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Parliamentary Institute
Research Centre**

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**Law on parliament: legal basis and organisation of the work of
parliament**

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Foreword

In accordance with the constitutional principle of the separation of powers and parliamentary autonomy, parliament is guaranteed the right to independently regulate its interior organisation and manner of work. Development of parliaments and parliamentary practice varies from country to country. Competencies, organisation and manner of work of parliament, in more or less detail, may be defined by constitution, specific legislation which covers more specifically the functioning of parliament (i.e. rules of procedure), as well as by a set of laws. The rules of procedure, the most common legislative act which regulates organisation and manner of parliament's work, is a "special general legal act containing rules on internal organisation of parliament, MPs' rights, internal order and parliamentary procedures"¹.

The current Constitution of Montenegro, adopted in 2007, does not regulate organisational and procedural issues in detail, thus allowing the legislative branch of government of Montenegro to independently regulate its functioning and internal organisation. However, in addition to organisational and procedural issues, the legislative branch of government is also in charge of arranging other issues in detail, such as relations of the Parliament and other state authorities, and also duties of subjects and persons outside of Parliament, such as submitting information or attending sittings of the Parliament or its bodies.

Comparative parliamentary experience has shown that the key issues related to the organisation and manner of work, such as competencies and mandate of parliament, MPs' rights and duties, constituting, and sitting convocation, are most commonly defined in a country's constitution, whereas more detailed parliamentary procedures are regulated by the rules of procedure. In most parliaments of European countries, procedural and organisational issues are regulated by the rules of procedure, in form of a special parliamentary act (Albania, Belgium, Bosnia and Herzegovina, Bulgaria, Denmark, Finland, France, Greece, Netherlands, Croatia, Italy, Cyprus, Lithuania, Hungary, Malta, Norway, Germany, Poland, Portugal, Romania, Slovenia, Spain, United Kingdom), whereas in a certain number of parliaments, these issues are regulated by the rules of procedure, in form of a law (Austria, Czech Republic, Estonia, Latvia, Slovak Republic, Sweden). A very small number of parliaments have in a details regulated the organisation and manner of work as well as other significant issues in both rules of procedure and law on parliament (National Assembly of the Republic of Serbia, Assembly of the Republic of Macedonia - Sобрание). It is interesting to note that certain countries have in details regulated specific issues related to organisation and work of parliament in their constitutions (Czech Republic, Denmark, Finland, Germany, Norway, Poland, Slovakia). For instance, the Constitution of Finland provides for: the establishment of certain standing committees and composition of its members, the right of MPs to pose questions to the Prime Minister and ministers, and procedure for considering law proposals in the plenary. In addition, the Constitution of Poland contains provisions which regulate the procedure for considering proposals for law through three readings and procedure for submitting

¹ Marijana Pajvančić „Parlamentarno pravo”, Fondacija Konrad Adenauer, Beograd, 2008

amendments. For example, the Constitution of Germany regulates competencies of committees, publicity of sittings, right to demand the presence of members of government, and also the right of MPs to compensation.

Additionally, certain parliaments, aside from rules of procedure, have special laws and rules governing MPs status, rights and responsibilities or inquiry committees' work. In Austria, there are Rules of Procedure for Parliamentary Committees of Inquiry, whereas in Germany, there is the Act Governing the Legal Framework for Committees of Inquiry. In Estonia, Hungary, Malta, Germany, Poland, Portugal, and Romania, there is a law on the legal status of MPs, while in Hungary there is the Act LVI of 1990 on the remuneration, cost reimbursements and other benefits of the Members of Parliament, and in the Parliament of Malta, Privileges and Powers Ordinance.

Just after constitution of the first convocation of the Montenegrin National Assembly in 1906, the Law on Rules of Order in the National Assembly was adopted. This was the first law passed by the Assembly. Today, internal organisation and manner of work of the Parliament of Montenegro is regulated by a special act, i.e. the Rules of Procedure of the Parliament of Montenegro. Adoption of the Rules of Procedure, as envisaged by the Constitution of Montenegro, requires a majority of votes of all MPs, thus, indicating the importance of this act to the Montenegrin legal system. The latest amendments to the Rules of Procedure were adopted in November 2013². However, the Action Plan for Strengthening of the Legislative and Oversight Role of the Parliament of Montenegro in 2013 envisages assessment of the need to adopt the Law on the Parliament of Montenegro in order to promote democratic standards as well as the position and significance of the Parliament, as a key democratic institution. With this goal in mind, by analysing regulations governing the functioning of parliament, the Research Centre prepared a document containing an overview of parliaments in which organisation of work is regulated by rules of procedure and law on parliament, and parliaments in which rules of procedure are adopted in form of a law, including the main provisions of the law. Considering that National Assembly of the Republic of Serbia and the Assembly of the Republic of Macedonia - Sobranie, in addition to the rules of procedure, also have a law on parliament, this document contains a more detailed overview of provisions regarding parliamentary procedures set out in the Law on National Assembly of the Republic of Serbia and the Law on the Assembly of the Republic of Macedonia - Sobranie.

The complete document in Montenegrin language can be found at:

http://www.skupstina.me/images/dokumenti/biblioteka-i-istrazivanje/zakon_o_parlamentu-pravni_osnov_i_organizacija_rada_parlamenta.pdf

² Decision on amendments to the Rules of Procedure of the Parliament of Montenegro, "Official Gazette of Montenegro" no. br. 49/13