



THE CHAMBER OF DEPUTIES



PARLIAMENTARY CONTROL OF THE GOVERNMENT IN THE CZECH REPUBLIC

“...the right to dissolve the Parliament and the right to express no confidence in the Government belong to each other in much the same way as a piston belongs to the cylinder of an engine...”

(Karl Loewenstein)

THE PARLIAMENTARY SYSTEM OF GOVERNMENT

The Czech Republic belongs to the group of countries that have a parliamentary system of government. Such a system of government has the following typical characteristics: a dual executive branch (a Head of State and a Head of Government), the election of the President by the Parliament (in the case of republics, as opposed to constitutional monarchies), the accountability of the Government to the Parliament or to one its chambers and a personal correlation between the Government and Parliament (most Government ministers are also Members of Parliament).

A parliamentary system of government is rather unique among the post-communist states in Europe and exists only in the Czech Republic, the Slovak Republic and in Hungary. In the course of drafting the current Constitution of the Czech Republic in 1992,

the traditional parliamentary system prevailed. The present system represents a continuation of the model of Czechoslovak parliamentarism that existed between the two World Wars, newly enriched by some elements typical particularly of the current French constitutional model.

THE SUPERVISORY POWERS OF THE CZECH PARLIAMENT

Apart from its constitutional and legislative powers, the Czech Parliament wields a wide range of supervisory powers, particularly as regards the Government. The supervisory powers of Parliament refer to the political control or supervision exercised by Parliament over the actions of the Government and state administration. The Parliament exercises continuous supervision of the Government and ensures that the Government respects the will and demands of the public, as expressed by the public in elections to the two chambers of Parliament.

The Constitution of the Czech Republic outlines the relationship between the Government and Parliament. This relationship also indirectly specifies the relationship between the two chambers of Parliament. In comparison with the Senate, the Chamber of Deputies exercises greater supervisory powers vis-à-vis the Government. Article 68 of the Constitution

stipulates that the Government is accountable to the Chamber of Deputies. The Government is accountable only as a whole, i.e. the individual accountability of Government members is ruled out. The supervisory powers of the Chamber of Deputies are exercised by means of the following traditional constitutional mechanisms:

THE VOTE OF CONFIDENCE

1. Each newly appointed Government is constitutionally required to obtain the confidence of the Chamber of Deputies within 30 days of its appointment.
2. The Chamber of Deputies may express no confidence in the Government at any time during the electoral term.
3. Every Deputy has the right to interpellate (question) the Prime Minister and other Government members.
4. Government members may be required to attend meetings of parliamentary bodies.
5. The Chamber of Deputies may establish investigative commissions.

IN THE GOVERNMENT

The President appoints the Prime Minister and the members of the Government. Within thirty days of their appointment, the newly appointed Government is obliged to request that the Chamber of Deputies schedule a vote of confidence (a vote on a resolution on the expression of confidence). For the resolution to pass, a simple majority of Deputies present is needed. Deputies vote in alphabetical order either for or against the resolution. Together with its request, the Government traditionally submits to the Chamber of Deputies a policy statement outlining the priorities of the newly appointed Government; this statement is then the subject of criticism and scrutiny by opposition Deputies.

If the resolution does not pass and the Chamber of Deputies does not express confidence in the Government, the Government must submit its resignation to the President, who must accept it. In such a case, a new Government is appointed and the procedure outlined above is repeated (this has not yet occurred). Should this second Government fail to obtain the confidence of the Chamber of Deputies, the Government must resign and the President must appoint a new Prime Minister on the proposal of the Chairperson of the Chamber of Deputies. The new Prime Minister selects his Government members and the President appoints them. If the Chamber of Deputies fails to express confidence in this third Government, the President may dissolve the Chamber of Deputies and early

elections to the Chamber of Deputies will then be held.

The Government may request the Chamber of Deputies to vote on a resolution of confidence at any time in the course of its term of office. In such a case, the Chamber of Deputies shall be convened so as to ensure that the request is discussed within 14 days of its submission. Moreover, the Government may combine such a request with a Government draft bill. In this case, the Government is authorised to request the Chamber of Deputies to complete deliberation of the draft bill within three months of its submission. A delay on the part of the Chamber of Deputies might again lead to its eventual dissolution by the president.

THE VOTE OF NO CONFIDENCE IN THE GOVERNMENT

The Chamber of Deputies may vote on a resolution of no confidence in the Government following a written proposal for such a resolution, submitted by at least fifty deputies. Upon submission of such a proposal, the Chamber of Deputies is convened without delay and Deputies' clubs and committees are given notice that a vote will be held. After debating the resolution, Deputies vote in alphabetical order. For the resolution of no confidence to pass, an absolute majority of all Deputies is required. In such a case, the Government must resign and the President must accept the resignation.

It is not possible to express no confidence in individual Government members, but only in the Government as a whole. On the other hand, the individual resignation of the Prime Minister always implies the resignation of the Government as a whole, given that the existence of the Government is tied to the person of the Prime Minister.

PARLIAMENTARY QUESTIONS

According to the Constitution, the Government is accountable only to the Chamber of Deputies. This is why only Deputies have the right to interpellate (question) members of Government in their fields of competence. The Rules of Procedure of the Chamber of Deputies distinguish between oral and written parliamentary questions. The discussion of parliamentary questions is the only fixed point on the agenda of the Chamber of Deputies; this is why the meeting agenda always includes "Replies of Members of the Government to Written Parliamentary Questions". Additionally, if the Chamber of Deputies is in session on a given Thursday, the agenda always provides for a question-period to be held ("Oral parliamentary questions").

In order to be given the opportunity to pose an oral parliamentary question, a Deputy must submit

a written application to the Chairperson of the Chamber of Deputies by 11 a.m. on the day on which the question-period is to be held. The order in which oral parliamentary questions are posed is determined by a random draw and the number of questions is limited by the time required to answer them. The Prime Minister answers oral parliamentary questions every Thursday (when the Chamber of Deputies is in session) from 2:30 p.m. to 3:15 p.m., other Members of Government from 3:15 p.m. to 4:15 p.m. Members of Government are obliged to attend this question-period of the Chamber of Deputies.

The time for posing a parliamentary question is limited to two minutes and the time for presenting a supplemental question is limited to one minute. The appropriate member of Government answers the question immediately upon its presentation. The time for answering the question is limited to 5 minutes or 2 minutes in the case of a supplemental question. If the member of Government declares that the question cannot be answered immediately, or if he or she is absent, the question must be answered in writing within 30 days.

Deputies may submit written parliamentary questions through the Chairperson of the Chamber of Deputies. The Chairperson forwards them without delay to the Prime Minister and, where the question is directed at another member of the Government, the Chairperson also forwards the question directly to this member. The Government or a member of the Government is obliged to answer a written parliamentary question either orally at the next meeting of the Chamber of Deputies (at the time scheduled for replies to written parliamentary questions) or in writing within 30 days of its submission. The Rules of Procedure provide for a sanction, where this deadline is not respected: the Deputy may inform the Chairperson of the Chamber of Deputies that the deadline has not been respected and the Chairperson then informs the Chamber of Deputies at the next meeting. If a Deputy is not satisfied with a reply to a written parliamentary question, he has the right to ask the Chairperson of the Chamber of Deputies that the question be discussed at the next meeting of the Chamber of Deputies. In this case, the question is put on the agenda of the next meeting and is discussed at the time scheduled for discussion of replies to written parliamentary questions. If the Chamber of Deputies decides that the reply is insufficient, the Government or member of Government is required to write provide a new reply.

Besides parliamentary questions, Deputies have two other means of obtaining information from governmental sources. The first is the right of every Deputy to demand information and explanations (that are necessary for the exercise of his or her Deputy's mandate) from members of the Government and top administrative officials. The second means

is obtaining information from the executive branch through committees. Besides deliberating legislative drafts, reports and other materials, a committee has the right to demand that a member of the Government or a top administrative official personally attend the committee's meeting to provide information and explanations.

INVESTIGATIVE COMMISSIONS

An investigative commission is a special body of the Chamber of Deputies, which may be established to investigate matters of public interest. The Chamber of Deputies establishes such a commission by means of a resolution following a proposal submitted by at least 40 Deputies. The fact that only the Chamber of Deputies (and not the Senate) may establish investigative commissions is based on the principle of the Government's sole accountability to the Chamber of Deputies. Such commissions generally investigate the actions of various organs of the state administration and the Chamber of Deputies may draw various conclusions from the outcome of an investigation. For example, the Chamber may, by means of a resolution, request the Government to adopt certain appropriate measures, or it may request the resignation of a responsible administrative official or Government member, or the Chamber may even adopt a resolution of no confidence in the Government.

The scope of any investigation depends primarily on the will of the Chamber of Deputies. Additionally, the Chamber determines the number of commission members and elects them (including the chairperson and deputy chairperson of the commission). Deputies, who are also members of the Government, may not be members of an investigative commission. Upon termination of an investigation, the investigative commission presents its findings to the full assembly of the Chamber of Deputies and may propose the adoption of a resolution. Moreover, the investigative commission may inform the appropriate law enforcement authorities if any facts obtained during the investigation indicate that a criminal offence may have been committed. The commission obtains evidence in the course of its investigation by issuing demands for explanations or information or by the questioning of witnesses. Additionally, the commission may decide to employ certain expert employees, such as investigators. These employees act on the authorisation of the investigative commission and are bound by its instructions. Persons called to testify before an investigative commission are legally required to do so. If the requested person does not appear, the commission may decide to have him or her brought to appear by the appropriate authority. By law, the meetings of investigative commissions are not open to the public.

OVERVIEW OF INVESTIGATIVE COMMISSIONS ESTABLISHED BY THE CHAMBER OF DEPUTIES

2002–2006

- Investigative commission for the clarification of certain facts in connection with the contract for the construction of the D47 motorway, entered into between the state and the Housing and Construction company.
- Investigative commission for the determination of certain facts in connection with arbitration proceedings between CME and the Czech Republic.
- Investigative commission regarding the settlement between the Czech Republic and the Diag Human company.
- Investigative commission for the investigation of the financial management of the General Health Insurance Company of the Czech Republic.
- Investigative commission for the investigation of the role of the government, private companies and other subjects in the process of restructuring and privatisation of chemical industry.

2006–2010

- Commission of Inquiry into the circumstances regarding the public procurement procedure and conclusion of the contract for the delivery of the toll system for cargo motor vehicles above 12 tons between the Czech Republic and Kapsch.
- Inquiry Commission on investigation of infringements and invasion of private and family life of certain persons carried out in order to promote undue influence on the members of the Parliament of the Czech Republic.
- Investigation Commission for examination of reason and connection with unauthorized conferment of academic degrees at the University of Western Bohemia, School of Law in Pilsen, including investigation of role of Accreditation Commission of Ministry of Education of Czech Republic being responsible for quality control of higher education at public and private universities in Czech Republic.
- Investigation Commission for investigating of progression of organized crime and special interest groups into the operation of public administration authorities.

2013

- Investigative commission to review the method of investigation the cause of OpenCard.

- Investigative commission on investigation serious misconduct, which happened on preparation and realization for the construction of the D47 motorway.

2013–2017

- Investigative commission to review the activity of members of the Police Presidium of the Czech Republic, the Department for Detecting Organized Crime of the Police of the Czech Republic and prosecuting attorney upper state representative in Olomouc in connection with reorganization ÚOOZ A ÚOKFK of the Police of the Czech Republic on 1st August 2016.
- Investigative commission to review, whether don't o take action illegitimate in context with possible unauthorized gaining files body in criminal proceeding or information from these files and whether information this gained not to were abuse to influence political competition or destabilization a democratic legal state.

2017

- Investigative commission to OKD

CONCLUSION

- The Czech Republic has a parliamentary form of government
- The Chamber of Deputies exercises supervisory powers over the Government
- The Chamber of Deputies may express confidence or no confidence in the Government
- Deputies have the right to pose parliamentary questions to the Prime Minister and to other members of the Government
- The Chamber of Deputies may establish investigative commissions