



Legal Department

**INTRODUCTION TO THE
BELGIAN HOUSE OF REPRESENTATIVES
AND ITS RULES OF PROCEDURE**

54th Parliamentary Term

May 2014



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PREFACE

These pages contain practical information to give newly-elected Members the opportunity to familiarise themselves more quickly with parliamentary life.

The information provided is taken from the Rules of Procedure and parliamentary practice. Everything is classified by subject. The information is not exhaustive, and has been simplified deliberately. So it does not replace the Rules of Procedure, which remain the norm, and the reader should always refer to them.

May 2014

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1. BODIES OF THE HOUSE

1.1. **THE BUREAU AND THE MANAGEMENT COMMITTEE**

(Rules of Procedure, Rules 3-9)

- 1.1.1. The House is only deemed to have been constituted once the Definitive Bureau is appointed.
- 1.1.2. The Bureau consists partly of members appointed by the plenary assembly:
- the President;
 - three Vice-Presidents;
 - Bureau members;

These members are appointed for each session by the House, but in practice the appointments are renewed for the entire parliamentary term.

The President is elected, while the Vice-Presidents and Bureau members are appointed upon nomination by the recognised political groups. These functions are awarded to the recognised political groups according to the number of seats they have (proportional representation). As many Bureau members are appointed as is needed for each political group with at least twelve members to have at least one member in the Bureau.

The Bureau is supplemented by associate members, in the ratio of one associate member for each recognised political group which has less than twelve members and has no member of the Bureau who is appointed by the House.

The Bureau is also supplemented by the chairmen of the recognised political groups and the former Presidents of the House (who are still Members of the House).

Only the members of the Bureau mentioned above in the first paragraph, who are appointed by the House, and the chairmen of the recognised political groups have the right to vote.

- 1.1.3. As the highest managing body of the House, the Bureau has general authority regarding the House's management (laying down the statutes of the Members, the staff and the bodies of the House, appointing and dismissing staff, etc.). No expense may be incurred if not authorised by the Bureau.

The three Vice-presidents and two of the Bureau members mentioned above in the first paragraph, third dash are appointed by the Bureau as members of the management committee. This management committee, which is an integral part of the Bureau, is entrusted with preparing and following up the implementation of the Bureau's decisions. It also draws up the draft budget and accounts of the House.

1.2. THE CONFERENCE OF PRESIDENTS (RoP, Rules 14-18)

- 1.2.1. Membership:
- the President;
 - the Vice-Presidents;
 - the Chair and a member of each recognised political group;
 - the former Presidents of the House (provided that they are still members of the House).
- N.B.*
1. The Committee Chairs may address the conference;
 2. The government is represented by a minister.
- 1.2.2. Its most important power is that it plans the business of the House (planning of the session, determining the Order of Business of the plenary sitting, coordination of the activities of the plenary sitting with the other bodies of the House, delegations of the House, etc.).
The Conference traditionally meets on Wednesday mornings.
- 1.2.3. In principle, no votes are taken in the Conference of Presidents. If the Conference is unable to reach a consensus on the agenda of the plenary sitting, then it is the plenary assembly that decides.
In a limited number of cases defined by the Rules of Procedure, the Conference of Presidents may hold a weighted vote. This kind of vote may show, for example, that a quarter of the members of the House are opposed to the Conference's proposal concerning speaking time for a particular discussion (RoP, Rule 18).

1.3. THE LANGUAGE GROUPS (RoP, Rule 10)

- 1.3.1. Taking account of the results of the elections on 25 May 2014, the Dutch-speaking group has 87 members, and the French-speaking group 63.
- 1.3.2. Division into language groups is taken into account:
- for votes with a special majority;
 - for certain requests for a referral to the Council of State (supreme administrative court);
 - when the alarm bell procedure is used.

1.4. THE POLITICAL GROUPS (RoP, Rule 11)

- 1.4.1. Each Member may only belong to one political group.
- 1.4.2. The group Chairs provide the President with the list of group members and notify him of any changes.
- 1.4.3. In principle, the group meetings take place on Thursday mornings.

- 1.4.4. In order to be recognised, a political group must consist of at least five members.
- 1.4.5. The recognised political groups are represented in the Bureau by their Chair.
- 1.4.6. “Technical” groups are not recognised.
- 1.4.7. If a political group gains or loses members during the course of a parliamentary term (e.g. because a member switches groups), this has no influence on the proportional representation of the groups in the committees and delegations of the House (this remains dependent on the number of seats held following the parliamentary elections).

1.5. THE PARLIAMENTARY CONSULTATION COMMITTEE

(RoP, Rule 13 and Law of 6 April 1995).

- 1.5.1. The Parliamentary Consultation Committee consists of 11 Members of the House (including the President) and 11 Members of the Senate (including the President), who are appointed by each assembly for the parliamentary term according to the proportional representation system.
Each assembly also appoints 11 substitutes.
- 1.5.2. The Committee has the task of settling conflicts of competence between both Houses, and ruling on a possible extension of the scrutiny period allotted to the Senate.
- 1.5.3. The Committee is chaired alternately per parliamentary session by the President of the Senate and the President of the House.
It meets in camera.

1.6. THE COMMITTEES

1.6.1. General

The committees meet on Monday afternoon, Tuesday and Wednesday, and exceptionally on another day. Committee meetings may not be held at the same time as the plenary sitting on Thursday afternoon, except in an emergency.

Invitations to attend committee meetings, which contain the agenda of the planned meetings, and all amendments that are decided subsequently, are reported to all Members or handed out in the form of “yellow sheets” (if it is the original invitation). They may also be consulted on the House’s website and on the extranet. If the Member wishes, the invitations and the amendments can also be sent to his/her personal e-mail address and/or faxed, while amendments involving the cancellation, an addition or a change in the time of a meeting can also be sent to the Member by text message.

The agenda of the committee meetings is adopted by the committee, or failing that, by its Chair, or by the President of the House. Budgets and government bills are

given priority, but the committee must hold one meeting per month that gives priority to the treatment of Private Members' bills, and one per quarter that gives priority to the examination of petitions and reports, as well as the opinions by the College of Federal Ombudsmen, which are referred by the Petitions Committee. Furthermore, each month, every standing committee must put a point concerning an exchange of views about European affairs relating to its work, which are on the agenda of the EU Council of Ministers, or on which the Council has taken a decision, as well as resolutions on matters relating to its work which are transmitted officially to the House by the European Parliament.

The meetings of the standing or temporary committees and of the advisory committees are held in public, unless decided otherwise by the Conference of Presidents or - by a two-thirds vote - the committee itself (RoP, Rule 31).

Every Member of the House may take part in the debates in the public committee meeting.

Some special committees meet, in principle, in camera; unless decided otherwise, Members of the house have the right to attend these private meetings (and take part in the debates) (RoP, Rule 39).

For every committee, a majority of the members are required to be present at all times to debate government bills or Private Members' bills or proposals.

For a vote to be valid, a majority of the members are required to be present. If it is observed that the quorum has not been reached, then the votes taken at the following meeting called expressly for that purpose are valid, irrespective of the number of members. This rule does not apply in the Committee for the Revision of the Constitution, or to demand the attendance of a minister.

The committees always decide by an absolute majority of votes, even in cases where the Constitution or the law prescribe a different majority for the adoption of laws (RoP, Rule 26).

For each political group represented in the committees, a number of substitutes are appointed, equal to the number of full members plus one (RoP, Rule 22).

1.6.2. *The standing committees* (RoP, Rule 19)

Usually, there are approximately ten.

Their powers and title are decided by the Chair, after he/she has sought the advice of the Conference of Presidents.

They discuss government and Private Members' bills, hear interpellations, questions, etc.

They also discuss the keynote policy statements that the members of the Government send to the House shortly after they have been appointed by the King. These statements set out the strategic options and guidelines which will underlie the policy that the members of the Government will implement during the parliamentary term. When discussions have come to an end, the committee can set forth recommendations.

Standing committees consist of 17 members appointed on the basis of proportional representation of the political groups. For the 54th term, the breakdown will probably be as follows:

N-VA	4
PS	3
MR	3
CD&V	2
Open Vld	2
sp.a	1
Ecolo-Groen!	1
cdH	1

A member of the standing committee who is a Vice-President or a Bureau member mentioned above in point 1.1.2., first paragraph, third dash chairs the committee by right.

Members who do not belong to any political group, or are a member of a political group which is not represented in the committees, have a seat in at least one standing committee, albeit as a non-voting member.

Each standing committee appoints a *Europromoter*, who is responsible for ensuring the follow-up within the committee of the texts emanating from the Advisory Committee for European questions, as well as the proposals for normative acts and other documents from the European Commission, sent to him by the Secretariat of the Advisory Committee (RoP, Rule 37). Each standing committee also appoints an *Ombudspromoter*, who is responsible for ensuring the follow-up within the committee of the reports and petitions sent to it by the Committee for Petitions (RoP, Rule 38).

1.6.3. *The temporary committees* (RoP, Rule 20)

Temporary committees are set up to examine specific government or Private Members' bills. They cease to exist once their report is submitted.

Usually, like the standing committees, they have 17 members who are appointed on the basis of proportional representation of the political groups.

They are chaired by:

- a chair elected from their ranks, or
- the President of the House, who has no voting right in that case.

1.6.4. *The special committees* (RoP, Rule 21)

Special committees are charged with a specific task (mainly of an administrative or quasi-jurisdictional nature):

- Verification of Credentials Committee (RoP, Rule 2) – 6 committees of 7 members;
- Rules of Procedure Committee (RoP, Rule 180) – 17 members;
- Accounts Committee (RoP, Rule 172) – 11 members;
- Petitions Committee (RoP, Rule 172) – 17 members;
- Naturalisations Committee (RoP, Rule 142 and 143) – 17 members;
- Prosecutions Committee (RoP, Rule 160 and 160*bis*) – 7 members;
- Committee charged with monitoring Standing Committee P and Standing Committee I (supervising Police, Intelligence and Security Services) (RoP, Rule 149) – composed of the chairmen of the recognised political groups;
- “Court of Audit” Subcommittee of the Finance and Budget Committee – 9 members;
- Parliamentary Committee responsible for supervising the Electoral Expenditure and Accounts of the Political Parties (RoP, Rule 150) – 17 members of the House, 4 external experts and the President of the House;
- Military Procurement Committee – 13 members.

The membership and chairmanship of each of the committees is laid down by law, the Rules of Procedure or a decision of the House.

The House may also set up committees of inquiry, which are formed and deliberate in accordance with the provisions of the Law of 3 May 1980 on parliamentary inquiries and in accordance with the rules determined by the House (RoP, Rule 145 onward).

1.7. **THE PARLIAMENTARY COMMITTEE FOR EVALUATION OF LAWS** (law of 25 April 2007)

The Parliamentary Committee for evaluation of laws was established by the law of 25 April 2007. It consists of 11 Members of the House and 11 Senators, and is charged with examining the difficulties in implementing the laws in force, and evaluating the appropriateness of existing legal instruments.

Citizens, businesses, administrations or Members of Parliament can address petitions to the Committee either by post or electronically, through the website <http://www.comitesuivilegislatif.be> or <http://www.comitewetsevaluatie.be>. The Committee examines the annual reports sent by the Prosecutor General at the Court of Cassation and the College of Prosecutors General, relating to laws which have

posed problems of application or interpretation for the courts during the past judicial year. It also takes into consideration the judgements by the Constitutional Court which have an influence on the efficiency of the judicial system.

1.8. THE ADVISORY COMMITTEES

1.8.1. *Advisory Committee for European Questions* (RoP, Rule 68)

The House Advisory Committee for European Questions consists of 10 Members of the House and 10 Members of the European Parliament elected in Belgium. The Committee is chaired by the President of the House or by a Vice-President.

At the start of each parliamentary term, in consultation with the Senate, a Federal Advisory Committee for European Questions is set up, consisting of the Advisory Committee of the House and ten Senators. The Federal Advisory Committee is chaired alternately by the Chair of the Advisory Committee of the House and a Senator.

1.8.2. *Advisory Committee for Social Emancipation* (RoP, Rule 69)

After each election, the House may decide to set up this Advisory Committee.

The Committee consists of as many members as required for each political group represented in the standing committees to be represented by at least one member.

Each political group represented in standing committees, which has women among its members, must be represented in the Committee by at least one woman. The Chair must be a woman.

Any political group not represented in the Committee shall designate from among its members a female member who shall take part in the work of the Committee as a non-voting member.

1.8.3. *Advisory Committee for Scientific and Technological Questions* (RoP, Rule 70)

After each election, the House may decide to set up this advisory committee.

The Committee consists of as many members as required for each political group represented in the standing committees to be represented by at least one member.

1.9. THE SUBCOMMITTEES (RoP, Rule 33)

The committees may propose to set up subcommittees. This requires the agreement of the Conference of Presidents, which determines membership, powers and responsibilities based on a proposal from the committee.

Subcommittees report to the committee which took the initiative of setting them up.

1.10. THE WORKING GROUPS (RoP, Rule 33)

The committees may also decide to set up a working group on a specific subject. This does not require the agreement of the Conference of Presidents.

Working groups report to the committee which took the initiative of setting them up.

1.11. DELEGATIONS TO INTERNATIONAL ASSEMBLIES

- Consultative Interparliamentary Benelux Council: the House appoints 10 members;
- Organisation for Security and Cooperation in Europe (OSCE) Parliamentary Assembly: the House appoints 5 full and 5 substitute members;
- Council of Europe Parliamentary Assembly and the Western European Union Assembly (the same members sit in both assemblies): the House appoints 4 full and 3 substitute members;
- Euro-Mediterranean Parliamentary Assembly: the House appoints 2 full members;

The members of the delegations are appointed by the House.

2. WHAT INSTRUMENTS ARE AVAILABLE TO MEMBERS?

2.1. PRIVATE MEMBERS' BILLS AND PROPOSALS FOR RESOLUTIONS

(RoP, Rule 75)

- 2.1.1. Members who wish to table bills or proposals for resolutions send them or hand them to the President of the House. In practice, bills and proposals are introduced in the Legislative Secretariat.
- 2.1.2. The text should preferably be typed. Members are asked to provide the text in electronic form at the same time, so that the document can be printed efficiently.
- 2.1.3. A bill or proposal consists of an “explanatory statement” (= introduction, purpose and scope of the bill or proposal) and an “operative part” (articles).
- 2.1.4. Proposals may be signed by no more than 10 Members. The first signatory is considered as the principal proponent.
- 2.1.5. Article 1 of each Private Member’s bill must always state whether it concerns a matter referred to in Article 74, Article 77 or Article 78 of the Constitution.
- Article 74 relates to the exclusive powers of the House (monocameral matters);
 - Article 77 relates to matters for which the House and the Senate have equal competence (mandatory bicameral treatment);
 - Article 78 relates to matters for which the House is competent, and the Senate has a right of evocation (optional bicameral treatment).
- 2.1.6. If the President has given his approval for the bill or proposal to be printed, it is translated and printed, together with a concise summary produced by the Legislative Secretariat of the content of the bill or proposal. In the case of a bill aiming at modifying an existing law, a coordinated text of the thus modified law is, as a rule, also appended.
- 2.1.7. The principal proponent then receives a print proof, makes any corrections necessary and approves it.
- 2.1.8. If the proponent wishes his/her bill or proposal to be discussed, he/she must continue to “follow” it. For this purpose, he/she must first request the President to put the bill or proposal on the agenda of the plenary sitting so that it can be taken into consideration (in practice, the Member can contact the Clerk or the Legislative Secretariat to do this, for example at the same time as he clears the text for printing).

In general, the taking into consideration of a bill does not lead to a debate, but sometimes the bill can be refused.

After the bill or proposal is taken into consideration, it is sent by the President to the relevant committee.

- 2.1.9. The proponent of a bill or proposal that is taken into consideration and sent to the relevant committee must request the Committee Chair to put his/her proposal on the agenda of the Committee, if he/she wants it to be discussed.
- 2.1.10. If a government bill is proposed on the same subject, then the Private Member's bill or proposal is automatically included when the government bill is debated.
- 2.1.11. When the bill or proposal comes up for discussion, the committee appoints a rapporteur, holds a general discussion and a discussion one article at a time, amends the articles if necessary, and then pronounces on each amendment and article individually.

After the vote on the articles, the committee goes on to a second discussion, called "second reading," if one of its members so requests. It may only go on to second reading after at least ten days, starting from the time when the committee report is circulated together with the text that the committee has passed in first reading. If urgency has been adopted, the ten-day period is reduced to 5 days. During second reading, amendments can be tabled to the text passed in first reading, and legislative technical corrections can be submitted, more particularly on the basis of a note from the House's services.

After the vote on the articles, and, as the case may be, after second reading, the committee pronounces on the whole text of the bill.

- 2.1.12. The report of the discussion is printed and circulated. If the committee amends the bill or proposal, the adopted text is printed.
- 2.1.13. At the request of the proponent, the bill or proposal is then dealt with in the plenary sitting. The plenary sitting pronounces on the basis of the text adopted by the committee.
- 2.1.14. If the committee proposes to reject the bill or proposal, then the proponent can still ask the plenary assembly to pronounce on that rejection proposal.
- 2.1.15. It is pointed out that a Member of the House (not necessarily the proponent) may request that the matter be dealt with urgently. This must be done no later than when the bill or proposal is taken into consideration.
- 2.1.16. Furthermore, it is pointed out that bills or proposals to revise the Constitution are subject to specific rules. For example, they do not have to be taken into consideration. (RoP, Rule 120)

2.2. AMENDMENTS

- 2.2.1. Amendments are proposals to change one, several or even all articles of a bill or proposal.

- 2.2.2. The amendments must relate directly to the precise subject or the article of the bill or proposal that they are intended to amend. They may be signed by no more than ten Members. Their justification must remain limited to what is necessary to comprehend the scope of the amendment.
- 2.2.3. They are to be written and handed to the President (in practice, they are tabled in the Legislative Secretariat). If the text to be amended is being discussed in committee or in the plenary sitting, the amendments are handed either to the Committee Chair (in the practice the Committee Secretary) or the Chair of the sitting (in practice the Clerk, who assists the Chair during the sitting).

For a typed amendment, it is requested that an electronic version be provided.

- 2.2.4. Amendments are drawn up in accordance with specific legislative technical rules. The Legislative Secretariat may change the form of the amendments if necessary, and allocates a sequential number to them, based on submission. Afterwards, the amendments are translated, printed and circulated as a parliamentary document, which bears not only the number of the base document, but an additional number which indicates the sequence of the documents relating to the same bill or proposal.
- 2.2.5. After approval of the text in committee, amendments to that text may be submitted again with a view to discussion in the plenary sitting (note: the text adopted by the committee may deviate from the articles of the original text, both in content and with regard to the numbering of the articles); new amendments may also be submitted. Re-submitted or new amendments must relate to the text adopted by the committee and not to the originally submitted text of the Private Member's bill, proposal or government bill.
- 2.2.6. In the plenary sitting, the amendments must be submitted before the end of the general debate; there may be derogation from this rule (late submission of the report, subamendments and amendments that are necessary as a consequence of adoption of another amendment; in those cases, amendments may still be submitted as long as the debate on the articles concerned has not been closed).
- 2.2.7. Concerning amendments that are submitted during the debate, a vote can be taken on the basis of a single language. Once those amendments are adopted, they are translated. The text of each article put to the vote is nevertheless put into both languages.
- 2.2.8. If one or more articles of the text have been amended in committee, and provided the committee did not hold a second reading, the committee cannot vote on the whole bill or proposal for at least 48 hours, starting from the time when a draft of the passed text, containing all the adopted amendments, is made available to the members of the Committee.; This deadline does not apply if the text is being dealt with under the urgent procedure (RoP, Rule 82).
- 2.2.9. The final vote on a government or Private Member's bill amended by the plenary assembly may only take place after five days have elapsed (RoP, Rule 95, 3rd paragraph).

2.3. INTERPELLATIONS (RoP, Rules 130-132)

- 2.3.1. Interpellations are addressed to the government (in practice to a minister or the Prime Minister – the Premier can reply himself, or call on one of the other ministers to reply instead).
- 2.3.2. The right of interpellation is personal: an interpellation request is submitted by a Member and can only be withdrawn by him/her. The interpellant cannot appoint a substitute.
- 2.3.3. Interpellation requests are submitted in writing, and handed to the President (in practice the Clerk or the Legislative Secretariat); a detailed memorandum is appended to the request, in which the interpellant sets out the main considerations which he/she wishes to address.
- The request is only complete and only registered after receipt of this explanatory memorandum.
- 2.3.4. The President may declare specific interpellations inadmissible (for example, when they relate to a specific judicial investigation, or if an interpellation was held less than a month previously on the same subject).
- 2.3.5. The President may, if the Conference of Presidents agrees, decide that a request for interpellation needs to be converted into a written or oral question.
- 2.3.6. In principle, interpellations are held in committee. The chairman decides on the referral thereof.
- 2.3.7. The Conference of Presidents may however designate interpellations of general or particular political interest to be held in plenary sitting. The Conference of Presidents takes that decision if it is proposed by members of the Conference who represent at least one-fifth of the members of the House (= 30 members).
- 2.3.8. Interpellation requests (together with the memorandum) are registered in the Legislative Services in the order in which the request – duly signed by the proponent – is received; the date and time of receipt, recorded on the request, serve as evidence of this;
- 2.3.9. Once the interpellation request is submitted, registered and declared admissible by the President, it is notified to the Chairs of the political groups.
- 2.3.10. The interpellation requests are submitted to the Conference of Presidents (with a view to the decision referred to in n° 2.3.5 and 2.3.7).
- 2.3.11. If interpellation requests are submitted concerning the same subject by other Members, then they will be appended in chronological order of submission to the first, and will be given the same treatment. They are only admissible if they are submitted no later than the evening before the day on which the principal interpellation will be held.

- 2.3.12. Oral questions submitted on the same subject will also be appended to the interpellation request.
- 2.3.13. Only oral questions submitted before the first interpellation request about the same subject will be asked in committee before the interpellations.
- 2.3.14. The sequence of speakers and speaking time (which may be doubled on the advice of the Conference of Presidents if an important subject is concerned) (see RoP, Rule 48, n° 1, 3rd indent):
- 1° proponent of the interpellation: 10'
 - 2° proponent of (an) appended interpellation(s): 5'
 - 3° proponent of (an) appended question(s): 5'
 - 4° reply by the government: 10' (one interpellation, whether with supplementary questions or not) or 20' (several interpellations, whether with supplementary questions or not);
 - 5° any rejoinders:
 - * the government has replied to one interpellation:
 - a) proponent of the interpellation: 5'
 - b) proponent(s) of appended questions: 5'
 - c) maximum three other Members: 5'
 - * the government has replied to several interpellations:
 - only the interpellants: 5'
 - 6° if the government does not reply: only the proponent(s) of the interpellation(s): 5'
- 2.3.15. Each interpellation is concluded during the meeting in which it is held.
- 2.3.16. Interpellations may be appended to the debate on the Ways and Means Budget or the General Expenditure Budget.
- 2.3.17. Urgent interpellations: at the request of one-fifth of the members of the House, an interpellation may be held during a meeting within the week in which the interpellation request is submitted or, if the government agrees, during the meeting itself.
- 2.3.18. After an interpellation, a motion may be submitted (except after an interpellation which is appended to the debate on a budget). Motions are submitted in writing at the end of the debate (before the conclusion of the discussion). They are handed to the President, who reads them aloud.
- 2.3.19. The Members may submit four types of motion at the conclusion of an interpellation:
- a simple motion (see RoP, Rule 134);
 - a constructive motion of no-confidence (see RoP, Rule 137);

- a motion of no-confidence (see RoP, Rule 138);
- a motion of recommendation (see RoP, Rule 139).

It is pointed out that only the government can put forward a confidence motion. The proponents of the motions may withdraw or amend them up to the time of the vote, provided that those amendments do not change the type of motion.

- 2.3.20. The House votes on confidence motions (which may only be put forward by the government), motions of no-confidence or constructive motions of no-confidence at least 48 hours after their submission, and no later than during the week following their submission.
- 2.3.21. If it has been accepted that the matter is urgent (RoP, Rule 51, n° 2) the House may vote before the expiry of the 48-hour period on simple motions and motions of recommendation.
- 2.3.22. If a motion of confidence is rejected by at least 76 Members, a motion of nomination of a Prime Minister may be submitted; a vote must be held on the motion of nomination within three days after the rejection of the confidence motion.

2.4. QUESTIONS

2.4.1. Oral questions in the plenary sitting (RoP, Rule 124)

- 2.4.1.1. *Preliminary remark:* irrespective of its form, or the body of the House to which it is addressed (written or oral question, in plenary or in committee – see 2.4.1. to 2.4.6), a question may only be asked if the President of the House has not ruled it inadmissible.

The following are inadmissible (RoP, Rule 122):

- a) questions relating to matters of particular interest or concerning personal cases;
 - b) questions that only relate to obtaining statistical data;
 - c) questions relating to obtaining documentation;
 - d) questions which are only intended to obtain legal advice;
 - e) questions about matters concerning which an interpellation request has already been submitted (unless it concerns oral questions that must be asked in committee), or which have already arisen in a previously submitted government or Private Member's bill.
- 2.4.1.2. The period of time in which oral questions can be asked in plenary is usually known as "question time".

- 2.4.1.3. Any Member can ask an oral question to the relevant Minister, provided that he/she does not exceed the number of questions that are allotted to his/her political group per week (in principle 2 questions per political group).
- 2.4.1.4. Usually, question time takes place at the beginning of the Thursday afternoon sitting.
- 2.4.1.5. A Member who wishes to ask an oral question must submit this question to the Legislative Secretariat. This is to be done by 11 a.m. on the day of question time, using the standard form that must be signed by the Chair of the political group to show that he/she has seen it. The form must show the name of the relevant minister, as well as a brief but clear description of the purpose of the question. Members who do not belong to a political group can notify the President of the House directly of their intention to ask a question.
- 2.4.1.6. In plenary sitting, the Chairman invites the Members concerned to ask their question, taking account of the presence of the ministers.
- 2.4.1.7. In principle, the questioners and the minister who gives the reply may not read out their text, but the meeting Chair has already allowed a questioner to read a quotation.
- 2.4.1.8. The questions must relate to current events and be of general interest. The President of the House decides on their admissibility.
- 2.4.1.9. Speaking time is limited to two minutes for the question, two minutes for the answer by the member of the government, and one minute for a possible rejoinder by the questioner.
- 2.4.1.10. Only the questioner and the minister concerned may speak.
- 2.4.1.11. If the questioner is absent when his name is called, his/her question is deleted and he/she may not ask another question on the same subject.

2.4.2. Oral questions in committee (RoP, Rule 127)

- 2.4.2.1. By analogy with what happens in plenary, at least once a week oral questions can be asked to the government in the standing committees.
- 2.4.2.2. The questions must be submitted to the President of the House by 11 a.m. on the day before.
- 2.4.2.3. The questions must relate to current events and be of general interest. The President of the House decides on their admissibility (see 2.4.1.1).
- 2.4.2.4. The questions are asked per minister, and in chronological order of submission. They are shown on the agenda of the committee concerned.

- 2.4.2.5. Questions and interpellations on the same subject are dealt with as a whole; only questions on the same subject submitted before the first interpellation request take precedence over those interpellations.
- 2.4.2.6. The total speaking time for the question and answer may not exceed five minutes. The Member who asked the question may ask a supplementary question or rejoin (total speaking time for the supplementary question or the rejoinder and the answer: two minutes).
- 2.4.2.7. Oral questions on the same subject may not be asked in committee and in plenary sitting in the course of the same week.
- 2.4.2.8. If the questioner is absent when his/her name is called, without having given notice, then his/her question is deleted and the Member concerned may not ask any new question about the same subject.

If the questioner has given notice that he/she will be absent, the Committee Chair may accept that the question be placed on the agenda for the following meeting.

2.4.3. Conversion of an interpellation into an oral (or written) question
(RoP, Rule 130, n° 6)

The President may decide, if the Conference of Presidents agrees, that an interpellation must be converted into an oral (or written) question.

2.4.4. Topical debate (RoP, Rules 125 and 128)

- 2.4.4.1. If various questions in the plenary relate to a topical subject, then the President of the House may merge those questions for discussion in a topical debate following question time (RoP, Rule 125).

In that case, the speaking time is as follows:

- for each questioner: 2'
- one speaker per political group, except for the political group of the questioner(s) (or, at their discretion, after the questions, rejoinders by the questioners): 2'
- for the answer by the government: 5'
- rejoinders by the questioner(s): 2'

- 2.4.4.2. If at least three questions are asked in committee on the same subject, the Committee Chair may decide to merge them to be dealt with in a topical debate (for the speaking time, the conditions are the same as for a topical debate in plenary; see 2.4.4.1) (RoP, Rule 128).

2.4.5. Urgent questions (RoP, Rule 126)

- 2.4.5.1. Since the introduction of question time, urgent questions during the plenary sitting have fallen out of use. However, the Rules of Procedure still allow this possibility.
- 2.4.5.2. A Member who wishes to ask an urgent question notifies the President, who decides whether it is admissible (see 2.4.1.1.).
- 2.4.5.3. If the question is admissible, after consent from the minister, it can be asked at the time decided by the President. The speaking time is the same as for oral questions in plenary.
- 2.4.5.4. Urgent questions cannot be asked on the day when “question time” takes place.

2.4.6. Written questions (RoP, Rule 123)

- 2.4.6.1. The Member hands the text of his/her question to the President (in practice, the Legislative Secretariat), who decides whether the question is admissible (see 2.4.1.1.).
- 2.4.6.2. The text of the question must not be more than 25 lines long.
- 2.4.6.3. Questions declared admissible are translated and sent to the minister concerned, who has twenty working days to answer.
- 2.4.6.4. If the minister answers within the period of twenty working days, question and answer are included in the *Bulletin of Questions and Answers* which is published weekly). If the minister does not answer within the period of twenty working days, the question is shown alone in the *Bulletin of Questions and Answers* in the “Overdue” section. Question and answer are then published later when the reply has been received by the House.

For questions asked in the period from the day after the House meets for the last time before the summer recess until 31 August inclusive, the period for reply only starts on the first Monday of September.

2.5. ACCESS AND VISITING RIGHTS AND INSPECTION AND INFORMATION RIGHTS

In relation to accessibility of the administration and access to the administration's documents, Members of Parliament have no more rights than any other citizen (in this regard, please refer to the law of 11 April 1994 on the accessibility of the administration). However, with a view to facilitating the political oversight missions incumbent on Members of the House, various provisions organise procedures that enable Members of Parliament to have access to places that are generally closed to the public, such as closed reception centres managed by the Aliens' Office, prisons,

military installations, the transit area of Brussels National Airport, etc. For more details, please refer to the Annexes to the Rules of Procedure.

Out of a similar concern to facilitate the oversight of the work of the executive, Articles 33 to 36 of the Regulations of the Court of Audit allow for a right of inspection and information with respect to any dossier opened at this Court. For more details, please refer to the Annexes to the Rules of Procedure.

Moreover, every standing committee can take the initiative of drawing up an introductory report of parliamentary initiative. The purpose of such a report is to provide Members with the most exhaustive information about a subject that falls under the committee remit. Supposing the committee approves the report, the latter can be submitted to the plenary assembly, maybe together with opinions, proposals for resolutions, recommendations, etc.

Finally, every Member can submit a proposal that aims at having the House request the Senate to decide, in accordance with Article 56, second paragraph of the Constitution, that an information report shall be drawn up on an issue that also has repercussions on the competences of the Communities or Regions (RoP, Rule 148*bis*).

2.6. PROCEDURE FOR EXAMINATION OF TEXTS FROM THE EUROPEAN INSTITUTIONS (RoP, Rule 37*bis*)

2.6.1. It is intended to examine the legislative proposals of the European Commission, as well as other texts from the European institutions, in particular with regard to compliance with the principles of subsidiarity (principle according to which the European Union may only intervene in matters for which it does not have sole powers if the objectives of the intended action cannot be adequately achieved by the Member States), and proportionality (principle according to which the actions planned by the European Union may not go beyond what is necessary to achieve the intended purpose).

2.6.2. The House's services shall examine the European Commission's legislative proposals and other texts of the European institutions; they shall draft on their own initiative, at the request of the Chairman or of a third of the members of a standing committee or at the request of the President of the House, a note dealing *inter alia* with compliance with the aforementioned principles.

Once the note has been sent to the members of the relevant standing committee (and to the members of the Advisory Committee for European Questions), any member of the committee may request that it be discussed within that committee.

On a request from at least one-third of its members, the relevant standing committee charges the Europromotor whom it has appointed with drawing up a draft opinion, which relates, among other matters, to the compliance with those same principles.

The committee then approves an opinion, which is sent immediately to the European authorities and to the federal government, and which is considered to be the opinion of the House, unless at least one-third of the Committee members request that the opinion should be put on the agenda of the plenary sitting, so that it can pronounce on it.

3. PLENARY SITTING: PRACTICAL INFORMATION

3.1. *Description of the equipment on the benches in the debating chamber.*

From left to right, each Member will see on his own bench:

The microphone module: a red button makes it possible to request to speak; a green light confirms that this request has been registered. The microphone is activated by the operator at the request of the President. When the microphone is on, this is shown by a red light on the module and a luminous ring around the microphone.

The simultaneous interpretation module: headphone socket; two buttons to adjust the volume (vol.); digital screen: enables the channel of the preferred language to be selected, or the volume level (L = level); two buttons for selecting the preferred language (chan.).

0: direct

1: interpretation into French;

2: interpretation into Dutch.

At the start of the sitting, no sound is audible from the headphones until the channel is selected.

Voice module: see 3.12.1.

Loudspeaker module: the volume of this loudspeaker is adjusted in the control room, and cannot be changed individually. The loudspeaker is switched off automatically when the associated microphone is activated.

3.2. The *invitations to attend* plenary sittings, containing the detailed agenda of the planned meeting, are sent out to all Members at the end of the week before the date of the meeting, in the form of white pages (known as the “white board”). The invitations may also be consulted on the House website, and faxed and/or sent electronically to all Members that have requested this.

Amendments to the agenda are brought to the attention of Members via the same channels as the original invitations. If an amendment is decided on the day of the meeting, and only affects the start time of the meeting, it is sent by text message.

3.3. The morning meetings start at 10 a.m., and the afternoon meetings at 2 p.m., unless decided otherwise.

3.4. Members who wish to speak about a point on the agenda must put their name down in advance with the President.

They can also put their name down with the Clerk or the Legislative Secretariat.

- 3.5. Rule 48 of the Rules of Procedure (see the House's website: <http://www.lachambre.be> or <http://www.dekamer.be>) gives a summary of the speaking times in plenary sitting.
- 3.6. The *sequence of speakers* is decided by the President, according to certain rules and traditions. During the general discussion of a government bill, the rapporteurs are invited to speak first, and after that, a speaker from the largest political group in the opposition. The President ensures that, as far as possible, speakers from the opposition and the majority speak alternately, and that Dutch and French speakers have their turn.
- 3.7. The *course of the debate* is sometimes determined following a proposal of the Conference of Presidents: the Conference incorporates the debate into the work programme, determines the total speaking time per political group and estimates the date and time (usually "from" a given time) of the votes. In that case, usually the Chair of the political group notifies the names of the speakers from his group.
- 3.8. A speaker may only address the President or the assembly.
- 3.9. Interruptions may only be allowed by the President. This can only be done for a "point of order", or for a brief interruption on the substance of the matter at hand.
- 3.10. In principle, no-one may speak more than twice on the same subject.
- 3.11. *Nominal votes* are usually grouped on Thursday afternoon (the nominal votes in the plenary form the foundation for the calculation of attendances).
- 3.12. There are various *ways of voting* (RoP, Rule 58):
 - 3.12.1. Most often, votes are nominal and cast electronically.

How does this work?

The President states what the vote is about (He "puts the question").

He requests that pairing arrangements be disclosed, where one Member abstains from voting by agreement with an absent Member.

Then he announces the start of the vote. A yellow light comes on on each bench when voting has opened.

In nominal votes, only the central three buttons of the voting module make it possible to cast a yes vote, an abstention or a no vote (in the sequence of the central buttons: green, white and red).

A yellow light above the button pressed makes it possible to check that the vote has been correctly registered.

The voting screens on either side of the President's chair light up and show the vote of each Member by means of coloured blocks (green, red or white) which correspond to the seats in the chamber.

The President asks whether everyone has voted (every Member present in the chamber must cast a vote; if not, he/she is considered to have abstained).

The President invites every Member to check his/her vote (until this point, he/she can still change his/her vote).

The President announces the "end of voting": Members can no longer change their vote.

The result of the vote appears on the two screens on the left and right of the hemicycle.

The President announces the result of the vote, and gives Members who abstained an opportunity "to explain their abstention". Giving the reason for abstention may not last longer than two minutes.

It should be borne in mind that abstentions are counted in the number of Members present, but are not added to determine whether the absolute (or the special) majority is obtained.

It sometimes happens that Members forget to vote or vote the wrong way by mistake. They request the President's leave to speak in order to correct their vote, and this correction must always be made by word of mouth.

The President takes note of the correction to the vote, but it has no influence on the result, which remains unaltered. The correction is recorded in the minutes of the sitting, and appears on the text of the *Verbatim Report* and the *Summary Report*. It is not shown in the tables of votes, which are published as an appendix to the *Verbatim Report*.

Nominal voting is the rule for votes on government bills and Private Members' bills as a whole, and for the votes on confidence motions, nomination motions and no-confidence motions (whether constructive or not) (RoP, Rule 58). Usually, nominal votes are cast electronically.

Electronic nominal voting is also used in case of doubt about the result of a vote by sitting and standing, or if at least eight Members request it (unless the RoP expressly prescribe voting by sitting and standing).

It should be pointed out that the Members are allowed to give a *voting explanation* before votes on government and Private Members bills as a whole, and on motions to conclude interpellations. The President may restrict voting explanations (which may last no more than 2 minutes) to those who took part in the discussion, and to one member of each political group.

A Member who has given a voting explanation or announced a pairing arrangement and who abstains can no longer explain his/her abstention.

A Member who has given a voting explanation or announced a pairing arrangement and who is absent at the time of the vote is deemed to have abstained.

There is no debate about pairing arrangements, voting explanations and reasons for abstention (N.B: the pairing arrangement is announced at the start of an individual nominal vote or before grouped votes).

For practical reasons, use is often made of electronic nominal voting (for example, for votes on amendments), because it is assumed that eight Members request it.

3.12.2. For *appointments and nominations*, the House holds secret ballots: each Member puts his/her voting paper in the ballot box set up for the purpose.

3.12.3. For *naturalisations*, the Members put the proposal for naturalisation deeds that they found on their bench in the ballot box.

Anyone who wishes to vote against deletes the name of the persons concerned.

3.12.4. In other cases, the House votes “by sitting and standing” (and counter-proof). This is the rule, for example, for a vote on a request for urgency.

3.12.5. It should be noted that the House often pronounces “by consent” (except, for example, on a government bill or Private Member’s bill as a whole, where a nominal vote is prescribed by the Constitution). The President asks if there are “any objections”. He ascertains this by looking around, and if the assembly does not declare any objection, he declares the bill approved.

Derogations from the Rules of Procedure are allowed with the consent of the whole House, except, of course, if it would conflict with the provisions of the Constitution or other laws.

4. START AND END OF THE PARLIAMENTARY MANDATE

- 4.1. This point is not really governed by the House's Rules of Procedure, but rather by various constitutional and legal provisions; its practical usefulness (remuneration, conflicts of interest, immunity, etc.) is sufficient reason to devote a few lines to it in this brochure.

4.2. **Start of the mandate:**

The time that is taken as the start of the parliamentary mandate differs depending whether one considers it from the viewpoint of conflicts of interest, parliamentary immunity, remuneration or the "prerogatives" of Members of Parliament in general. A distinction also needs to be made between the situation of a Member who is chosen from the list of titular candidates and that of a Member who is only occupying a seat which has fallen vacant (substitute candidates).

- 4.2.1. *Parliamentary immunity*: one must make a distinction between parliamentary immunity and parliamentary privilege (freedom of speech).

- 4.2.1.1. *Parliamentary immunity* (Article 59 of the Constitution) provides that no Member of Parliament may, during a session and in criminal matters, be directly referred or summoned before a court, except with the authorisation of the House of which he/she is a member. However, this protection does not apply to a Member caught in *flagrante delicto*.

It starts as soon as the election result is announced, but subject to verification of credentials by the House. Immunity applies as long as the parliamentary session lasts; in practice, parliamentary sessions succeed one another during a parliamentary term without a break (the King announces the dissolution of parliament on the evening before the opening of the next session), so that immunity is only inapplicable during the dissolution periods.

You can find out more details about this topic in the brochure "*Parliamentary Immunity*", which the House has published in the series "*Brief Parliamentary Law*" (www.lachambre.be or www.dekamer.be -> Publications or Publicaties -> Brochures fonctionnement de la Chambre or Brochures werking van de Kamer).

- 4.2.1.2. The *parliamentary privilege* (Art. 58 of the Constitution) provides that no Member of Parliament can be prosecuted or be the subject of any investigation with regard to opinions expressed and votes cast by him in the exercise of his duties. The courts and disciplinary bodies are therefore not empowered to hear a case about an opinion that a Member of Parliament has expressed in the exercise of his duties.

You can find out more details about this topic in the brochure "*Parliamentary Privilege (Freedom of Speech)*", which the House has published in the series "*Brief*

Parliamentary Law" (www.lachambre.be or www.dekamer.be -> Publications or Publicaties -> Brochures fonctionnement de la Chambre or Brochures werking van de Kamer).

- 4.2.2. *Incompatibilities*: with regard to incompatibilities, a distinction must be made between absolute and relative incompatibility.

Absolute incompatibility (law of 6 August 1931): as a consequence of incompatibilities that exist between the office of a Member of the House of Representatives and some posts (for example as a minister in a regional or community government or as a provincial governor), the persons concerned must make a choice: either to resign from their previous post, or decline membership of the House. This choice must be made at the latest when swearing the oath (but some provisions make the time available to make the decision even more restricted): by taking the parliamentary oath, that choice is made; as a result, the Member of Parliament is deemed to have resigned any office or role with which there is an incompatibility.

N.B. A list of incompatibilities is included in the French and Dutch versions of the appendices to the Rules of Procedure (www.lachambre.be or www.dekamer.be -> Publications or Publicaties -> Le Règlement de la Chambre or Het Reglement van de Kamer -> Annexes or Bijlagen).

Relative incompatibility (law of 6 August 1931): the mandate as a Member of the House cannot be combined with more than one paid executive office (e.g. as a Mayor or Alderman).

In the event of combination of these posts, the payment for the paid executive office, in whatever form, may not be more than half the amount of the parliamentary remuneration.

Members will be invited by the President of the House to file a declaration pursuant to the law of 4 May 1999 (not to be confused with the declaration that certain members, who also hold office in Wallonia, are bound to file pursuant to the Local Democracy and Decentralisation Code).

Furthermore, any Member of the House who already had that capacity during the past calendar year must submit a list to the Court of Audit annually, before 1 April, of the public and private mandates that he/she has exercised during that calendar year, and declare whether those offices were remunerated or not.

(For more information about this, see the website of the Court of Audit: www.ccrek.be -> List of mandates and declaration of assets).

- 4.2.3. When exercising their mandate, Members must comply with the *Code of Deontology of the Members of the House of Representatives*. This Code contains rules concerning, among other items, conflicts of interest and personal services rendered by Members. See French or Dutch appendices to the Rules of Procedure

(www.lachambre.be or www.dekamer.be -> Publications or Publicaties -> Le Règlement de la Chambre or Het Reglement van de Kamer -> Annexes or Bijlagen).

Each Member can ask the Federal Commission on Deontology to issue a confidential opinion with respect to a specific issue relating to deontology.

- 4.2.4. *Declaration of assets* (laws of 2 May 1995 and 26 June 2004): every Member must file a declaration of assets with the Court of Audit by 1 April of the year following the start and end of his/her mandate, in a sealed envelope. This declaration relates to the asset situation as at 31 December of the year of the start or end of the mandate.

(For more information about this, see the website of the Court of Audit: www.ccrek.be -> List of mandates and declaration of assets).

- 4.2.5. *Material remuneration*: on this point, Members can consult the brochure published by the department *‘Affaires générales, Finances et Économat’* / *‘Algemene Zaken, Financiën en Huisbestuur’*.

- 4.2.6. The *“prerogatives”* in general: Members take up office when they swear the oath. Only then do they participate in the work of the House. Some powers can but be exercised before that time, i.e. those which are mainly related with the constitution of the House (participation in the Provisional Bureau, verification of credentials).

- 4.2.7. The *substitute member*: the substitute member is called to take his/her seat as soon as a vacancy occurs among the elected as titular members on the list to which he/she belongs; the substitute only has the function of a Member of Parliament after taking the oath; before that happens, if appropriate, the House may carry out an additional verification of his/her credentials to ensure that he/she still meets the conditions for election.

4.3. End of the mandate:

- 4.3.1. There are two possibilities:

- 1° the parliamentary term comes to an end normally, with the ordinary meeting of the electoral colleges, *i.e.* on the first Sunday following the expiry of a period of five years starting on the day when the colleges met for the last time with a view to the complete renewal of the House of Representatives; the mandate expires the day before the election;
- 2° in the event of dissolution by the King, or if a declaration of revision of the Constitution is adopted, the mandate ends as soon as the Royal Decree dissolving the Houses or the declaration of revision of the Constitution is published in the *Belgian State Gazette*.

- 4.3.2. It must be pointed out that the former case has become exceptional in institutional practice. With the exception of the President, who holds certain prerogatives concerning the representation and continuity of the House, Members of Parliament have no power at all while Parliament is dissolved.

5. PUBLICATIONS WHICH MEMBERS RECEIVE AUTOMATICALLY

All Members receive the parliamentary documents from the House and the Senate, *i.e.*:

- government bills;
- Private Members' bills and proposals;
- amendments;
- reports;
- texts adopted by committees;
- the *Summary Report* (summary of the debates in both national languages);
- the *Verbatim Report* (full transcript of the debates in the speaker's language, with a summary in the other national language);
- the *Bulletin of Questions and Answers*.

Selective transmission is also possible.

They receive the invitations to the plenary sittings (white pages) and the committee meetings of the House and the Senate (yellow pages).

Members can opt for electronic transmission of the parliamentary documents of the House.

The other documents are sent to them electronically, unless they request that they be sent by post.

Finally, Members receive the Activity Report of the House and the Annual Report of the College of the Federal Ombudsmen, as soon as they are published.

6. INTERNET

The address of the House's website is <http://www.lachambre.be> or <http://www.dekamer.be>

It contains, among other information:

- the agendas of the committees and the plenary sittings;
- the *Verbatim Report* and *Summary Report* of the plenary sittings and the committee meetings dedicated to questions and interpellations;
- all parliamentary documents of the current and previous parliamentary terms (government bills, Private Members' bills, proposals for resolutions, opinions of the Council of State, amendments, reports and adopted texts), with a summary record for each bill or proposal, containing information about its current status in the legislative process, as well as a link to the Central Legislation Database;
- the full text of written questions and answers;
- biographical information on the Members of the House;
- a link for watching and listening to the plenary session live on video;
- the list of annual reports sent to the House by various institutions;
- references to press cuttings;
- the full text of the Constitution, the Rules of Procedure of the House of Representatives and the brochures published by the House in connection with its workings;
- documentary dossiers compiled by the Library;
- summaries of judgments by the Constitutional Court;
- the press communiqués and the Magazine of the House (see 7).

7. LACHAMBRE.BE / DEKAMER.BE

LaChambre.be / *deKamer.be* is the title of the free magazine of the House of Representatives (first published in March 2003 – three issues published each year). Its purpose is to inform the people about the work of parliament (legislative initiatives, dossiers on specific or topical themes, such as the elections, political parties, etc.). The information is concise and synthetic, so that a brief general summary is provided; readers who want more details are referred to the relevant sources (in general the website).