or temporary basis, for the purpose of obtaining their opinion and advice. It should be noted that in **Slovakia** there are three special parliamentary committees in charge of overseeing the activities of security and intelligence services, and heads of these

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<sup>2</sup> Hironori Yamamoto “Tools for parliamentary oversight – A comparative study of 88 national parliaments”, Inter-Parliamentary Union 2007, page 30

services are invited to attend the committee meetings for the purpose of informing MPs(in question - answer form) about the current situation in their institutions.

The purpose of holding hearings in the **German Bundestag** is, *inter alia*, to encourage the interest of the media for a particular law proposal, in order to emphasize the importance of that issue and encourage political debate. Therefore, parliamentary groups tend to regularly choose experts, whose estimates about difficulties, risks and possibilities for a successful outcome of a law proposal are in accordance with the positions of parliamentary groups or are very likely to bring down the arguments of opposing political groups. The same applies to the representatives of powerful organizations such as the employers' association, trade union and environmental organizations. Publicly expressed opinions of these groups regarding certain proposed laws have 95% potential impact on the positions of the committee. Therefore, amendments to the law proposals in the Bundestag can sometimes result from a committee hearing.

Decision-making on holding committee hearings in the surveyed countries varies. In most countries, the committee decides by a majority of the total number of committee members (**Belgium** - hearings regarding the preparation of legislation, **Montenegro** – control hearing, **Norway, Portugal, Italy**) or by a majority of committee members attending the meeting (**Belgium** - oversight hearings, **Montenegro** - consultative hearings, **Macedonia, Slovakia**). In **Estonia, France and the United States of America**, the decision on holding a hearing is made by the chair of the committee; in **Germany**, the decision is made by  $\frac{1}{4}$  of committee members, in **Netherlands** by  $\frac{1}{4}$  of committee members or by the chair, whereas in **Denmark**, the Parliament is authorized to form a sub-committee in charge of organizing hearings. Bearing in mind the aforementioned specificity in **Finland**, the majority of members of the committee attending the meeting may decide not to hold a hearing. In **Spain**, the decision on holding a hearing is made by the Bureau of the Parliament.

The right of parliamentary minority with regards to holding hearings should also be noted, this being very common in **Germany**, where minorities may request for a meeting to be held, and their request must be granted, as well as in **Portugal**, where each parliamentary group has the right to demand for a number of hearings to be held within each session.

*With regard to the Parliament of Montenegro, it should be noted that this paper also includes the data related to consultative and control hearings, i.e. mechanisms for collecting information on the work of committees. Please note that the Rules of Procedure of the Parliament of Montenegro, also provide for the opportunity of representatives of the proposer of an act and submitters of amendments to take part in the work of the Committee. Representatives of the Government, representatives of scientific and professional institutions, other legal entities and non-governmental organisations, as well as individual professional and scientific workers shall take part in the work of the committee, if invited, having no right to decide. There were about 1200 such cases, reported in 2011, but the obtained results weren't listed in the tabular and graphical presentation of the research, since they weren't even included in the questionnaire submitted to the parliaments of other countries. According to the responses received from some of the parliaments, we conclude that, in some cases, a certain number of these practices are included, which should be taken into account when comparing the data.*

The complete document in Montenegrin language can be found at: <http://www.skupstina.me/images/dokumenti/biblioteka-istravivanja/202020202012.pdf>