

## Senate Competences

### The revision of the Constitution in 2014

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The revision of the Constitution in 2014, following the Sixth State Reform, made fundamental reforms to the powers and responsibilities of the Senate.

At the elections for the Community and Regional Parliaments in 2014, the Senate was turned into a chamber of the federated entities. The objective of the reform of the Senate was to guarantee the participation by the parliaments of the federated entities in the organisation and operation of the Federal State, as well as to create a meeting place for the Community and Regional Parliaments.

The Senate has limited powers and responsibilities. From the normative viewpoint, this assembly is on an equal footing with the House of Representatives for procedures of revision and coordination of the Constitution, special laws and subjects which, in accordance with the Constitution, must be regulated by both assemblies. Moreover, the Senate continues to have competence for certain ordinary laws of an institutional nature. For certain other ordinary laws for which the Senate had competence on an equal footing with the House before the Sixth State Reform, the Senate still has a right of evocation. The other matters have become monocameral.

### The powers and responsibilities of the Senate<sup>1</sup>

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#### » Legislative power

**The Senate's right of initiative is limited to matters covered by article 77 of the Constitution**, i.e. subjects where the House of Representatives and the Senate are competent on an equal footing.

**The House of Representatives and the Senate are competent on an equal footing only for federal legislative norms relating to the following matters** (compulsory bicameral procedure, article 77 of the Constitution):

- the declaration of revision of the Constitution, as well as the revision and coordination of the Constitution
- matters that must be regulated by both legislative chambers under the Constitution
- laws to be adopted by a special majority
- laws concerning the institutions of the German-speaking Community and its funding
- laws concerning the funding of political parties and the scrutiny of electoral spending
- laws concerning the organisation of the Senate and the status of Senator
- other matters designated by a law adopted by a special majority, for which the House of Representatives and the Senate have competence on an equal footing.

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<sup>1</sup> This info sheet can be read jointly with info sheet no. 11 about the powers and responsibilities of the House of Representatives.

**The Senate may evoke and examine federal legislative norms only relating to the following subject matter** (optional bicameral procedure, article 78 of the Constitution):

- laws adopted pursuant to laws that must be adopted by a special majority
- the laws referred to in articles 5, 39, 115, 117, 118, 121, 123, 127 to 129, 131, 135 to 137, 141 to 143, 163, 165, 166, 167, § 1, para. 3, 169, 170, § 2, para. 2, § 3, paras. 2 and 3, and § 4, para 2, 175 and 177 of the Constitution, as well as laws implementing the laws and articles mentioned above, except for the legislation governing electronic voting
- laws adopted pursuant to article 169 of the Constitution in order to guarantee compliance with international or supranational obligations
- laws relating to the Council of State and the federal administrative courts
- other matters designated by a law adopted by a special majority, for which the Senate has a right of evocation and scrutiny.

At the request of the majority of its members, with at least one-third of the members of each linguistic group, the Senate can scrutinise the government bill. This request must be formulated within fifteen days of receipt of the bill.

**In all other subject areas, the legislative power is not exercised by the Senate** (monocameral procedure, article 74 of the Constitution). In other words, the adoption of federal legislative norms is now only a matter for the House of Representatives, apart from the exceptions listed above (articles 77 and 78 of the Constitution).

## » Advisory role, mediation, presentation and appointment

The Senate has an advisory role for 'cross-cutting' topics, for which cooperation is necessary between the federated entities and the federal State.

The Senate retains its role as a mediator in the context of conflicts of interest.

The Senate has powers for a number of presentation and appointment procedures. So the Senate plays a role in the presentation of candidates or the nomination of judges to the Constitutional Court, State Counsellors and Assessors of the Council of State, as well as those members of the High Council for Justice who are not judges.

## » Political oversight and international function

The Senate's function of oversight of the federal government is restricted by the Sixth State Reform. The Senate has lost the power of inquiry, the possibility of asking oral questions or submitting requests for government statements. However, the Senate retains the right to ask written questions, provided that they relate to subject matters that come within the powers of the Senate.

The Senate's international function is also restricted by the Sixth State Reform. The Senate still sends a delegation to a number of international parliamentary assemblies, to guarantee the representation of the federated entities but no longer has the power to assent to treaties.