Getting to Know the French National Assembly

Fact Files

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ASSEMBLÉE NATIONALE

NOTE

This collection brings together a series of files providing answers to questions often asked to the departments of the French National Assembly. It has been written with a double aim in mind:

- To provide files representing summaries of each subject;
- To provide files which are practical, and which can be easily used by the readers.

Therefore this collection is not a textbook of constitutional or parliamentary law. Each file deals with a different topic autonomously and thus there may be some overlapping between files.

This document is regularly updated and supplemented.

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File n°1

THE NATIONAL ASSEMBLY AND THE SENATE – GENERAL CHARACTERISTICS OF THE PARLIAMENT

Key Points

The French Parliament is bicameral and is made up of the National Assembly, a Chamber elected by direct universal suffrage, and the Senate, elected by indirect universal suffrage and empowered by the Constitution with representing the territorial units of the Republic.
The excesses of parliamentary sovereignty of the Third and Fourth Republics led the framers of the 1958 Constitution to limit the powers of the assemblies by laying down rules based on "rationalized parliamentarianism".
The need to modernize parliamentary institutions has allowed the assemblies to gradually assert and clarify their role within the institutions of the Republic. This role is characterized in particular by the constant development of the monitoring activities concerning the executive.

The general characteristics of the legislative branch of power in France can be summed up in a double statement:

The legislative branch is bicameral: it is shared in an unequal division between two parliamentary assemblies;

Its functioning is limited by rules inspired by "rationalized parliamentarianism".

I. – BICAMERALISM

1. – General characteristics of french bicameralism

The French Parliament of the Fifth Republic is bicameral: it is made up of the National Assembly and the Senate. The two assemblies sit in two distinct premises (the National Assembly in the *Palais Bourbon* and the Senate in the *Palais du Luxembourg*).

Bicameralism was long considered in French constitutional history either as a means to curb the excesses of single assemblies (in 1795, as a reaction to the all-powerful nature of the Convention, or during the Second Empire, after the period of the Second Republic of 1848-1851) or as a way to consolidate the executive through the splitting-up of the legislative branch (this was brought to its extremes with the Constitutions of the Consulate and the Empire which set up a tricameral Parliament).

Modern bicameralism is very different, as the second assembly is seen in many countries (e.g. Germany, Belgium, Spain, the United States etc.) as the seat of territorial representation, particularly in federal states where it represents the need to ensure the representation of the federated states alongside that of the population. A similar choice was made in France. The Constitution of the Fifth Republic thus set up a bicameral system in which two assemblies coexist: a National Assembly which is elected by direct universal suffrage and represents the citizens and a Senate which is elected by indirect universal suffrage and represents the territorial units of the Republic.

As is the case with most Parliaments made up of two assemblies (with the notable exception of the Italian Parliament), French bicameralism is an unequal system as the National Assembly has much broader powers than those of the Senate:

- It alone can call the Government to account by refusing to grant it its confidence or by passing a censure motion (following the same idea, only the National Assembly can be dissolved by the President of the Republic);

- In the case of disagreement with the Senate, the Government can decide to grant the National Assembly "the final say" in the legislative procedure (except for constitutional acts and institutional acts concerning the Senate);

- The Constitution provides the National Assembly with a more important role in the examination of the finance bill and the social security financing bill. Thus the tabling for a first reading of such bills must be before the National Assembly and the time limits granted for their examination are much longer.

In almost all other areas the two assemblies are provided with the same powers.

If the two assemblies do not have the same powers, they also do not have the same renown. Citizens know the National Assembly and the M.P.s whom they have elected much better. In addition, the media cover the proceedings of the National Assembly much more closely as its debates are more central to the main political issues and because the vast majority of the important political leaders are or have been M.P.s.

2. – The Senate of the Fifth Republic

The first characteristic of the Senate is its permanence: in contrast with the National Assembly, it cannot be dissolved. This permanence is the main justification for the Constitution of the Fifth Republic to grant the provisional exercise of the office of the President of the Republic to the President of the Senate if the former is prevented from doing so, if he resigns or dies. This interim is limited to the time needed to organize a presidential election (in practice, it lasts around 50 days).

The specificity of the Senate lies in the role of the representation of the territorial units which is granted to it by article 24 of the Constitution. The method of electing Senators ensues from this role.

The Senate is made up of 348 Senators (there were 321 before the revision of 2003 which provided for a gradual increase in the numbers) who are elected by indirect universal suffrage for six years. Half the Senate is renewed every 3 years.

The Senators are elected by a college of around one hundred and fifty thousand grand electors (who are required to participate in the vote). This college is made up of:

- M.P.s, Senators, regional councillors elected in the Department or councillors elected in similar communities with a special status, and departmental councillors;

- Delegates of the municipal councils whose number depends on the population of the municipality:

- 1 to 15 delegates for municipalities of less than nine thousand inhabitants;

- All the municipal councillors for municipalities of between nine thousand and thirty thousand inhabitants;

- The entire municipal council plus a supplementary delegate (elected by proportional ballot by the municipal council itself) for every thousand inhabitants in municipalities of over thirty thousand inhabitants.

This system leads to a very strong representation for small rural municipalities within the college of grand electors since there are around thirty thousand municipalities of this type in France.

The voting method varies according to the constituency:

- In the constituencies electing fewer than three senators, the method is a two-round majority system;

- In those electing three or more Senators, the method is one of proportional representation with the application of the rule of the highest average for the distribution of the remaining votes.

All candidates for the office of Senator must be, at least, twenty-four years old.

This role of representation of territorial units explains why article 39 of the Constitution recognizes that bills concerning the organization of such units are first presented before the Senate.

Before the constitutional revision of July 23, 2008 it was the Senate and the Senate alone which represented the French living abroad. The latter elect 12 Senators by indirect suffrage. It was for this reason that the Senate examined, before the National Assembly, all bills dealing with bodies representing French people living outside of France. However, the French living abroad are now represented at the National Assembly as well as in the Senate. This situation has led to the abolition of the priority consideration of such bills previously granted to the Senate.

II. – RATIONALIZED PARLIAMENTARIANISM

1. – Application of the principles of rationalized parliamentarianism

One of the main aims of the framers of the 1958 Constitution was to limit the excesses of parliamentary sovereignty, which were one of the principle causes of the governmental instability which had prevailed during the Third and Fourth Republics.

According to Michel Debré, "*Governmental stability cannot first of all be the result of an electoral law but must be that of constitutional rule*". The latter was to be composed of "*four series of measures:*

"– A very strict calendar of sessions;

"– An attempt at defining the ambit of statute;

"– A profound reorganization of the legislative procedure;

"– An adjustment of the legal mechanisms necessary for the balance and the correct operation of the political institutions".

The formulation of these principles in the Constitution in 1958 took a variety of forms:

- Two sessions of around three months each per year;

- Control of the agenda of the assemblies by the Government;

- Limitation of the right of parliamentarians to initiate legislation and to amend concerning the ambit of statute as defined by the Constitution and the rules of financial admissibility;

- Prior examination by the Constitutional Council of the Rules of Procedure of the assemblies;

- Limitation to six of the number of standing committees;

- Broad control by the Government of the legislative procedure (declaration of emergency, convening of joint committees, recourse to a forced vote etc.);

- Strict limitations placed on the budgetary procedure;

- Possibility of having a law passed without a vote unless the Government is defeated (article 49, paragraph 3 of the Constitution);

- Strict definition of the conditions of votes of no-confidence in the Government.

2. – The modernization of the role of Parliament

All of these measures had, as their primary objective, the limitation of the role of Parliament. In fact, a certain retreat in Parliament's role can be noticed in the years which immediately followed the setting-up of the new system. The strong personality of General de Gaulle, the first President of the Fifth Republic, along with the fact that the excesses of the Parliament of the Fourth Republic were still to the forefront of people's minds, can explain this temporary decline in the role of the parliamentary institution.

However, by exploring the avenues of modernization, Parliament has gradually regained quite an amount of its influence. Several reforms which have been implemented over the course of the last two decades bear witness to this development:

- The constant increase in the monitoring activities of Parliament (the proliferation of committees of inquiry, the setting-up of information missions within standing committees, the birth and development of the procedures of questions to the Government, the establishment of several parliamentary offices and delegations etc.);

- The introduction, in 1995, of the single ordinary session of nine months instead of the system based on two three-month sessions;

- The intervention of Parliament since 1996 on the question of the financing of social security through the adoption of a new type of law;

- The implementation, since 2005, of a new procedure for the adoption of finance bills which has greatly strengthened Parliament's role in the budgetary area.

The constitutional revision of July 23, 2008 introduced several important developments in this direction leading to a distinct strengthening of the role and the powers of Parliament:

- Before 1995, one sitting per month was given over to a priority agenda set by each assembly. Today the Constitution provides for the sharing of the control of the agenda between each assembly and the Government. Two out of four weeks are reserved for the priority consideration of bills and for debates requested by the Government, but the other two weeks are given over to an agenda set down by each assembly; nonetheless the Government may always have priority to include on the agenda several types of bill such as finance bills and social security financing bills;

- The increase of the powers of Parliament in the legislative procedure: the consideration of a Government bill or a Members' bill in plenary sitting may only occur after a six-week period following its tabling or a four-week period between its transmission by the assembly where it is first tabled and the discussion, except if the Government has implemented the accelerated procedure; the latter now replaces the declaration of emergency and the Conferences of Presidents of the two assemblies may jointly oppose its implementation; bills must now be accompanied by impact studies; the discussion of both Government and Members' bills in plenary sitting, with the exception of finance bills, social security financing bills and constitutional bills, now deals directly with the text adopted in committee; the presidents of the two assemblies may jointly call for the meeting of a joint committee on a Member's bill;

- The restriction of the possibility for the Government to call on the provisions of article 49, paragraph 3 (the passing of a bill without a vote) to a single bill during any one session, outside of finance bills and social security financing bills upon which they may make their accountability an issue of confidence;

- The increase of the number of standing committees from six to eight;

- The possibility for the two assemblies to pass resolutions which may hold the Government accountable for its actions or contain injunctions which may be inadmissible;

- The development of the means of monitoring and assessment through the increase in the maximum number of standing committees (from six to eight), the creation at the National Assembly of a Committee for the Assessment and Monitoring of Public Policies

and the introduction of the principle that Parliament may be assisted by the Court of Auditors in the oversight of Government action and in the assessment of public policies;

- The submitting of certain appointments formerly solely within the remit of the President of the Republic to the opinion of the relevant standing committees in each assembly;

- The informing of Parliament by the Government of its decision to have the armed forces intervene abroad and, when such an intervention lasts longer than four months, the obligation for the Government to submit such an extension to the agreement of Parliament.

File n°2

THE CONGRESS OF PARLIAMENT

Key Points

Under the Fifth Republic, Congress is the meeting of the two Houses of Parliament (the National Assembly and the Senate).

It may be convened in three cases: for a revision of the Constitution; to approve the membership of a state to the European Union; to hear a declaration of the President of the Republic. In the latter case, the statement may give rise, in the absence of the Head of State, to a debate without vote.

When Congress is required to vote on a Government-sponsored or Parliament-sponsored constitutional bill or on the membership of a state to the European Union, it may not, contrary to a legislative assembly, avail of the right to amendment.

Congress is convened by the President of the Republic and sits in the *Château de Versailles*, in the Chamber referred to as the '*Aile du Midi'*.

It has its own Rules of Procedure but its *Bureau* is that of the National Assembly.

Under the Fifth Republic, Congress is the meeting of the two Houses of Parliament (the National Assembly and the Senate).

I. – THE THREE CASES FOR THE CONVENING OF PARLIAMENT IN CONGRESS

The Constitution nowadays provides for three cases for the convening of Congress:

– Since 1958, Congress may be convened in order to revise the Constitution. One of the two procedures which may lead to the revision of the Constitution, as laid down in paragraph 3 of article 89, provides that instead of submitting a constitutional reform bill passed in the same terms by the National Assembly and the Senate, to a referendum, the President of the Republic may decide to submit it to Parliament convened in Congress. In this case the bill is passed only if it obtains a three fifths majority of votes cast. Since Since 1958, twenty-two out of twenty-five constitutional revisions have been passed by Congress during seventeen meetings

– Since 2008, Congress may also be convened to hear a declaration of the President of the Republic: the revision of July 23, 2008 included in paragraph 2 of article 18, the possibility for the Head of State to "*take the floor before Parliament convened in Congress for this purpose. His/her statement may give rise, in his/her absence, to a debate without vote*". This provision has, for the moment, been used four times (on June 22, 2009, by Mr. Nicolas Sarkozy, on November 16, 2015 by

Mr. François Hollande, on July 3, 2017 and July 9, 2018 by Mr. Emmanuel Macron) and each time the declaration of the President of the Republic was followed by a debate;
– Finally, Congress may, also since 2008, be convened to approve the membership of a state to the European Union (article 88-5 of the Constitution). Even though bills concerning membership are, in principle, submitted to referendum, Parliament may decide, by adopting a motion passed in identical terms by a three fifths majority in each assembly, that such a bill may be submitted to Congress. In such a case, the bill must be passed by a three fifths majority of the votes cast.

II. – THE WORKING OF CONGRESS

1. – Convening and closing

The President of the Republic convenes Congress by a countersigned decree which sets the agenda. However the closing of Congress is announced by the President of Congress (who is the President of the National Assembly).

2. – Seat

The Congress sits in the *Château de Versailles*, in the Debating Chamber of the *Aile du Midi*.

These particular premises have long been associated with Parliament since the National Assembly was in fact born in Versailles after the delegates of the Third Estate to the Estates General were refused access to the *Salle des Menus Plaisirs*, and moved to the *Salle du Jeu de Paume* where they swore their oath on June 20, 1789.

After the defeat of 1870, the national representation sat at Versailles between March 1871 and August 1879 and it was only once the Republic had been properly established that it moved definitively to Paris. It would only return to Versailles from time to time – for the election of the President of the Republic under the Third and Fourth Republics as well as for constitutional revisions under the Fifth Republic.

Since law n° 2005-844 of July 26, 2005, only "*the Debating Chamber of the Congress and its accesses are allocated to the National Assembly and the Senate*" and "*the other premises necessary for the holding of the Congress of Parliament located at the Château de Versailles, will be, as and whenever necessary, made available for no charge, to the National Assembly and the Senate*".

3. – Organization

– The Rules of Procedure of Congress

Congress is run according to its own Rules of Procedure which are based on the Rules of Procedure of the National Assembly. Upon the passing of these Rules of Procedure in 1963, the Constitutional Council recognized itself as competent to judge their conformity to the Constitution given that Congress was considered a

parliamentary assembly in the sense of article 61, paragraph 1 of the Constitution (decision n° 63-24 DC of December 20, 1963).

The Rules of Procedure were last modified on June 22, 2009 to introduce the possibility for the President of the Republic to make a speech before Congress as provided for by the constitutional revision of July 23, 2008.

As for the National Assembly, the "General Instructions of the Bureau" lay down the mechanisms for the implementation of the Rules of Procedure of the Congress.

– *The Managing Bodies*

Congress is managed by a "*Bureau with full power to preside over the deliberations of Congress and to organize and direct all departments*" (article 3 of the Rules of Procedure of Congress).

This *Bureau* is the *Bureau* of the National Assembly.

The President of the Congress is tasked with guaranteeing the internal and external security of the Congress.

During the sitting, he directs the deliberations, enforces the Rules of Procedure, keeps order and informs Congress of the communications which concern it.

– *The seating of the Members of Congress*

The Members of the National Assembly and the Senators are not seated in the Chamber by political groups as at the National Assembly and the Senate, but by alphabetical order according to their last name.

4. – Rules concerning the proceedings of Congress

a. The Deliberations of Congress

When Congress is required to vote on a Government-sponsored constitutional bill or on the membership of a state to the European Union, it may not, contrary to a legislative assembly, avail of the right to amendment. In a similar fashion to when the people votes by referendum, Congress may only approve or reject the text submitted to it.

However, as a legislative assembly, Congress does deliberate. Its President for example, may authorize points of order. He may also give the floor for explanations of vote.

Although the Rules of Procedure of the Congress state that Congress "*shall usually vote by show of hands on all matters*", it also sets down that a public ballot shall be held as of right upon the decision of the President, upon the request of the Government, upon the request personally penned by a chairman of one of the groups of either of the assemblies (or by his representative) or when the Constitution requires

a qualified majority. Thus votes on constitutional revisions give rise by definition to a public ballot. These ballots are held by means of electronic ballot boxes in the rooms adjacent to the Chamber. In practice, voting by show of hands is usually reserved for draft motions aimed at amending the Rules of Procedure of Congress.

b. Statement by the President of the Republic

Contrary to the cases provided for in articles 88-5 and 89 of the Constitution, the statement by the President of the Republic does not give rise to a vote. Article 23 of the Rules of Procedure of Congress describes in detail the procedure which should be followed in this particular case.

The debate which follows the statement (and which according to the Constitution can only be held in the absence of the Head of State) is granted as of right if requested by the chairman of one of the political groups of either of the assemblies at the latest by midday on the eve of the Congress. It may also be decided upon by the *Bureau* of the Congress.

At the time appointed for the statement, the President of the Republic is ushered into the Chamber upon the order of the President of Congress who immediately gives him the floor. Upon the conclusion of his statement, the President of the Republic is shown out of the Chamber in the same way. The sitting must then be suspended or closed. No Member of Congress is allowed to speak during the statement.

c. Discipline

Articles 70 to 77-1 inclusive of the Rules of Procedure of the National Assembly concerning discipline are applied during Congress.

II - Members of Parliament and Parliamentary Groups

File n°3

THE ELECTION OF AN M.P.

Key Points

The 577 M.P.s of the National Assembly are elected, by universal suffrage, to sit for five years. Every French person of either sex may be a candidate provided they are at least eighteen years old, in possession of their civil and political rights and are not excluded by any law concerning personal or professional ineligibility.

In accordance with the Constitutional Act of July 23, 2008, French nationals living abroad are also represented in the National Assembly and no longer only in the Senate.

The boundaries of constituencies and the distribution of M.P.s' seats must be based on the application of essentially demographic criteria so that the notion of voting equality is respected. Since the Constitutional Act of July 23, 2008, and in keeping with the Institutional Act of January 13, 2009 which brought into force article 25 of the Constitution, an independent committee publicly expresses an opinion on the Government and Private Members' Bills defining the constituencies for the election of Members of the National Assembly, or modifying the distribution of the seats of Members of the National Assembly or of Senators.

The organization of the election campaign is essentially a matter for the candidate themselves. The Constitutional Council nonetheless monitors the proper conduct of the election and may declare it void, should it consider one candidate to have been given an unfair advantage.

In addition, since the beginning of the 1990s, there has been a strict monitoring of election campaign financing which has guaranteed the openness and fairness of elections.

I. – VOTING METHOD AND NATURE OF THE ELECTION

1. – Election by uninominal majority in two rounds

M.P.s are elected by direct universal suffrage using a uninominal majority system in two rounds. All French citizens of at least eighteen years old who are in possession of their civil and political rights and who are not in a state of legal incapacity, may vote.

In order to be elected on the first round, a candidate must obtain an absolute majority, i.e. more than half the votes cast and a number of ballots equal at least to one quarter of the voters enrolled.

If no candidate is elected in this way, then a second round is required. Only those candidates who have obtained a number of ballots in the first round equal at least to 12.5% of the voters enrolled, may stand in the second round. In the second round, a relative majority is enough for election. Thus the candidate with the highest number of votes is deemed elected.

The election is held on a Sunday with the second round, when necessary, taking place on the Sunday following the first round.

2. – Local election but national representation

M.P.s are national representatives. Although each of them is elected in a single constituency, they each represent the entire nation.

In accordance with the traditional principle underlined in article 27 of the Constitution: "*No Member shall be elected with any binding mandate*". As M.P.s are not legally bound by any political commitment, they are free to decide on their orientation in the exercise of their office.

3. – Constituencies

The constituencies, in which each M.P. is elected, are drawn up by the Electoral Code within each department, taking into account the size of the population. At present, their number ranges, depending on the department, from 1 to 21.

Law n° 2009-39 of January 13, 2009 empowered the Government to re-draw the electoral boundaries by ordinance. The previous redrawing of boundaries was in 1986.

This operation had to respect a certain number of rules laid down by the aforementioned law and sanctioned by the jurisprudence of the Constitutional Council, i.e. the division of the constituencies had to be based on essentially demographic criteria; population discrepancies between constituencies could be justified when certain considerations of a general interest were taken into account; in no case could the population of a constituency differ by more than 20% from the average population in the constituencies of the department. In addition, except in circumstances justifiable for demographic or geographical reasons, constituencies had to be drawn-up on a single territory.

In its draft ordinance, the Government proposed a re-drawing procedure which applied the so-called 'slicing' or Adams method to the most recent demographic data. A divisor is established (in this case 125,000 inhabitants) and one seat is allotted for each fraction of the divisor.

In accordance with the Constitutional Law of July 23, 2008 and with the Institutional Law n° 2009-38 of January 13, 2009, applying article 25 of the Constitution, the Government then had to submit, for opinion, this draft boundary re-

drawing ordinance to an independent commission. This opinion dealt both the constituencies of M.P.s elected in departments, in overseas territorial communities governed by article 74 of the Constitution, in New Caledonia as well as with those of M.P.s representing the French abroad.

As regards the constituencies of those M.Ps representing the French abroad now represented in the National Assembly in accordance with the Constitutional Law of July 23, 2008, the Constitutional Council accepted that there would be no requirement concerning a maximum demographic gap between the most and the least populated constituency. This exception was specifically justified by geographical constraints. The ordinance thus proposed to create 11 constituencies: six for Europe, two for America and the three others bringing together the countries of Africa and Asia.

With the Law n° 2010-165 of February 23, 2010, Parliament ratified the Ordinance n° 2009-935 of July 29, 2009 which led to a new distribution of M.P.'s seats between the departments of mainland and overseas France, the overseas communities and New Caledonia as well as the specific representation of the French established outside of France, by modifying Table n° 1 annexed to article L.125 of the electoral code.

4. – Length of term

a. A Five-year Term

The National Assembly is entirely renewed, in principle, every five years. Thus the powers of the National Assembly expire (the Institutional Act n° 2001-419 of May 15, 2001 modified the expiry date of the powers of the National Assembly), "*on the third Tuesday of June of the fifth year following its election*" and general elections must take place within the sixty days preceding this date.

b. By-elections

The electoral system limits the number of by-elections by making provision for the election, at the same time as that of the M.P., of a substitute who will replace the M.P. in the case of death, appointment to Government or to the Constitutional Council, of accepting the role of Defender of Rights or of a temporary mission upon the Government's request for more than six months.

Since the Institutional Law n° 2014-125 of February 14, 2014, prohibiting the combining of local executive functions with the position of M.P. or of Senator and as of the general election of June 2017, an M.P. who resigns on account of the combination of offices may also be replaced by their substitute.

In the other cases when a seat becomes vacant (annulment of the election by a judge, dismissal on account of ineligibility, resignation from office because of non-respect of the financing rules concerning the electoral campaign or resignation for personal reasons), a by-election is organized. However, no by-election may take place within the twelve months preceding the end of the term of the National Assembly.

Since the Constitutional Act of July 23, 2008, M.P.s who have been appointed members of Government, may, within a month of their ministerial role coming to an

end, retake their seat in the National Assembly (article 25 of the Constitution and article L.O. of the electoral code).

c. The Exercise of the Right to Dissolve by the President of the Republic

In addition, the President of the Republic may decide to exercise the right to dissolve the National Assembly, granted to him/her by article 12 of the Constitution.

In this case, the general elections must take place, at the earliest, twenty days and at the latest, forty days after the publication of the decree proclaiming the dissolution.

II. – CONDITIONS OF CANDIDACY AND ELIGIBILITY OF CANDIDATES

All people who, upon the date of the first round of voting, fulfil the conditions to be a voter and do not correspond to any of the categories concerning ineligibility laid down in the electoral code, may put forward their candidacy and may be elected.

1. – Ineligibility of an individual

Some specific categories of people may not be elected:

- Those placed under wardship or guardianship;

- Those having been declared ineligible on account of a breach of the rules concerning the financing of electoral campaigns or guilty of fraudulent manipulations leading to a violation of the legality of the ballot.

Similarly, no person not having fulfilled the obligations provided for by the code pertaining to national service may be elected to Parliament.

2. – Ineligibility on account of one's function

Certain people, whose professions or offices could grant them an unfair advantage in an election, thus creating a clear imbalance between the candidates, are excluded from being elected.

The law clearly states the offices or professions thus concerned as well as the geographical range and the length of such ineligibility to be elected. Therefore:

- The Defender of Rights, his/her deputies and the General Inspector of Places of Detention are ineligible for election throughout the entire territory during the term of their office;

- Prefects are ineligible for election in the constituencies which fall within their sphere of office or offices which they have held within the previous three years;

- The following may not be elected in any constituency which falls within the sphere in which they have carried out their office during the previous six months:

  - Judges;

  - Military officers with a territorial command;

  - Some civil servants with managerial or monitoring positions in the foreign, regional and departmental services of the State;

  - The members of staff of territorial authorities and of the largest public establishments for inter-communal cooperation.

III. – ELECTION CAMPAIGNS AND THEIR FINANCING

1. – The rules of the campaign

The running of an election campaign is entirely the responsibility of the candidates and is usually dependent on certain objective criteria (size of the constituency, town-country ratio etc.). In this field which is at the very heart of democracy, freedom is essential and prohibitions must be kept to the very minimum. Thus the candidates can, in principle, meet the population, hold meetings or distribute leaflets as they so wish.

Nonetheless, the following are forbidden:

- Unauthorized postering, as special space is given over in each area, during the election campaign, for official posters of each candidate;

- The use for electioneering of commercial advertising either by means of the press or television and radio.

Such abuses committed during the election campaign (e.g. defamation, the use of official speeches, intimidation etc.) are punishable by the judge in charge of supervising the fairness of the election.

This supervision is of a pragmatic nature and aims at assessing if, during the campaign, the rule of equality between candidates has been broken by irregular procedures. Thus, the widespread circulation of a leaflet containing false allegations on the day before an election would certainly lead to the invalidation of the election, especially if the result were very close. However the judge would certainly decide that the communication of defamatory material has had no effect on the election if the candidate who is called into question has had the time to reply and if the margin of victory were to be very wide.

2. – The financing of electoral expenditure

As regards the financing of their election campaign, every candidate at a general election must follow organizational rules and provisions which limit, both from

a quantitative and qualitative point of view, the money which can be spent. The compliance with such rules and provisions is necessary for the subsequent reimbursement of part of their expenses as well as for, in certain cases, the very validation of the election (see electoral litigation).

a. The Appointment of a 'Representative' and the Setting-up of a Campaign Account.

During the year prior to the election (or counting from the date of the dissolution decree), the garnering of the funding necessary for the election must be placed under the responsibility of a representative especially appointed to do so. Such funds must be placed in accounts set up for this purpose.

The representative can be, depending on the choice of the candidate, either a natural person or an association dealing with electoral financing. In either case, the representative must open and manage a deposit account set up specifically for the financial operations of the campaign.

Every candidate in a general election, whether they are elected or not, must set up a campaign account which records all incoming and outgoing financial operations linked to the election. This account must also include both as regards revenue and expenditure, the financial equivalent of all the fringe benefits, benefits in kind and services which the candidate has received or provided from during his campaign.

The campaign account must either be in the black or break even. It cannot be in the red. It must be passed by a certified accountant and communicated, along with all pertaining documents. The account must be presented before 6pm on the second Friday following the first round of the election, to the National Committee on Campaign Accounts and Political Financing, which will either approve or reject it in the six months following its filing.

b. Supervising Expenditure and Revenue

In order to reduce the increase in election campaign expenditure and to maintain openness, as well as to limit the number of private donations in the financing of campaigns, the law has established several boundaries.

As regards funding:

- Only political groupings which, as beneficiaries of public financing or having a financial representative, are under the supervision of the National Committee on Campaign Accounts and Political Financing, can be involved in the financing of candidates' campaigns;

- The involvement of a legal entity in the financing of a candidate's electoral campaign is prohibited. This is the case for local authorities, companies, public bodies, associations or trade unions and applies to whatever form of financial involvement this might be (gifts, provision of goods, services or other);

- Gifts from individuals have an upper limit of €4,600 and every gift over €150 must be payable by cheque, by direct debit or by credit/debit card (article L. 52-8 of the Electoral Code). In addition, the total amount of gifts made in cash must be less than or equal to one fifth of the limit of expenditure allowed (article L. 52-8 of the Electoral Code);

- Since January 1, 2018, new rules govern the use of loans by candidates (interest rate, amount, duration and repayment terms) so as to ensure that they are not “disguised donations” Legal entities, with the exception of political parties and groups as well as credit institutions or financing companies having their head office in a Member State of the European Union or party to the agreement on the European Economic Area, may neither grant loans to a candidate nor provide them with their guarantee (article L. 52-8 of the electoral code). Candidates encountering difficulties may contact the credit mediator for candidates and political parties.

As regards expenditure:

- In 1993, the law reduced the limit for authorized expenditure from €76,000 to €38,000 plus an allowance of €0.15 per inhabitant of the constituency (article L. 52-11 of the electoral code); Finance Law n° 2011-1977 of December 28, 2011 for 2012, provides that no updating of this figure should occur until a year in which the public deficit reaches zero;

- In addition to a reimbursement of election campaign expenditure, the law grants candidates who have obtained at least 5% of the votes cast in the first round of the election, a fixed reimbursement concerning their campaign expenditure.

To take advantage of this, the candidate who is proclaimed elected must:

- Remain within the legal limits as regards the opening and the accounting of the campaign account and as regards the limit on electoral expenditure;

- Be able to prove that they have lodged a declaration of estate with the High Authority for Transparency in Public Life.

The amount reimbursed is equal to the amount of expenditure which, according to the campaign account, has actually been spent by the candidate or represents their personal debt. Nonetheless this amount cannot exceed 47.5 % of the legal limit on electoral expenditure.

IV. – ELECTION LITIGATION PROCEDURE

The Constitutional Council must watch over the fairness of parliamentary elections. Thus, it makes rulings on eligibility, on the holding of the elections and on the respect of the rules on the financing of campaigns for the election of M.P.s.

1. – Litigation regarding eligibility to be elected

As regards matters of eligibility, the Constitutional Council is called upon to make rulings after appeal by the administrative tribunals. It only rules on ineligibility to be elected and once this has been ascertained the ruling is absolute. When it is called upon to make such a ruling, it does so concerning both the candidate and his/her substitute.

2. – Litigation regarding electoral operations

The procedure concerning electoral operations deals with both the balance of campaign funding and the fairness of the holding of the election itself.

As regards the campaign itself, the electoral code is particularly strict as it sets down in a very restrictive framework that which is allowed (sending official documents and placing posters in authorized places). In concrete terms, the Constitutional Council judges the impact of irregularities on the outcome of the election less according to the abuse of campaigning itself and rather according to the imbalance between the candidates which can result from it.

Since the Constitutional Council deals with the real issues of electoral operations (it judges the actual holding of the election, the opening of the ballot boxes, as well as the count) its remit is very broad. This may lead it, when it notes an irregularity or electoral fraud which may have a significant impact on the election result, to cancel the election or to modify the results and this could mean the election of a candidate other than the one initially deemed to have won.

3. – Litigation regarding the financing of general elections

The litigation procedure regarding the financing of general elections deals, first of all, with the supervising of the campaign account. The electoral code makes provision for the ineligibility for election for three years of any candidate who has not presented their campaign account according to the conditions and within the limits laid down.

The judge has the power to assess if he feels there has been a desire to cheat at the election or if there has been a particularly serious breach of the rules concerning the financing of electoral campaigns. In this case, he must declare the candidate ineligible.

File n°4

THE FINANCING OF POLITICAL LIFE: POLITICAL PARTIES AND ELECTION CAMPAIGNS

Key Points

Since 1988, lawmakers have passed many provisions concerning the financing of political life and election campaigns, which have all been aimed at providing greater openness in this area.

Political parties receive state aid depending on their results in elections. This aid now represents their main source of financing. However, gifts from other legal entities are forbidden.

Candidates at elections must respect a ceiling placed on expenditure which is set by law and may also receive public aid. In order to be eligible for such aid they must be able to justify all their expenditure and revenue in a campaign account which is managed by a representative appointed by them and presented by a chartered accountant.

At election time, political parties and candidates have a substantial amount of expenses. Until 1988, no specific legal structure actually covered the financing of these expenses. This loophole encouraged certain abuses which have been curbed progressively by certain measures.

The current mechanism, which has been gradually fine-tuned, is based on several fundamental principles:

- The legal recognition of a legal status for political parties. The Constitution provides political parties with two objectives:
    - To contribute to the exercise of suffrage;
    - To promote equal access by men and women to elective offices;

Parties which fulfil these objectives can take advantage of public financing;

- Party and candidate resources must have a certain number of safeguards attached, thus guaranteeing openness and avoiding secret financing and the financial pressures which might compromise their independence;

Thus, since 1995, public authorities have decided to cut all financial links between companies and the actors in political life (the parties and candidates) and to definitively prohibit legal entities from taking part in the financing of political life;

- Election expenditure has been capped both to avoid a continual rise in communication expenses as well as to ensure greater equality between candidates outside of their personal assets;

- To offset the lack of membership financing, which has always been modest in France, the State has set up a system of financial aid to parties and of reimbursement of a part of the campaign expenses, provided that the parties strictly follow the laws which govern such spending;

- Non-respect of such laws can have a series of consequences for the perpetrators (legal penalties, financial penalties and especially electoral penalties concerning ineligibility for election for the candidates, which have the effect of temporarily forcing those who take the risk of electoral fraud to withdraw from political life);

- The implementation of the rules concerning the financing of parties and election campaigns falls within the remit of an independent administrative authority, the National Committee on Campaign Accounts and Political Financing (CNCCFP), which is under the authority of the electoral judge (i.e. the Constitutional Council for presidential and general elections and the administrative judge for other elections);

- The estate of M.P.s must be declared at the beginning and end of each term in order to be sure that they have not taken advantage of their office to gain undue wealth. This verification is carried out by an independent administrative body, the High Authority for Transparency in Public Life which replaced the Committee for Financial Transparency in Political Life (Institutional Law n° 2013-906 and Law n° 2013-907 of October 11, 2013 concerning transparency in public life).

I. – THE FINANCES OF POLITICAL PARTIES

1. – The expenditure of political parties

Political parties have all sorts of expenses. These include:

- Salaries for permanent members of staff;

- Rent of offices and premises;

- Material, secretarial and postage expenses;

- Advertising and communication expenses;

- Drafting, printing and distribution of various publications (newspapers, pamphlets, brochures etc.).

In addition, parties spend large sums of money at election time, by financially supporting the candidates from within their ranks.

2. – The resources of political parties

In order to finance their expenses, political parties have two main sources: private financing, which is usually small and public aid from the State, which has become the most substantial amount.

a. Private Financing

Like any association, political parties may receive dues from their members. In practice, such membership contributions only represent a tiny fraction of the resources of the party (the membership fee received from local officials and M.P.s is generally higher but such practices vary from party to party).

Parties may have other private income but only within the limits of legislation which is becoming stricter and stricter: resources coming from the economic activities of the party, bequests etc.

This category also includes donations from natural persons, which are covered by the laws of 1995. Despite the existence of tax incentives, voluntary contributions from natural persons have remained quite small. Law n° 88-227 of March 11, 1988 concerning financial transparency in political life set the amount of donations which can be made and contributions paid to political groupings at €7,500 per natural person. According to Law n° 2013-907 of October 11, 2013, concerning transparency in public life, the annual ceiling on donations from natural persons no longer applies by political party but by donor. Since Law n° 2017-1339 of September 15, 2017 for trust in the political process, only French people or people residing in France can make such donations. In addition, under Decree no° 2018-518 of June 27, 2018, the agent of the political party must, when receiving the donation, mention the nationality and address of the donor in order to enable monitoring of the origin of the donation.

Since 1995, legal entities, whatever they may be (often companies), are no longer allowed to make the slightest donation nor to offer the slightest benefit in kind to political parties.

Loans to political parties are also subject to strict supervision. Indeed, Law n° 2017-1339 of September 15, 2017 concerning transparency in public life provides that individuals can only grant such loans provided that they are not made on a frequent basis. These loans, which are subject to ceilings, cannot exceed a duration of five years; they cannot constitute disguised donations. Regarding loans granted by legal entities, they are only authorized for European entities: a State or a bank outside the Union can therefore neither lend nor guarantee the loan of a political party. The CNCCFP exercises control over these loans.

b. Public Financing

The public financing of political parties was progressively covered by a series of laws which were enacted between 1988 and 2010.

Every year, allocations set aside for political parties and groupings are included in the annual Finance Bill. They amount to €66.15 million for 2022 divided between more than 31 parties or groupings.

These funds are divided between the political parties:

- The first allocation (50%) depends on their results at the first round of the previous general elections. This part of the public financing helps parties with candidates in at least 50 constituencies or in at least one department or overseas community, who obtained at least 1% of the votes cast (this provision was added in 2003 and aimed at reducing the sharp increase in candidacies which had grown from 2,888 at the first round of the 1988 general elections to 8,444 in the 2002 campaign). The Finance Act of 2018, made it clear that the allocation of a parliamentarian who does not declare to be a member of any party, is transferred to the general state budget. This first allocation is reduced in cases of non-application of the rules encouraging gender equality between men and women;

- The second allocation (50%) goes to the parties represented in Parliament according to their number of M.P.s. Only those parties which have received funds through the first allocation are eligible for the second.

c. Other Types of Public Aid to Political Parties

In addition to the aforementioned fiscal incentives, the State also provides political parties, in subsidiary ways, with means which could be considered to have a financial equivalent and can thus be seen as indirect financing:

- Political groupings which are represented by parliamentary groups at the National Assembly or the Senate, have a right, outside of election campaigns, to 'air time' which gives them the chance to express themselves on public radio and television channels;

- The State grants associations which are political parties, tax reductions (company tax at a reduced rate) on some of their own revenues (the rent on their developed and non-developed buildings for example);

- The credit mediator for candidates and political parties, created under law n° 2017-1339 of September 15, 2017 concerning transparency in public life, has the mission of facilitating the granting of loans by banks to candidates, parties or political groups encountering financing difficulties. In order to contact the mediator the latter must demonstrate that they have had, at least, two refusals to open a bank account, for services linked to a bank account or for a loan during the previous six months.

II. – THE FINANCING OF ELECTION CAMPAIGNS

The current measures in force are based on several principles:

- Private financing takes the shape of donations coming from natural persons or from political parties (donations from parties have no limit while those from natural persons cannot exceed €4,600 per election);

- The most expensive campaign expenses are prohibited (television and radio advertising and, in the six months prior to the election, telephone and computer marketing, press advertising and poster campaigns);

- Electoral expenditure is limited according to the number of inhabitants. Thus for a general election, this limit which was set in 1993, is €38,000 per candidate plus an allowance of €0.15 per inhabitant of the constituency. Since the Law of April 14, 2011 which simplified the provisions of the electoral code and dealt with the financial transparency of political life, these limits are usually updated every year, by decree, according to inflation. The initial Finance Law for 2012 and the Institutional Law of February 28, 2012, have however frozen these limits until a balance in public finances has once again been reached. For general elections for example, the current limit is thus that which was set by Decree n° 2008-1300 of December 10, 2008;

- Each candidate must appoint a 'financial representative' who may, according to the case, be a natural person or an association dealing with electoral financing set up in accordance with the Law of 1901 on associations.

This representative is the only person/body authorized to collect funds which will be used to cover election expenses and to make payments to cover expenses (the candidates are thus prohibited from having any direct financial dealings).

He must set up a campaign account which deals with all the revenues and expenditures linked to the election campaign. Unless the candidate obtains less than 1% of the votes cast, this account, which is passed by a certified accountant, will be submitted for inspection to the National Committee on Campaign Accounts and Political Financing (CNCCFP). The CNCCFP will either approve, revise or reject the campaign account which has been put before it. In the case of rejection, the CNCCFP refers the matter to the electoral judge who may, if an irregularity is established, announce the dismissal of the elected candidate and the ineligibility for election of the guilty candidate for a period as long as three years;

- If the account is accepted, the State grants candidates with at least 5% of the ballots cast at the first round, a reimbursement which can reach 47.5% of the expenditure limit.

On top of this set sum which is granted to candidates, the State also directly covers a variety of other expenses (printing of ballot papers, circulars, cost of postering in the spaces set aside for this etc.).

III. – TRANSPARENCY REGARDING AN M.P.'S ESTATE

The aim of the 1988 laws, as well as dealing with the financing of political parties and election campaigns was to ensure transparency regarding an M.P.'s estate, so as to avoid them taking advantage of their elected office to gain undue wealth.

Thus the obligation to make a ‘declaration of estate’ at the beginning and end of each term of office was introduced.

Since the entry into force of Institutional Law n° 2013-906 and Law n° 2013-907 of October 11, 2013, dealing with transparency in public life, this obligatory declaration does not only concern members of Parliament. It must be made by members of the Government, members of Parliament, French members of the European Parliament, local executive office-holders, local elected representatives holding a power of attorney, members of staff, members of independent authorities, job and office-holders who are appointed by Government and the Council of Ministers, as well as the chairs and managing directors of a certain number of companies, firms, establishments and bodies over which the state has complete or partial control.

In accordance with law, the above-mentioned people carrying out these offices or holding such positions, must draw up a declaration of interests or, in the case of members of Parliament a declaration of interests and activities.

The aforementioned law states that the reception, the checking, the monitoring and the publishing of such declarations shall no longer be carried out by the Committee for Financial Transparency in Political Life, but by the High Authority for Transparency in Political Life which the law indeed sets up.

Criminal sanctions have been introduced concerning persons who consciously omit to declare a substantial part of their estate or who provide an untrue assessment which renders their declaration false. The aforementioned law of October 11, 2013 has strengthened this measure by making provision for a three year prison sentence and a €45,000 fine for those persons infringing the law, in the case of:

- Those who do not make a declaration of estate or a declaration of interests;

- Those who consciously omit to declare a substantial part of their estate or interests;

- Those who provide an untrue assessment which renders their declaration false

As regards these offences, the law also provides for additional penalties: the loss of civic rights and the prohibition of holding public office

File n°5

STATUS OF THE M.P.

Key Points

M.P.s are elected to represent the entire Nation and take part in the exercise of national sovereignty. They pass laws and monitor Government action. Like Senators, they have a protected status. This status was not designed as a privilege but as a means to provide M.P.s with the independence and freedom of speech necessary for the carrying-out of their office. This particular protection is established by the principle of parliamentary immunity which is based on the Constitution itself.

This recognition of a specific status carries with it certain counterweights, as the office of M.P. must be carried out without being submitted to any influence which could impinge upon its free exercise. In addition, parliamentarians have to fulfil certain obligations and respect certain prohibitions.

Beyond the rights and obligations linked to their parliamentary office, the M.P. may also, in his/her official capacity, carry out various responsibilities both within and outside of the National Assembly.

I. – PARLIAMENTARY IMMUNITY

Parliamentary immunity is the term used to refer to the group of provisions which provide parliamentarians with a legal system exempting them from the constraints of ordinary law in their dealings with the Law so as to maintain their independence.

The wish to reconcile the necessary protection of the exercise of parliamentary office with the principle of the equality of citizens before the Law has led to the definition of two categories of immunity: unaccountability and inviolability.

1. – Unaccountability

The principle of unaccountability, or absolute immunity, shields parliamentarians from prosecution concerning acts linked to the exercise of their office. It is laid down by the Constitution, which in article 26, paragraph one, states that '*no Member of Parliament shall be prosecuted, investigated, arrested,*

detained or tried in respect of opinions expressed or votes cast in the performance of their official duties'.

Unaccountability covers all acts of parliamentary office: speeches and votes, bills, amendments, reports or consultations, questions, acts carried out during a mission requested by any parliamentary body.

It protects parliamentarians against any legal proceeding, civil or criminal, which could be brought for acts which, when carried out outside of the framework of parliamentary office, could lead to a criminal prosecution or the civil liability of the person responsible for them (defamation or slander for example).

However, jurisprudence has excluded remarks made by a parliamentarian during a radio interview or opinions expressed in a report written for a mission requested by the Government.

So, even if it ensures broad protection, it does not mean total immunity, since during their speeches in plenary sitting, M.P.s remain subject to the disciplinary system provided for by the Rules of Procedure of the National Assembly.

As regards its field of application, the principle of unaccountability has an absolute nature, as it cannot be withdrawn by any procedure. It is permanent since it applies throughout the entire year, including during recess. It is perpetual and is applied to proceedings concerning acts carried out during the term of office even after such a term has come to an end. The implementation of unaccountability falls entirely and purely within the remit of the judiciary. It is a matter of public order and the parliamentarian may not abandon it.

2. – Inviolability

The principle of inviolability attempts to avoid situations whereby the exercise of parliamentary office is hindered by certain criminal proceedings dealing with deeds carried out by M.P.s acting as normal citizens. It governs the conditions for the application of criminal proceedings concerning acts outside its remit.

Although, since the reform of August 4, 1995, the system of inviolability no longer protects M.P.s from the institution of proceedings (indictment), nonetheless no M.P. can be arrested nor be subjected to any other custodial or semi-custodial measure (judicial supervision) without the authorization of the *Bureau*, except in the case of a serious crime or other major offence committed *flagrante delicto* or of a definitive conviction.

Inviolability concerns only the person of the parliamentarian. It only applies in matters concerning the criminal or magistrate's court.

Unlike unaccountability, the application of which is not limited in time, inviolability has a reduced field of application which is limited to the duration of the term of office.

Requests for arrest or for custodial or semi-custodial measures concerning an M.P. are made by the *Procureur Général* (Principal State Council) to the competent Court of Appeal and are transmitted by the Minister of Justice to the President of the National Assembly and then examined by a delegation of the *Bureau* and then by the *Bureau* itself. The request is not published and the examination is carried out in the strictest confidentiality. Only the decision of the *Bureau* is published in the *Journal officiel* and in the *Feuilleton*.

The role of the *Bureau* is purely to make a pronouncement on the serious, fair and sincere nature of the request. Judging by the decisions the *Bureau* has taken since the 1995 constitutional revision, its power of assessment allows it not only to accept or reject the request overall but, if need be, to only take certain aspects of it into consideration.

In application of paragraph 3 of article 26 of the Constitution, the detention, subjection to custodial or semi-custodial measures or any other measure characterizing the proceedings against an M.P. can be suspended by a decision of the National Assembly.

For this to occur, requests for the suspension of legal proceedings, of detention or of custodial or semi-custodial measures are addressed to the President of the National Assembly by one or several M.P.s. They are then distributed and returned to the committee set up in accordance with article 80 of the Rules of Procedure. The M.P. in question or the colleague they have requested to represent them must appear before this committee which then draws up a report. Once this report has been distributed, the discussion of the request is included on the agenda of the National Assembly. A time-limited debate on the examination of the request is held in plenary sitting and, at its conclusion, the Assembly reaches its decision. This decision is binding on both the administrative and judicial authorities. It leads, for the duration of the session, to either the suspension of all legal proceedings or to the withdrawal of judicial supervision and the release of the imprisoned M.P.

II. – INCOMPATIBILITY

The notion of incompatibility, which is linked to the constitutional principle of the separation of powers, is the legal impossibility of combining certain offices with that of M.P. Such incompatibilities were first decreed in the public sector but this was later on extended to include certain offices carried out in the private sector. As opposed to the notion of ineligibility, the notion of incompatibility does not, in itself, rule out the fact of being elected but requires the elected candidate to make a choice.

1. – Incompatibility with elected public office

The office of M.P. may not be combined with that of Senator, that of Member of the European Parliament (M.E.P.) and, although no formal text actually states it, with that of President of the Republic.

In addition, in accordance with the law prohibiting the combination of local executive office with that of M.P. or Senator, the position of M.P. or Senator is incompatible with that of mayor, deputy mayor, president of a public establishment for inter-communal cooperation or with any office delegated by a local executive. This incompatibility is also extended to those powers devolved from a local office such as the presidency or vice presidency of a local semi-public company or a local public establishment. In addition, an M.P. may not combine his/her position as a national representative, with more than one office as regional councillor, departmental councillor and municipal councillor of a town/city of 1,000 inhabitants or more. This also applies to the position of Paris city councillor, as well as councillor of the Assembly of Corsica, Guyana or Martinique.

2. – Incompatibility with non-elected public office

So as to free M.P.s from the links which might make them dependent on another power or authority, the office of M.P. may not be combined with the position of member of the Government, of the Constitutional Council or of the Economic, Social and Environmental Council. Nor may it be combined with the position of judge or member of the High Council of the Judiciary.

More generally, the combination of non-elected public positions with that of the office of M.P. is considered incompatible. Nonetheless, it is possible for M.P.s to continue to hold the positions of Professor or senior lecturer in higher education.

The Institutional Law n° 2013-906 of October 11, 2013 concerning transparency in public life changed the statutory regime for civil servants who are elected to Parliament. Up until now, they were immediately provided with the status of secondment and thus benefitted from the rules concerning promotion. However, as of now, they are given the status of being on “leave of absence”.

Temporary missions at the Government’s request are considered compatible with the office of M.P., as long as they do not exceed six months. The Institutional Law n° 2013-906 of October 11, 2013 made it clear that the carrying-out of such a mission could not be rewarded by any remuneration, allowance or bonus.

3. – Incompatibility with other professional activities

The growing role of the state and the importance of certain interests in community life have led to specific positions in companies on a restricted list, as well as the carrying out of certain actions, being forbidden to M.P.s.

Thus it is prohibited to combine the office of M.P. with managerial positions in state-owned companies or in state public bodies, i.e. organizations closely dependent upon public authority (unless the M.P.s are appointed as members of the board of management in accordance with the law governing state-owned companies or state public establishments).

M.P.s are also prohibited from holding a position as a member of an independent or public administrative authority unless they have been so appointed within the scope of their role as M.P. In addition, the position of president of such an authority is also incompatible.

In addition, any remuneration, allowance or bonus offered in recompense for a position held, as a parliamentarian, within an institution or an external body, is prohibited.

Combination is prohibited with managerial positions in certain private companies which have been granted subventions or benefits by the state or public authorities in accordance with their special regulations. Equally, combination is prohibited with positions in companies working mainly in the financial or public savings sector or those whose activities consist of the implementation of work, the provision of services or supplies specifically for, or being subject to a discretionary authorization of, the state, a local authority or a public establishment, as well as those carrying out certain activities in the real estate field. Also included in the field of prohibition are firms which have an actual monitoring function on the aforementioned companies or of which half their capital is made up of participation in such companies and whose activity consists mainly in providing consulting services to such companies as well as to mixed economy companies.

It is prohibited for an M.P. to carry out the role of a representative of an interest group, either on an individual basis or for legal entities, establishments, groups or bodies enrolled on the list of representatives of interest groups made public by the High Authority on Transparency in Public Life.

The Institutional Law n° 2017-1338 of September 15, 2017 on Trust in Public Life strengthened, in addition, the restrictions concerning consulting and legal conditions.

There are currently four situations governed by incompatibility:

- An M.P. may not begin consulting activities as of his election and may not continue such activities if they began less than twelve months before entering office;

- An M.P. may not obtain control of a consulting company during their term of office;

- An M.P. may not exercise control of a company which itself has consulting activities with firms in which he may not have the managerial functions already mentioned;

- An M.P. may not exercise control of a consulting company if such control was obtained in the twelve months prior to being elected.

In addition, an M.P. may not provide consulting services to these same companies nor to foreign public structures.

If an M.P. is a lawyer, he may not consult nor plead against the State, state-owned companies, or public bodies and establishments. This prohibition also applies to all the members of the legal firm in which the M.P. is employed.

4. – Monitoring and penalties

So as to enable the monitoring of professional activities which are incompatible with parliamentary office by the *Bureau* of the National Assembly, M.P.s must, within two months of taking up office, submit to the *Bureau*, as well as to the High Authority for Transparency in Public Life (see below) a declaration of professional activities or of general interests which they intend to continue. Those M.P.s not providing the necessary documents are subject to severe sanctions, automatically dismissed and are declared ineligible by the Constitutional Council.

In the case of doubt or of a challenge concerning the compatibility of an activity, the *Bureau* refers the matter to the Constitutional Council. The Minister of Justice and the M.P. in question may also refer the matter to the Constitutional Council. If the Constitutional Council finds in favour of incompatibility, then the M.P. has thirty days to rectify the situation. If they do not do so within this limit, they are declared to have resigned from office by the Constitutional Council.

In the case of the combination of offices between a position as M.P. and a local executive office, the M.P. has a thirty-day limit to resign from the office they held previously. Thus an M.P. who is elected mayor must resign from the parliamentary position. On the contrary, an M.P. who is considered to have broken the rules of incompatibility on account of having two local non-executive positions may choose which of these two to give up. If they do not comply, the local executive office which was obtained at the earliest date automatically comes to an end.

When an act contravening the rules in the field of pleading or the use of the title of M.P. has been committed, the penalty is instantaneous. The M.P. in question is declared to have resigned from office by the Constitutional Council, upon the request of the *Bureau* or the Minister of Justice.

III. – OBLIGATIONS AND PROHIBITIONS WHICH APPLY TO M.P.S

1. – Specific prohibitions

These prohibitions, which deal with very specific acts and situations, exist mainly in an attempt to raise the moral standards of political life:

- To shield the parliamentarian from all forms of pressure, no M.P. nor Senator may receive, except in certain circumstances, any French decoration during the term of office;

- To avoid all violation of the dignity of parliamentary office, neither M.P.s nor Senators may use their position for advertising reasons;

- To avoid any media organization from hiding behind the immunity of its owner/editor, as a parliamentarian, so as to avoid prosecution in the case of a press offence, the company must, if its editor is an M.P., appoint a co-director chosen from a group of people who do not enjoy parliamentary immunity. The same applies for communication services to the public via electronic means (internet sites).

2. – Declaration of estate and declaration of interests and activities

The legal and financial status of an M.P. has a counterweight in the obligation of transparency. Therefore, a monitoring system was set up in 1988 making it possible to check that the exercise of the office of M.P. has not been an undue source of personal wealth for the member. Moreover, the Institutional Law n° 2013-906 of October 11, 2013, added other obligations concerning the fight against the conflict of interest to the provisions on estate.

a. The declaration of estate

The obligation of filling out a declaration of estate at the beginning and at the end of the term is a way of avoiding that M.P.s take advantage of their office to become unduly wealthy.

Thus, each M.P. is required, within two months of his election, to submit to the High Authority for Transparency in Public Life, a precise, exhaustive and honest declaration on his word of honour, of his estate including all his own property as well as that held jointly. These are valued at the date of the election.

A new declaration of estate must be submitted to the same body at the earliest seven months and at the latest six months before the end of the term.

The Institutional Law n° 2013-906 of October 11, 2013 has radically altered the rules concerning the procedures for these declarations. Whilst they were previously strictly confidential, they are, from now on, available (for consultation purposes only), at the "*Préfecture*" of the Department in which the M.P. was elected, to all voters enrolled on the electoral register. Any disclosure

whatsoever of such declarations of estate by any person other than he who made the original declaration, is liable to a €45,000 fine.

If this obligation of declaration is not fulfilled, then the High Authority refers the matter to the *Bureau* of the National Assembly which in turn transmits it to the Constitutional Council. The latter, if need be, may find in favour of ineligibility and thus declares the M.P. to be dismissed from office. Each infringement to the obligation to declare is punishable by a €15,000 fine: in addition each deliberate omission or each false declaration is punishable by a three-year prison sentence and a €45,000 fine, as well as the loss of civil and political rights.

b. The declaration of interests and activities

The Institutional Law n° 2013-906 of October 11, 2013 dealing with transparency in public life, also altered the system concerning the declarations of professional activities, which served to judge the compatibility of a given professional activity with the office of parliamentarian. The law combined this declaration of activities with the declaration of interests which had been established by the *Bureau* of the National Assembly in April 2011, and was formerly sent to the Commissioner for Ethical Standards.

This new declaration, now called "the declaration of interests and activities" must now be sent, in the two months following the election, to the High Authority for Transparency in Public Life, as well as to the *Bureau* of the National Assembly. This declaration allows the *Bureau* to assess the compatibility of a professional activity with the rules laid down by the electoral code and the High Authority, as well as the Commissioner for Ethics of the National Assembly to fight against the possible conflicts of interest to which the parliamentarians might be subjected.

In addition, contrary to the previous system, the declarations of interests and activities are made public.

The declaration must state:

- The professional activities carried out at the time of the election which lead to remuneration or to bonuses;
- The professional activities carried out which lead to remuneration or to bonuses over the previous five years;
- The consultancy activities carried out at the time of the election and over the previous five years;
- Participation in the governing bodies of public or private institutions or of a private company at the date of the election or during the five previous years;
- The direct financial holdings in the capital of a company at the time of the election, as well as participation, direct or indirect, which grants control of a body whose main activity is in the provision of consulting services;
- The professional activities carried out at the time of the election by the spouse, the partner in a civil union or the common-law wife;
- The voluntary activities which would be liable to give rise to a conflict of interest;
- Other elected offices and positions held at the time of the election;

- The names of parliamentary assistants, as well as the other activities which they have declared;
- The professional activities or activities of a general interest (even non-paid) which the M.P. aims to maintain during his/her term of office;
- The declaration must also detail the amount of remuneration, allowance or bonus which he has received for the declared activities.

File n°6

PARLIAMENTARY ETHICS

Key Points

After more than ten years of existence, the Commissioner for Ethics of the National Assembly has seen his/her missions broaden considerably. They are now responsible for monitoring M.P.s' expenses allowances, preventing conflicts of interest and ensuring compliance with the M.P.s' code of ethics.

The Commissioner for Ethics also responds to all requests addressed to him/her by M.P.s. He is thus required to advise parliamentarians on the ethical aspects of their office.

I. – ETHICS AT THE NATIONAL ASSEMBLY

In 2011, the *Bureau* of the National Assembly chose to adopt a code of ethics applicable to M.P.s and to appoint an independent personality, the Commissioner for Ethics, responsible for ensuring it is respected. The role of the Commissioner for Ethics has expanded considerably following the passing of the laws of October 11, 2013 relating to transparency in public life and the laws of September 15, 2017 for trust in political life.

On the proposal of the President of the National Assembly, the Commissioner for Ethics is appointed by the *Bureau* by a three-fifths majority of its members with the agreement of at least one chair of an opposition group. The Commissioner for Ethics is independent, his/her term of office is not renewable and begins six months after the start of the term of Parliament and ends six months after its end. Mr. Jean-Éric Gicquel has held the position of Commissioner for Ethics since February 1, 2023.

The tasks of the Commissioner for Ethics cover four areas:

- Monitoring compliance with the code of ethics by M.P.s;

- Prevention of conflicts of interest;

- Monitoring of the use of expenses allowances;

- Handling harassment situations.

II. – THE CODE OF ETHICS FOR M.P.S

The code of ethics, adopted by the *Bureau* of the National Assembly, is binding on all M.P.s. This code is based on the following principles: the general interest, independence, objectivity, responsibility, probity and exemplarity.

M.P.s cannot thus be subject to private interests. They cannot use the premises or means of the National Assembly to promote private interests, in accordance with article L.O. 150 of the electoral code which prohibits an M.P. from citing their office in an advertisement relating to a financial , industrial or commercial company. The Commissioner for Ethics is also responsible for ensuring compliance with the code of conduct applicable to representatives of interest groups. In the event of a breach of this code by a lobbyist, the Commissioner for Ethics may contact the President of the National Assembly so that the latter sends a formal notice, or even prohibits access to the premises of the Assembly for this person– this sanction decision may be made public.

The requirement of probity implies that the means made available to M.P.s are used in accordance with their intended purpose. The duty to set an example is also imposed on M.P.s and situations of moral or sexual harassment constitute breaches of this duty. M.P.s may not employ members of their immediate family and, in the event that they employ a close family member of another M.P. or of a Senator they must inform, the Commissioner for Ethics.

The Commissioner for Ethics may be consulted by any M.P. who wishes to do so regarding compliance with the principles set out in the code. If the Commissioner for Ethics notices a breach of the rules set out in the code, they make recommendations to the M.P. concerned. If the latter contests them or does not comply with them, the Commissioner for Ethics may refer the observed breach to the *Bureau*.

The Commissioner for Ethics may also be consulted by staff of the various departments or by parliamentary assistants.

III. – THE PREVENTION OF CONFLICTS OF INTEREST

The Rules of Procedure of the National Assembly define a conflict of interest as “any situation of interference between a public interest and private interests likely to influence or appear to influence the independent, impartial and objective exercise of the office. There is no conflict of interest when the M.P. derives an advantage simply from belonging to the population as a whole or to a broad category of people.” This definition takes up the definition of conflict of interest given by the law of October 11, 2013 with the difference that for an M.P. there cannot be a conflict between two public interests. The Commissioner for Ethics is consulted on the rules established by the Assembly in order to prevent and put an end to conflicts of interest.

In order to protect themselves from any conflict of interest, M.P.s are bound by several obligations and have different tools at their disposal.

1. – Reporting obligations

As mentioned in the file on the status of the M.P., members of parliament must submit a declaration of interests and activities to the High Authority for Transparency in Public Life and to the *Bureau* of the National Assembly. This declaration ensures that the declared activities are compatible with parliamentary office and therefore that no current M.P. faces, *a priori*, a conflict of interest prohibited by law.

The Rules of Procedure of the National Assembly and the code of ethics impose two additional reporting obligations on M.P.s. These concern donations and travel that M.P.s benefit from as part of their office.

Within one month of their receipt, M.P.s are required to declare to the Commissioner for Ethics any donations, benefits and invitations to a sporting or cultural event exceeding 150 Euros which they have received as a parliamentarian. If the sum of the donation, benefit or invitation is less than 150 Euros, the M.P. has the option, but not the obligation, to declare it to the Commissioner for Ethics. These declarations are then made public on the website of the National Assembly.

If an M.P. receives an invitation for a trip, all or part of which is financed by a third party outside the National Assembly, the M.P. must declare it to the Commissioner for Ethics. This declaration must be made before the first day of travel. This trip can be financed by a public or private entity, French or foreign. The declaration is made public on the National Assembly website once the trip has been completed.

2. – Reporting tools

The Rules of Procedure of the National Assembly provide that an M.P. who considers himself to be in a situation of potential conflict of interest can either make this interest known or withdraw.

In order to prevent any conflict of interest, a Member of Parliament may make known, at any time during a discussion, one or more private interests. This declaration may be written or oral. It is then mentioned in the report. In doing so, the M.P. informs colleagues of his/her personal situation but also informs citizens, as the report is published.

When an M.P. considers that it is no longer possible to participate in certain work due to a personal interest likely to call into question his/her independence and objectivity, they can make a declaration of withdrawal which is rendered public. This deferral may relate to all or part of the examination of a legislative text or to other work of the Assembly. The M.P. has three possibilities for deferral depending on the importance of the links between the private interest mentioned and the subject under discussion:

- Speaking without taking part in votes;

- Being present without speaking or voting;

- Being absent for the entire legislative process concerned.

The use of these declarations or this tool is the sole responsibility of the Member. The Commissioner for Ethics may be consulted at any time by an M.P. on these questions.

IV. – THE MONITORING OF EXPENSES ALLOWANCE

Since the laws concerning trust in political life of September 15, 2017, the Commissioner for Ethics is responsible for monitoring the expenses allowances of M.P.s. Since January 1, 2018, M.P.s have received an advance on expenses linked to their position (AFM) which replaces the former representative compensation for expenses linked to the position (IRFM).

An order emanating from the *Bureau* defines the rules for using the AFM. Certain expenses are prohibited, such as paying fines throughout the term of office or the purchase of a vehicle in the last year of the term of Parliament. Authorized expenses fall into different categories such as expenses related to the constituency office, travel or even representational expenses. Expenses charged to the AFM must remain reasonable and have a direct link to the exercise of the parliamentary position.

All M.P.s are checked by the Commissioner for Ethics at least once per term of Parliament on all expenses charged to their AFM during the previous calendar year. Additional so-called “random” checks also relate to two categories of expenditure charged to the AFM during the current calendar year. M.P.s who quit their position during the term of Parliament are also subject to a check on their AFM, if they have not already been subject to an annual check. At the end of the AFM inspection, the Commissioner for Ethics gives clearance, makes recommendations or notes lapses which involve requests for reimbursement.

V. – HANDLING HARASSMENT SITUATIONS

The Commissioner for Ethics is not directly responsible for responding to situations of harassment. A cell for listening, support and guidance outside the National Assembly was set up at the beginning of 2020. This cell is accessible to all M.P.s, parliamentary assistants and staff of the various departments of the National Assembly 24/7. It carries out an initial assessment of the situation of the person making the request and then directs them to a centre of experts made up of psychologists and lawyers specializing in occupational health law.

In the case of a situation of harassment towards assistants or M.P.s, the Commissioner for Ethics may be contacted by the cell with the agreement of the alleged victim. Depending on the position of the alleged victim, the Commissioner for Ethics may initiate a mediation procedure. He may also initiate an investigation and possibly contact the *Bureau* of the National Assembly for breach of the code of ethics of M.P.s.

The Commissioner for Ethics may, in application of article 40 of the code of criminal procedure, “give notice” to the public prosecutor of the alleged facts, due to their particular seriousness requiring, according to the Commissioner for Ethics, a judicial investigation. The prior consent of the alleged victim is not required to complete this process.

File n°7

M.P.S' ALLOWANCES AND MATERIAL MEANS

Key Points

The free exercise of the office of M.P. cannot be guaranteed alone by its legal independence. The parliamentary allowance, which is an essential element in the democratization of political regimes, is aimed at offsetting the expenses met in the carrying-out of office. It enables every citizen to imagine running for Parliament and guarantees those elected the means to devote all their energy, in total independence, to fulfilling the role for which they have been elected.

The principle of indexing the parliamentary allowance to the salaries of high civil servants has been applied in France since 1938 and was confirmed by the ordinance attached to the Institutional Act n° 58-1210 of December 13, 1958.

I. – PARLIAMENTARY ALLOWANCE

1. – The different elements of the allowance

The allowance includes three components: the basic parliamentary allowance, the residential allowance and the attendance allowance.

The basic parliamentary allowance is indexed to the salary of the highest-ranking state civil servants. It is equal to the mean of the lowest and highest salary of civil servants in the category "*hors échelle*" (highest level).

In addition, M.P.s receive, as civil servants do, a residential allowance. This represents 3% of the gross basic parliamentary allowance.

On top of this, M.P.s also receive an attendance allowance which is equal to a quarter of the sum of the first two allowances.

As of July 1, 2024, the gross monthly allowances are as follows:

– Basic allowance	5 931.95 €
– Residential allowance (3%)	177.96 €
– Attendance allowance (25% of the total)	1 527.48 €
– Gross monthly allowance	7 637.39 €

In addition, special allowances aimed at covering certain tasks linked to the exercise of specific jobs are attributed to the holders of various positions.

Their gross monthly amount is the following:

- President: 7 698.50 €;
- *Questeurs*: 5 300.36 €;
- Vice-presidents: 1 099.79 € ;
- Committee chairs and general *rapporteurs* of the Finance Committee and the Social Affairs Committee: 931.76 €;
- The Chair of the *ad hoc* Committee in Charge of Clearing Accounts: 931.76 €;
- The Chair of the Parliamentary Office for the Assessment of Scientific and Technological Options: 931.76 €;
- Secretaries of the *Bureau*: 733.19 €.

From a tax point of view, the basic parliamentary allowance plus the residential allowance and the attendance allowance, as well as the special allowances are taxable at the rates applicable to normal income.

2. – Deductions from the allowance

Most such deductions are obligatory and linked to social welfare schemes.

Thus the following must be deducted from the gross monthly allowance:

– Contributions to the pension scheme:	828.66€
– General social contribution and contribution to the reimbursement of the social debt	740.83 €
– Contribution to the FAMDRE (benefit for former MPs)	76.37 €
– Contribution towards professional transition	38.19€
This makes for a net monthly income	5 953.34€.

3. – The capping of allowances linked to local office

In the case of a combination of the parliamentary allowance and allowances linked to other offices, the principle of a *general ceiling* was introduced by Institutional Act n° 92-175 of February 25, 1992. An M.P. with

locally elected offices may only combine the allowances linked to these offices with the basis parliamentary allowance of their parliamentary office within a limit of one and a half times the latter. Such allowances have a ceiling today fixed at €2 965.98 per month for an M.P.

II. – MATERIAL MEANS AVAILABLE TO M.P.S

Certain individual means are provided to enable M.P.s to carry out their office according to their individual needs.

1. – Operational and secretarial expenses

Since January 1, 2018, in order to meet the expenses linked to the exercise of their office which are not directly covered or reimbursed by the National Assembly, M.P.s have an advance on *operational expenses* which increases in line with rises in civil service salaries. This gross monthly allowance represents €5,950. This new mechanism replaces the former operational allowance in compliance with Decision n° 12/XV of November 29, 2017 of the *Bureau*.

In addition, M.P.s have a *Parliamentary staff allowance*. This amounts to €11.118 per month. Outside of the increases which can be decided by the College of *Questeurs*, this allowance is indexed just like the salaries in the Civil Service. It allows M.P.s to recruit up to five assistants, no matter the length of their working week.

The M.P. is in fact the employer: he recruits, lays off, and fixes both the work conditions and the salaries of the staff.

The allowance covers the gross salaries of the assistants whilst the employer's contributions (social and fiscal) concerning said salaries are paid by the National Assembly.

In the case of non-use of the entire allocation, the remainder is carried over to the following month until the end of the term of Parliament. They made not under any circumstances be transferred to the AFM (Advance on Costs Linked to the Office).

2. – Transport benefits

The National Assembly covers M.P.s' journeys on the entire national railway network (SNCF) in first class. To do this it provides M.P.s who regularly take the train to come from their constituency with a personalized rail card.

For travel within Paris and the Parisian area, the National Assembly has a car-pool of around twelve vehicles with chauffeurs which the M.P.s may use subject to their availability and when such travel is linked to their position as M.P.

and made to and from the *Palais Bourbon* within Paris and its surrounding towns, as well as to airports. These vehicles are also used for hosting official foreign delegations and for travel required for protocol work.

In addition, the expenses linked to the personal use of taxis, mini-cabs, car or bicycle-sharing throughout France and abroad, by M.P.s in the performance of their office are reimbursed within the annual ceiling of the M.P.'s Material Allowance (DMD) upon the presentation of invoices. If an M.P. requests so, the National Assembly can provide a non-transferable card (*Pass Navigo*) giving him/her unlimited access to the Parisian transport system of the RATP and to the SNCF *Transilien* network (throughout the greater Paris region).

As regards air travel, the National Assembly covers each year:

- For M.P.s from continental France:
  - 80 trips between Paris and the constituency in the case of a regular air connection;
  - 12 trips in continental France, outside of the constituency.
- For overseas M.P.s:
  - An annual allocation equal to, for M.P.s from overseas departments, the cost of 26 trips in 'business class' between Paris and the constituency and, for overseas M.P.s elected for a community of the Pacific, the cost of 16 trips in business class between Paris and the constituency;
  - 8 trips for any destination within continental France.
- For M.P.s representing French people established outside of France:

An annual allocation equal to, for M.P.s from the six European constituencies, the cost of 80 trips in 'premium or economic class' between Paris and the constituency and, for M.P.s from the five non-European constituencies, the cost of 30 trips in business class between Paris and the constituency. Within this allocation a maximum of 30% may be set aside for the travel and accommodation of assistants in the constituency or between Paris and the constituency as well as of the spouse and children under 18 between Paris and the home in the constituency.

- 8 trips for any destination within continental France.

3. – Office and communication means

Furthermore, M.P.s have certain other material benefits aimed at making the exercise of their office easier. In particular, they have an annual material allowance (DMD). This allowance is not transferred directly to the M.P. but is

made up of a sum which is at his/her disposal. The expenses are first paid by the M.P. and are subsequently refunded upon the instructions of the various departments within the limits of a set amount (*see below*).

This sum covers travel in taxis or mini-cabs, telephone and mail expenses, computer equipment, telephones, as well as printing expenses for parliamentary communication. The wide range of expenses so covered means that the needs of each individual M.P. can be taken in account depending on the characteristics of their constituency and of their working habits.

The annual sum thus made available for an M.P. is €18,950. If any of this amount is not used, it is rolled over to the following year.

a. Office

Each M.P. has an individual office in the *Palais Bourbon* or in one of its annexes.

b. Computers

M.P.s have access to computer equipment for themselves and for one assistant. The Material Allowance (DMD) allows them, on top of this, to provide the other assistants with equipment and to equip themselves for the constituency.

c. Telephone facilities (at the National Assembly, during travel and in the constituency).

All communications from the telephones in the M.P.s' offices are covered by the National Assembly.

The Material Allowance (DMD) also covers the expenses of up to five mobile phone lines (telephone and tablet subscriptions for the M.P. and the assistants) and the landline and internet connection in their constituency office.

d. Posting and printing

All parliamentary communication, (postal mail, porting, e-mails, text messages) i.e. written by an M.P. in the carrying-out of his/her office, is covered within the overall Material Allowance Package (DMD). Also included in this allowance are printing expenses linked to documents for parliamentary communication.

4. – Food and accommodation expenses

There are two restaurants and a café/bar available to M.P.s. who can also eat at the two self-service restaurants and the cafeteria as well as the journalists' café/bar. Under certain conditions they may invite guests to these establishments. The cost is covered by the M.P.s themselves.

Just slightly fewer than half the M.P.s have the possibility to sleep in their offices. The other M.P.s, with the exception of those representing Paris or the close Paris area, may make use of one of the 51 rooms available in the National Assembly's Residence in the Jacques Chaban-Delmas building. If the latter is full when the National Assembly is sitting, they may also avail of a partial reimbursement of their hotel expenses in Paris. The price of a night, local tax included, is covered up to 200€.

Alternatively, MPs renting a pied-à-terre in Paris or in a neighbouring municipality can benefit from a reimbursement of their rent, up to €1,200 per month, if they opt for the accommodation grant. This allocation is aimed exclusively at MPs who do not have an accommodation solution in the Paris region. It is not possible to benefit from it when the M.P. is elected in Paris or in a department in close suburbs, or occupies an office with a bed. In addition, the MP who has opted for this allocation can no longer benefit from a stay at the National Assembly Hotel Residence or reimbursement for hotel nights. Furthermore, the pied-à-terre must not be the main residence of the MP and the owner must not be the MP, nor their spouse, nor one of their ascendants or one of their descendants. Only expenses incurred on behalf of the Member, to the exclusion of any other person, are refundable.

5. – Other benefits

a. Family Benefit

M.P.s may also receive family benefits which are the equivalent of those paid by the general social security scheme, with the exception of the free choice to decide upon the means of child care and housing benefits.

A childcare allowance is allocated for children younger than three years old. It represents 323.76€ per month.

b. Mutual, Differential and Decremental Insurance Allowance for Return to Work

This allowance which is based on that of employees and is managed by the "*Caisse des Dépôts et Consignations*" ("National Deposits and Consignments Fund").

M.P.s who are not re-elected have access to it when, searching for another job, they do not have their access to the Former M.P.s' Pension Fund.

The length of time this allowance may be paid cannot be longer than twenty-four months, but this is extended to thirty months when the former M.P. is older than 53 and thirty-six months when he is 55 or older. A period of contributions of at least six months is required to be eligible for this allowance.

The gross monthly amount of this allowance is 57% of the parliamentary allowance, i.e. 4,353.31€. For recipients of less than 57 years old, a deduction of 30% is applicable as of the 7th month. The allowance is subject to the CSG and to the CRDS (French taxation deductions) and is taxable

It is financed by a contribution of the sitting M.P.s equal to 1% of the basic parliamentary allowance plus the residence allowance and the office-holder allowance i.e. 76.37€ per month.

III. – PENSION AND SOCIAL SECURITY SCHEME

1. – Social security

M.P.s must be affiliated to the National Assembly social security scheme which was set up by the *Bureau* of the National Assembly in 1948 and is managed by a committee made up of the three *Questeurs* and a representative of each of the political groups. This scheme provides sickness and maternity benefits in kind and attributes a lump sum (or allocations) in the case of death.

This fund is made up of a basic insurance which provides sickness and maternity benefits in exactly the same way as the general scheme for employees and of a supplementary and voluntary insurance which tops up the basic insurance.

2. – Pensions

The M.P.s' pension scheme, which was set up by a resolution of the Chamber of Deputies on December 23, 1904 is funded by a contribution provided by the parliamentary allowance and by a subvention included in the budget of the National Assembly.

The reform of the of the pension scheme decided upon by the *Bureau* on November 8, 2017, led to the ending of the of the voluntary supplementary scheme, to the reduction in the basic contribution and liquidation of the pension and to the alignment of the regime of family premiums with that of the law applied to the civil service in general. This reform came into force on January 1, 2018.

The basis for the contributions and the liquidation of the pensions of an M.P. is equal to their parliamentary allowance which is composed of the basic parliamentary allowance, their residential allowance and attendance allowance. It represents a monthly gross sum of 7,637.39 €.

The contribution rate on this basis is 10.85%. as of January 1, 2020. The pension is calculated according to the number of years of contributions acquired with a ceiling of 42.25 such years (as of September, 2023). This ceiling increases

progressively, until it reaches 43 years for those born in 1965, in accordance with ordinary law.

The age for the opening-up of such pension rights for a former M.P. is 62 years of age and 3 months (as of September, 2023), and increases by 3 months for each subsequent year group, also in accordance with ordinary law, until it reaches 64 years of age for those born in 1968.

File n°8

POLITICAL GROUPS

Key Points

The political groups, which have been recognized by the Constitution since the revision of July 2008, are the formal representation of political parties and movements in the National Assembly and allow MPs to come together according to their affinities.

They are represented in the *Bureau* and in the standing committees proportionally, according to the number of seats they hold. The allotted time for speaking during the plenary sittings may also, in certain cases, be decided upon by the number of members they have.

The chairmen of political groups enjoy certain prerogatives within the legislative procedure. These are particularly aimed at safeguarding the rights of the Opposition.

Outside of the prerogatives of their chairmen, the opposition and minority groups have a number of recognized rights in accordance with article 51-1 of the Constitution.

The political groups are the formal representation of political parties and movements in the National Assembly. They are nonetheless distinct from these and in fact the Rules of Procedure make provision for the setting-up and the organizing of political groups in a way which is completely autonomous from the legal system applied to political parties.

I. – RULES FOR THE SETTING-UP OF POLITICAL GROUPS

The Rules of Procedure of the National Assembly state that "*M.P.s may form groups according to their political affinities*".

To be created, a group must meet two conditions:

- It must bring together a minimum number of M.P.s. This number has been fixed at fifteen by the reform of the Rules of Procedure in 2009;

- It must transmit to the President's office a political statement signed by its members and put forward by the chairman they have chosen. This document may state, if this be the case, the adherence of the group to the Opposition.

An M.P. may only be a member of one political group.

It is also possible, with the authorization of the *Bureau* of a group, to be a part of that group, not as a fully-fledged member but as an associated member. The associated members are not included in the minimum number necessary for the setting-up of a group but they are included in the group numbers concerning all other aspects of parliamentary life.

It is not mandatory to be a member of a group or to be associated to a group. M.P.s who are in such a position are named on the list of Members of Parliament as 'belonging to no group' and are usually referred to as 'non-aligned'.

Changes may occur after the initial setting-up of a group. In the case of new membership or enrolment, the double signature of the chairman and the M.P. in question are required whilst in the case of resignation or expulsion only the signature of one or the other is necessary.

The Rules of Procedure also state that no group which presents itself as a group representing private, local or professional interests or which forces its members to accept a binding vote, can be created.

II. – THE INTERNAL ORGANIZATION OF POLITICAL GROUPS

The groups are set up as an association which is presided over by the chair of the group. With that proviso, they have the right to decide upon their own internal organization and their own procedures (they may draw up their own statutes and standing orders). The groups are serviced by an administrative secretariat which they recruit but whose conditions of access to, and working arrangements in, the National Assembly are decided upon by the *Bureau*.

The National Assembly provides the groups with a financial contribution to ensure their proper running. This contribution varies according to the number of members in the group.

Generally speaking, political groups meet at least once a week so as to decide their position on the bills on the agenda, draw up the list of their speakers, nominate their candidates to certain bodies and debate current affairs.

The importance of political groups in the life of the National Assembly is symbolized by their seating in the plenary chamber from the 'left' to the 'right' of the President's rostrum.

At the beginning of a term of Parliament, the President brings together their representatives in order to 'divide the Chamber up politically'. This in fact means the creation of sectors which will be given over to each group for the seating of their members in the Chamber. Each group then provides each of its members with a seat within the sector. This seat will then be fitted with the member's individual voting panel.

III. – THE ROLE OF POLITICAL GROUPS IN THE WORKING OF THE NATIONAL ASSEMBLY

1. – The representation of political groups in the *Bureau* and in standing committees

The groups play a role in the setting-up of the internal bodies of the National Assembly, by providing, in accordance with the legal rules and established customs, the appointments to many positions.

The *Bureau* of the National Assembly is thus elected with "*every endeavour being made to ensure that it reflects the political make-up of the Assembly as well as respecting gender parity between women and men*" (article 10, paragraph 2 of the Rules of Procedure) i.e. on the basis of an agreement between the groups as to the distribution of the various positions concerned (vice-presidents, *Questeurs*, secretaries). If no agreement between the groups is reached, a ballot is held. The chairmen of the groups may personally attend the meetings of the *Bureau,* but may not vote.

In the standing committees the groups have a number of seats proportional to their membership, with each group free to distribute its members between the various standing committees within its quota. In the make-up of the *bureaux* of the standing committees every endeavour is made to ensure that they reflect the political make-up of the Assembly, that all the opinions of the Assembly are represented and that gender parity is respected between women and men.

The participation of groups is also required in the setting-up of any body based on proportional representation (the European Affairs Committee, *ad-hoc* committees, commissions of inquiry, parliamentary offices and delegations) or in the distribution of positions based on rules respecting the pluralism of political groups (joint committees, representation in extra-parliamentary bodies, the attribution of the chairmanship of study groups and of friendship groups).

Furthermore, the thirty-six members of the Commission for the Assessment and Monitoring of Public Policies are appointed proportionately according to the size of the groups.

2. – Participation in the debates in plenary sitting

The exercise of those rights concerning the work in plenary sitting, especially those concerning the speaking time, are carried out through the political groups.

This is the case when a bill is examined. The Conference of Presidents provides each group with an allotted time of between 5-10 minutes according to the nature of the bill. The Conference may also decide on the consideration of a bill in a set time limit or the organization of debates on Government statements or on motions of censure. In these cases an allotted speaking time is given to

each group, according to the number of members it has and whether it is part of the Opposition, or not. The groups, in practice, have the responsibility of distributing this time amongst the speakers they appoint.

In the same way, the organization of question time is based on the allotment of a number of questions to each group and whose management is in the hands of the group itself.

Similarly, the explanations of votes on all Government or Members' bills, with the exception of personal explanations of votes authorized during the consideration of bills when the set time limit is applied, are made through a single speech given by a representative appointed by each group.

IV. – THE PREROGATIVES OF THE PRESIDENTS OF POLITICAL GROUPS

1. – The Conference of Presidents

The presidents of groups are members by right of the Conference of Presidents and take part in the discussion on the drawing-up of the agenda and on the organizational measures which are associated with it. They may submit proposals to the Conference of Presidents concerning the agenda. When a vote occurs within the Conference of Presidents, quite a rare event in fact, each chairman of a political group is granted a number of votes equal to the number of members of his group (minus those who already participate in the Conference in another capacity: vice-presidents, chairmen of committees). Since the constitutional revision of July 23, 2008, as the agenda is shared between the Government and the Assembly, the political groups (and in particular the political groups belonging to the governing majority) play a decisive role in the drawing-up of the Assembly's agenda.

2. – The prerogatives of the Chairmen of political groups in the legislative procedure

In addition, the chairmen of political groups have a substantial number of prerogatives concerning the working of the legislative procedure and the holding of plenary sittings. Thus the Rules of Procedure (or in certain cases custom) recognize their right, in particular, to:

- Ask for the setting-up of an *ad-hoc* committee (or oppose it);
- Obtain, by right, the adjournment of a sitting, with a maximum of two such adjournments per sitting during the examination of any single bill;
- Hold a public ballot when they ask for it;

- Ask personally during the sitting, for the verification of the quorum when a vote is held, on the condition that the majority of the members of their group are actually present in the Chamber;

- Ask to extend a night sitting beyond the normal finishing time, fixed at midnight by the resolution modifying the Rules of Procedure of the National Assembly, dating from June 4, 2019;

- Require that the application of a set time limit on a bill be not less than a specific time limit set by the Conference of Presidents (twenty-five hours since September 1, 2019);

- Obtain, once per session, an extension of the time for consideration of a bill which leads to the application of a set time limit (forty hours since September 1, 2019) along with an additional period of ten minutes per group and five minutes for all the non-aligned M.P.s, every time an amendment is tabled outside the usual time limits by the Government or the committee;

- Obtain, once per session, the application of the aforementioned time extension for the benefit of their group;

- Oppose the application of a set time limit on a bill when its consideration on first reading occurs less than six weeks after its tabling or less than four weeks after its transmission;

- Propose, or oppose the implementation of the simplified procedures for examination (or for legislation in committee);

- Have a European draft resolution become the subject of a report by the European Affairs Committee within a one-month time limit.

In addition, within the framework of the application of the set time limit, each group chairman is granted a specific speaking time which is not subtracted from their group's time. Half of this specific time may be transferred by the chairman to a designated member of the group for the length of the reading of the bill.

V. – SPECIFIC RIGHTS GRANTED TO OPPOSITION AND MINORITY GROUPS

Article 51-1 of the Constitution states *that "The Rules of Procedure of each House… recognize that opposition groups in the House concerned, as well as minority groups, have specific rights".* For a group to obtain the status of opposition group its chairman must make a declaration to the Presidency of the National Assembly. This declaration may be made or withdrawn at any moment. However the status of a minority group is certified: the minority groups are those which have not made a declaration of membership of the opposition to the

Presidency, with the exception of that group which has the largest number of members.

These specific rights are attributed on the basis of the group's situation at the beginning of the term of Parliament for one year and then every year after that at the beginning of the ordinary session.

The opposition and minority groups, in particular, may take advantage of one day per month given over to an agenda set entirely by them. These sittings are divided between the opposition and the minority groups according to their numerical size with each group having at least three sittings per ordinary session.

Each opposition or minority group may also seek and be granted, once per ordinary session, the setting-up of a commission of inquiry or of a fact-finding mission. This possibility is however not available during the session immediately preceding general elections.

The opposition groups have other rights which are recognized such as the election of one of their members to the chairmanship of the Finance Committee and also of the Committee in Charge of Auditing and Balancing Accounts, the allocation each week of, at least, half the questions at Government question time as well as half of the speaking time during debates subsequent to a Government declaration.

File n°9

THE PLACE OF OPPOSITION AND MINORITY GROUPS

Key Points

In July 2008, Parliament, gathered in Congress, inserted a new article into the Constitution which allowed the Rules of Procedure of each assembly to determine the rights of parliamentary groups and, in particular, to recognize the "specific rights" of opposition and minority groups.

This ruling extended the efforts which had been made for several years to preserve and then strengthen the rights of the opposition.

Monitoring and Assessment are particularly favourable to such a trend: it is possible, in these areas, to counter-balance the dominance which the ruling majority holds in the legislative field in accordance with the principle of representativity.

The National Assembly has taken advantage of the possibility offered by article 51-1 of the Constitution. Its Rules of Procedure recognize many specific rights belonging to opposition and minority groups.

The element which was previously missing was established by the Constitutional Act of July 23, 2008. Since then, the new article 51-1 which was inserted into the Constitution provides that "*the Rules of Procedure of each House shall determine the rights of the parliamentary groups set up within it. They shall recognize that opposition groups in the House concerned, as well as minority groups, have specific rights"*.

M.P.s and Senators thus made sure that the assemblies would provide specific rights to certain groups and not to others.

I. – OPPOSITION AND MINORITY GROUPS

At the National Assembly, M.P.s may gather together by political affinity. Since the entry into force of the motion of May 27, 2009, a group may be constituted as of fifteen members, as opposed to twenty previously. To do so, it must transmit a written political statement signed by all its members to the President of the National Assembly.

As specific rights are recognized for opposition and for minority groups, it appeared necessary to include in the Rules of Procedure a definition which would allow such groups to be identified.

This definition appears in article 19 of the Rules of Procedure. It is based on a declaratory procedure (this solution was considered as the most satisfactory and the one which best respected individual freedom) and comes directly from the very terms of the Constitution.

1. – Opposition groups are those which declare themselves as such

Upon their constitution, groups may declare, in the political statement signed by their members which they transmit to the President, their membership of the opposition.

This statement may be made, or withdrawn, at any time. Nonetheless, it is made clear that the "specific rights", which are recognized for opposition groups and which must necessarily be granted over a period of time, are attributed or not, according to the status of the group at the beginning of each term of Parliament and then annually at the beginning of the ordinary session, for one year.

2. – Minority groups are the other groups with the exception of the largest

Minority groups are those which have not declared themselves members of the opposition with the exception of that which has the largest number of members. In concrete terms, they are the smaller groups of the governing majority or groups which are neither in the opposition nor in the governing majority.

Minority groups also have specific rights which are attributed over the same time-scale as for those of the opposition.

II. – BETTER REPRESENTATION IN THE DECISION-MAKING BODIES OF THE ASSEMBLY

"Every endeavour shall be made to ensure that the Bureau reflects the political make-up of the House and the respect of gender parity between women and men" (article 10, paragraph 2 of the Rules of Procedure). The distribution of positions between the groups is carried out according to their numbers in accordance with a procedure described in paragraphs 4-16 of the same article of the Rules of Procedure, either by agreement between the chairmen of groups, or, if no such agreement is reached, by a ballot for the positions for which the number of candidates is higher than the number of seats available.

When the distribution of positions is carried out by agreement between the groups, one of the three questeur positions is reserved for an M.P. from a group having declared itself part of the opposition (article 10, paragraph 7 of the Rules of Procedure).

At the beginning of the XVIth term of Parliament, opposition groups thus held ten of the twenty-two positions (four of the six deputy speakers, one of the three positions of questeur and five of the twelve positions of secretary).

The opposition is represented in the Conference of Presidents by the chairmen of its groups and by the vice-presidents, as well as by the Chairman of the Finance Committee who must belong to an opposition group in order to be elected to this position (article 39 of the Rules of Procedure).

With the reforms of the Rules of Procedure resulting from the motions of May 27, 2009, November 28, 2014 and June 4, 2019, the representation of all political tendencies within the decision-making bodies of the Assembly has been strengthened.

1. – The rules of procedure recognize the right for the opposition to hold the chairmanship of certain bodies

By virtue of article 39 of the Rules of Procedure, only an M.P. belonging to a group having declared itself in the opposition may be elected to the chairmanship of the Finance, General Economy and Budgetary Monitoring Committee.

Since the XIVth term of Parliament, the chairmanship of the *ad-hoc* committee in charge of checking and auditing the accounts of the National Assembly is also, automatically, granted to the opposition (article 16 of the Rules of Procedure).

2. – The Rules of Procedure provide for the representation of all tendencies within the bodies of the assembly

This requirement of representativity has a particularly broad field of application.

It is applied, in particular, as regards the *bureaux* of legislative standing committees (four deputy chairmen and four secretaries) of which it is said that every endeavour shall be made to ensure that they reflect the political make-up of the House and represent all of its members, as well respect gender parity between women and men (article 39). Groups which do not have representatives in the *bureau* of a committee, may, however, designate one of their members to participate in its meetings, without the right to vote.

The requirement to endeavour to reflect the political make-up of the House also provides for the *ad-hoc* committee in charge of checking and auditing

the accounts of the National Assembly (article 16), for commissions of inquiry (article 143) and for fact-finding missions set up by the Conference of Presidents upon the request of the President of the National Assembly (article 145).

As regards fact-finding missions set up by committees, the rule is that those which are composed of two members must include one M.P. belonging to an opposition group. A mission which is composed of more than two members must make every endeavour to make sure that it reflects the political make-up of the Assembly (article 145).

The overall make-up of the Commission for the Assessment and Monitoring of Public Policies, set up in 2009, reproduces a proportional representation of the political make-up of the Assembly (article 146-2). Its *bureau* must include at least one deputy chairman from the opposition.

3. – The Rules of Procedure supervise the balance of appointments made to the committees

Every effort has been made, since the XIVth term of Parliament, to make sure that these appointments, reflect the political make-up of the Assembly (articles 28 and 146 of the Rules of Procedure).

III. – SHARED RESPONSABILITY IN MONITORING AND ASSESSMENT ACTIVITIES

The Rules of Procedure recognize the opposition's right to take the initiative and even to pilot certain monitoring and assessment missions.

1. – A right to request for commissions of inquiry and for fact-finding missions

Commissions of inquiry have, for some time now, provided the opposition with efficient means of information and monitoring, in particular thanks to the broadening of their powers of investigation since 1977 and to the public nature of their hearings since 1991.

Two important stages were reached in 2009 and 2014, so as to provide a "right to request" to opposition and minority groups in the field of the setting-up of commissions of inquiry and of fact-finding missions.

First of all, the motion of May 27, 2009, provided that each opposition or minority group chairman could request, once per ordinary session, (with the exception of that preceding the renewal of the Assembly), during the Conference of Presidents, that a debate on a draft motion aiming at the setting-up of a commission of inquiry be automatically included on the agenda of a sitting during the first week of monitoring and assessment. A request for the setting-up of a commission of inquiry which is made in the framework of this "right to request"

procedure could only be rejected if three-fifths of the members of the Assembly voted against it.

The motion of November 28, 2014, modified and broadened this mechanism so as to render the “right to request” granted to opposition or minority groups more effective: since then, once per ordinary session, but nonetheless with the exception of the session preceding the renewal of the Assembly, the creation of a commission of inquiry or of a fact-finding mission is automatically granted upon the request of an opposition or minority group. The Rules of Procedure no longer allow the Assembly to oppose such a request with a three-fifths majority of its members. This new prerogative however alternates: if a group has requested the setting-up of a commission of inquiry, it may not ask for the establishment of a fact-finding mission during the same session. In the same way, a group may not exercise its “right to request” as long as a previous commission of inquiry or fact-finding mission, set up upon its request on the same matter, has not completed its work.

2. – The positions of chair or *rapporteur* of a commission of inquiry or of a fact-finding mission are shared

Commissions of inquiry have always been composed proportionally according to group size; this practice, which was the result of a compromise, was included in the Rules of Procedure in 1991. In addition, from 2003-2009, the Rules of Procedure of the National Assembly provided that the positions of chair or of *rapporteur* were to be held automatically by a member of the group to which the first signatory of the draft resolution which led to the setting-up of the commission belonged.

Now that the existence of opposition groups was included in the Rules of Procedure in 2009, it has become possible to have a specific mention of the rule of the sharing of the positions of chairman and *rapporteur*.

Thus, as regards commissions of inquiry, it is provided that, since the modification of the Rules of Procedure on May 27, 2009, one of these two positions will be held automatically by an M.P. belonging to an opposition group. In addition, when the commission of inquiry has been created on the basis of the “right to a turn” procedure, the group which has called for the commission may choose which of these two positions will be filled by one of its members.

A similar provision was included in article 145 of the Rules of Procedure concerning fact-finding missions set up by the Conference of Presidents: the position of chairman or *rapporteur* is automatically held by an M.P. of the opposition if these positions are not carried out by the same person. The group which called for the mission on the basis of the “right to a turn” procedure chooses which of these two positions will be filled by one of its members

3. – The distribution between ruling majority and opposition is the rule for the activities of the Commission for the assessment and monitoring of public policies

Once per ordinary session, each group may automatically carry out an assessment report in the framework of the Commission for the Assessment and Monitoring of Public Policies (CEC).

In addition, the Rules of Procedure provide that once the work programme has been decided upon, the commission should appoint two *rapporteurs*, from among the members chosen by the committees to take part in the assessment, or from amongst its own members: one of these two *rapporteurs* must belong to an opposition group (article 146-3).

From this point of view, the rules which apply to the CEC have been borrowed from those within the Assessment and Monitoring Mission (MEC), set up in 1999 by the Finance Committee, and within the Assessment and Monitoring Mission for Social Security Financing Laws (MECSS), set up in 2004 by the Social Affairs Committee.

4. – The follow-up of the implementation of laws is given to ruling majority-opposition pairs

At the end of a period of six months following the entry into force of a law whose implementation requires the publication of regulatory decisions, a report on the implementation must be presented to the relevant committee. This report describes the regulations which have been published and the decrees which have been issued in order to implement the said law, as well as the provisions which have not been subject to the necessary implementation instruments.

Since the motion of May 27, 2009, the Rules of Procedure provide that this report be presented by two M.P.s, one of whom must belong to an opposition group (article 145-7). The reforms of the Rules of Procedure of November 28, 2014 and of June 4, 2019, have broadened the prerogatives of such a "*co-rapporteur*" from an opposition group: he is now always appointed at the same time as the *rapporteur* which opens up the possibility to identify, from the beginning of the discussion, the person who will be one of the principal speakers representing the opposition on the bill; he also automatically has the right, during first reading, to have a written contribution appear in the commission's report, and, in addition, may take the floor in plenary sitting before the general discussion after the *rapporteur* of the lead committee.

IV. – THE RIGHTS OF THE OPPOSITION AND MINORITY GROUPS IN PLENARY SITTING

The rights of the opposition are also applied in plenary sitting and, in the legislative field, they fit in with the idea that there is a majority supporting the Government.

1. – The sharing of monitoring and assessment activities continues in the chamber

Article 48 of the Rules of Procedure provides that each opposition or minority group chairman automatically obtains the inclusion on the agenda during a "monitoring week" (i.e. a week given over to the mission mentioned in article 48, paragraph 4 of the Constitution) of a debate, without vote, or of a question sitting, dealing, in priority, with the conclusions of a report by a commission of inquiry or of a fact-finding mission, on the conclusions of an information or evaluation report provided for in articles 145-7, 145-8 or 146, paragraph 3, or on the conclusions of an assessment or follow-up report in application of article 146-3.

In the case of questions (which are procedures involving direct dialogue and have become a major element in monitoring and assessment), the rules concerning the involvement of all political tendencies are very precise:

Every week, at least half of the questions to the Government are asked by opposition M.P.s. In addition, the first question is automatically allotted to an opposition or minority group or else to an M.P. belonging to no group;

At least half of the oral questions without debate are asked by M.P.s who are members of an opposition group.

2. – The sharing of speaking time is provided for during the main debates

Article 132 of the Rules of Procedure provides that, during debates which give rise to Government statements made on the basis of the new article 50-1 of the Constitution (statements which may be followed by a vote without them becoming an issue of confidence for the Government), half the time provided to groups is allotted to opposition groups. The time allotted to opposition groups, on the one hand, and to other groups, on the other hand, is then divided between them proportionally according to their size.

This rule also applies to debates held, in accordance with the first paragraph of article 49 of the Constitution, when the Prime Minister makes the Government's programme or a statement of general policy, an issue of confidence in the Government (article 152 of the Rules of Procedure).

3. – One day of sitting per month is reserved for opposition and minority groups

Since the constitutional revision of July 23, 2008, article 48 of the Constitution provides that *"one day of sitting per month shall be given over to an agenda determined by each House upon the initiative of the opposition groups in the relevant House, as well as upon that of the minority groups*".

The impact of this provision is important since the former wording of article 48 (resulting from the constitutional reform of August 1995) only gave over one sitting per month to an agenda set by each assembly, even if that particular practice had doubled the number of such sittings. In addition, no right was guaranteed to opposition and minority groups who, in practice, controlled only eight sittings per year in comparison with twenty-seven.

In article 48, the Rules of Procedure made the mechanisms for the application of this new provision clear:

- The sittings are distributed, at the beginning of each ordinary session, between the opposition groups and the minority groups proportionally according to their size;

- Each of these groups has at least three sittings per ordinary session (such sittings, may, since the reform of the Rules of Procedure of November 28, 2014, be divided over several days of the same month upon the request of the group in question;

- The Conference of Presidents draws up, once a month, the agenda for the day of sitting given over to opposition and minority groups;

The group chairs can decide to include on the agenda, the discussion of a Members' bill, the consideration of a motion or a debate.

4. – The right to speak of all groups is guaranteed during the set time limit debate procedure

The National Assembly decided to introduce a "Set Time Limit Debate Procedure" which fixes the time periods for the examination of bills in plenary sitting.

The implementation of this reform is based on mechanisms which guarantee the right to speak for all groups and in particular for the opposition and minority groups.

These guarantees which appear in article 49 of the Rules of Procedure, number six in all:

- The rules concerning the allotment of time are not the same for the governing majority and for the opposition. Thus it is provided that the

minimum time allotted to each group must be longer for the opposition groups. Each chairman may, in addition, transfer half of their allotted time to a member of their group who has been designated for the length of the reading of the bill;

- The speeches of all group chairmen are not counted in the pre-set time limit if they do not exceed one hour per group chairman. When the overall time allotted between groups is more than forty hours, this limit is raised to two hours;

- The chairman of a group may automatically obtain “minimum set debate time”, equal to a length of time set by the Conference of Presidents (25 hours at the moment);

- Once per session, a group chairman may automatically obtain “extraordinary set debate time” (40 hours at the moment);

- Once per session, a group chairman may automatically have the time of their group specially extended (40 hours at the moment);

- When the discussion of a bill on first reading occurs less than six weeks after its tabling or less than four weeks after its transmission, a group chairman can avoid the implementation of the Set Time Limit Debate Procedure.

File n°10

THE SECRETARIATS OF THE POLITICAL GROUPS

Key Points

In accordance with article 20 of the Rules of Procedure of the National Assembly, any political group formed following the correct rules, may be serviced by an administrative secretariat to be recruited and paid as determined by the group itself.

I. ORGANIZATION AND FINANCING OF THE SECRETARIATS OF THE POLITICAL GROUPS

1. – The assistants of the political groups

Each political group is entirely responsible for its staff, whether it be their recruitment, the amount they are paid, their work conditions or their dismissal.

These assistants come from different backgrounds: they may be young university graduates or doctoral students, civil servants on leave of absence from central or regional administration or even people from a community service background.

2. – The financing of the secretariats of the political groups

In order to manage its staff, each political group can avail of a financial contribution from the National Assembly and from its members towards the secretarial costs. The latter contribution is made up of transfers of a part of the staff allowance or of dues. The subsidy was introduced in 1954, i.e. twenty years before the creation of the staff allowance.

3. – The constitution of the groups in associations

Modified in 2014, article 20 of the Rules of Procedure of the National Assembly provides that the groups be constituted as associations, chaired by the chair of the group and made up of members of the group and related members.

The *Bureau* of the National Assembly decided that the parliamentary groups must draw up a report and an income statement and appoint an auditor. The accounts of the parliamentary groups as well as the auditors' reports attached to them are published on the site of the National Assembly.

As the status of each group is thus defined, each one may now be registered with URSAFF (the social security contribution collection agency) as an employer. The Association of Chairs of Groups at the National Assembly is thus no longer registered in the name of the groups (it was set up in 1961 for this purpose as certain groups had no legal identity).

II. – MISSIONS OF THE SECRETARIATS OF THE POLITICAL GROUPS

Generally speaking, the assistants of the political groups work under a secretary general who, under the authority of the chairman of the political group, apportions the tasks between them and is responsible for their management.

Each political group decides freely on its internal organization, which depends largely on the number of available assistants. Most of them are in charge of one or several areas of legislative activity. As they are in regular contact with the civil servants of the secretariats of standing committees, they follow the activities of the relevant committee(s) and contribute, within their group, to the drawing-up of the position to be adopted regarding the bills which are being examined.

File n°11

PARLIAMENTARY ASSISTANTS

Key Points

The National Assembly grants M.P.s the possibility of recruiting parliamentary assistants to help them in the carrying out of their office and their various responsibilities.

These assistants are bound by a private law contract to their M.P./employer. This contract falls within the scope of ordinary labour and social protection law.

The help they provide to an M.P. varies and can go from simple material tasks to much more elaborate contributions (speech-writing, amendments).

The creation of the position of parliamentary assistant (or M.P.'s assistant) dates from 1975. It represents, in a certain way, the end of a long process which fulfils the wishes of M.P.s to avail, along with their parliamentary allowance, of human and material means enabling them to meet the various expenses engendered by their office and which reinforce the means already collectively allocated to the political groups and in addition to those provided by the administration.

I. – THE STATUS OF PARLIAMENTARY ASSISTANTS

1. – The principle of the M.P./employer and the application of ordinary labour law

The M.P. has at his/her disposal an allowance which enables them to recruit up to five assistants. This monthly allowance amounts to €11,118.

The basic principle is that the M.P. is the employer. The assistant is the employee of the M.P. and not of the National Assembly. This principle, which was reinforced in 2002 by the possibility for the M.P. to directly manage their assistant allowance, is at the basis of all the rules and mechanisms which govern the relationship between the M.P. and his/her assistant(s):

- The M.P.s have the position of employers. They can freely recruit their assistants, dismiss them and set their work and pay conditions, as long as they respect the provisions of the labour code;

- The assistants are recruited on the basis of a private law contract. Generally speaking, these are open-ended contracts but the M.P. may recruit his/her assistants on the basis of a fixed-term contract (within the conditions laid down by the labour code). The open-ended contract

continues if the M.P./employer is re-elected. However it is terminated upon the end of the M.P.'s term of office, whatever be the motive (normal ending of the term of Parliament, dissolution, resignation of the M.P., appointment as a member of the Government).

- Stock contracts, the clauses of which are approved by the *Questeurs*, are made available to the M.P.s by the Department of Parliamentary and Social Management. They contain two stipulations which are directly linked to the method of management of the assistant allowance. The first, concerning the object of the contract, states that "*the M.P./employers, acting on their own account, employ the employee who is legally subordinate to them and enjoys all their confidence to assist them in the carrying-out of their parliamentary function*". The second states that "*the termination, for whatever reason, of the term of the M.P./employer constitutes a reasonable cause for the ending of the contract*".

In the case of disagreement between the M.P./employer and the assistant, the Industrial Tribunal is alone competent, as for any dispute between an employee and the employer in a private company.

These principles were introduced in 2014 in article 18 of the Rules of Procedure of the National Assembly which states: "*M.P.s may employ, under a private contact law, parliamentary assistants, who help them in the carrying-out of their office and of whom they are the only employers. They are provided, to do this, with an allowance to be used to pay their assistants*". Since 2017, these principles also appear in the Ordinance of November 17, 1958 concerning the functioning of the parliamentary assemblies.

An assistants' organization called into question the principle of the M.P./employer by attempting to have the magistrates' court of the 7th district of Paris recognize the existence of an economic and social unity between the M.P./employers and the assistants. The application was rejected by a judgement rendered on May 21, 2002, stating that the social advantages and, more generally, the work conditions of the assistants were similar to the notion of "*the mutualisation of means, which was usual within the same profession"* and concluded that *"the absence of a real community of workers and of economic unity prevented the recognition of the existence of an economic and social unity between the M.P.s of the National Assembly*". This judgement was the subject of an appeal to the Court of Cassation. The Social Tribunal of the Court of Cassation rejected it with a ruling on February 18, 2004 which stated that "*there is no unity of management over the parliamentary assistants*" and that "*the M.P.s who make up the National Assembly do not (therefore) constitute an economic and social unity*".

2. – The management of the assistant allowance delegated to the parliamentary and social management department

Since 2002, each M.P. must choose between granting a management power of attorney to the Assembly or managing this allowance directly.

In the case of the granting of a management power of attorney, the Parliamentary and Social Management Department, upon the instructions of each

M.P., attributes the remuneration of the assistants and carries out, on behalf of the M.P.s, the management measures such as the issuing of pay slips, the payment of salaries with the necessary contributions and the drawing-up of and the transmission to the relevant organizations of the social and tax declarations. In so doing, it merely carries out the function of a service-provider.

In the case of direct management, the M.P. receives the equivalent of one and a half times the basic allowance to cover the employer costs.

3. – Social protection and parliamentary assistants

The salaried assistants come under the general social security system for salaried workers as regards sickness, maternity, death, work accidents and old-age, under the supplementary retirement scheme for salaried workers under private law and under the unemployment insurance scheme. They benefit from the provisions of the labour code concerning vocational training.

Since 1975, a number of measures have improved the situation of assistants. Apart from the fact that their salaries have been re-indexed to be aligned with those of the public sector, many of the employer costs are financed outside of the assistant allowance. These include:

- From the beginning, the obligatory employer social and tax costs which represent about half of the gross salary contributed to the assistant allowance;

- From 1978, the severance pay at the end of a contract allocated to assistants in the case of the termination of the term of the M.P./employer;

- Since January 1, 2006, after two years of service, the seniority bonus which is equal to 5% of the basic salary and is increased by 5% every two years with a ceiling at sixteen years of seniority;

- Since September 1, 2020, the sustainable mobility package or the covering of petrol expenses, or those relating to electric, rechargeable hybrid or hydrogen-run vehicles, for assistants for whom the M.P./employer implements such measures;

- Various expenses linked to specific training given to assistants (training provided by the National School of Administration, now The National Institute for Civil Service, since 1986 and by the National Centre for Territorial Administration since 1991, English courses since 1992, two-day cycle at the Institute of Higher Studies of National Defence since 2011 and at the National Institute for the Higher Study of Justice, now The Institute of the Ministry of the Interior for Higher Studies, since 2016), linked to occupational medicine and linked to the assistants' transport costs for journeys between Paris and the constituency, requested by the M.P./employer.

In addition, other fringe benefits are given to the assistants:

- The 13th month allowance, which was introduced in 1982 and is the equivalent of an extra month's basic salary;

- The child-minder's benefit which has been granted for children under three years of age, since 1988;

- The contingency bonus, which since 1998 has replaced the limited reimbursement of the costs of a mutual insurance company;

- The meal allowance (food allowance or luncheon vouchers), introduced in May 2000.

At the outset, these advantages were directly taken care of by the budget of the National Assembly and the M.P./employer could oppose their payment. Since 2002 all, with the exception of the child-minder's benefit (which is still taken care of by the National Assembly's budget) are attributed to the assistant allowance which has thus been re-indexed.

Since January 1, 2006, assistants fulfilling certain diploma conditions and/or seniority conditions may be granted the status of '*cadre*' (manager) if they make a written request to their M.P./employer.

In addition, since January 1, 2014, all of the assistants keep their complete salary during the entire period of stoppage for sickness leave or maternity leave. This expenditure is partially covered by the budget of the National Assembly.

In 2016, a compulsory, supplementary healthcare scheme was set up requiring a monthly contribution on the part of the employee (20% of the overall contribution) and for the employer (80% of the overall contribution). The latter constituting a contribution by the budget of the National Assembly, on top of the assistant allowance.

4. – Collective agreement concerning parliamentary assistants

Three collective agreements concerning parliamentary assistants have been between the trade unions representing the assistants and an association of M.P.-employers created for this purpose. This contributed to the clarification and the renovation of the working relationships between the M.P.-employers and their assistants.

These agreements are applicable to M.P.s who join the association and their assistants whom they employ using a work contract based on private law and over which they have delegated the management to the departments of the National Assembly. The agreement only affects the M.P.s who are members and their assistants.

- The first collective agreement, which was negotiated on November 24, 2016 and which came into force on March 1, 2017, is made up of the following measures;

  - A mechanism providing a flat-rate number of days allowing autonomous employees to benefit from additional rest days on top of the legal holidays, by agreement between each M.P.-employer and the assistant concerned;

- The reestablishment of an allowance aimed at compensating the lack of job security due to the breaking-off of the contract at the end of a term of Parliament. Previously this was only provided to assistants who were recruited before January 1, 2010;

- The enshrinement the existing social and allowance schemes favourable to the assistants.

➢ The second collective agreement, which was negotiated on October 31, 2018 and which came into force on December 1, 2018, is made up of the following measures;

- The introduction of an optional job description clause allowing the M.P.-employer to clarify the tasks required of the assistant by choosing them from among 40 missions set down in four areas;

- The relaxation of the criteria necessary for recognizing the framework quality;

- Various measures to ensure career paths and vocational training.

➢ The third collective agreement, which was signed on April 15, 2021 and which came into force on July 1, 2021, introduces the idea of the portability of the seniority bonus, now called “seniority in the profession bonus”, making provision in the future for the fact that not only will time spent with the same M.P., and/or the substitute be taken into account, but also the time spent with any M.P., with a senator who becomes an M.P or with a political group at the National Assembly.

II. – THE WORK OF PARLIAMENTARY ASSISTANTS

The assistant plays the role that each M.P. assigns to him within the team that he has recruited.

Certain M.P.s concentrate their team in their constituency, others in Paris and some divide their team between the National Assembly and their constituency. In practice, roughly speaking about two 60% of assistants work in constituencies and about 40% at the *Palais Bourbon*.

The tasks they are assigned depend upon the needs of the M.P. and the abilities of the person recruited:

- Most assistants are assigned secretarial and support tasks, such as the keeping of the appointments diary, the arrangement of meetings, answering the telephone and support for a variety of material tasks.

- The most qualified assistants, with university degrees for example, help the M.P.s in the carrying out of their function: speech-writing, preparation of Members’ bills and amendments, representation within the political group etc.

- In application of the institutional law of October 11, 2013 concerning transparency in public life, since the month of July 2014, the declarations of interests and activities of M.P.s, including the names of their parliamentary assistants, are published on the site of the High Authority for Transparency in Public Life.

- The names of the assistants of M.P.s are also published on the site of the National Assembly since 2017.

III. – TRANSPORT SERVICES

The transport services provided by the National Assembly for parliamentary assistants are intended to enable them to fully support the M.P. who employs them and whose work is shared between the issues of the constituency and the up-to-date parliamentary questions in Paris.

Each MP from continental France has a quota of 10 round trips per year for his assistants by air or rail transport, which he is responsible for distributing within his team. In addition, the MP also has the possibility of granting one of his collaborators an SNCF Fréquence 2nd class subscription allowing him/her to travel at half-fare on the railway line linking his constituency to Paris or a TGV Max subscription if the assistant is less than 27 years of age and if the constituency is served by the TGV.

An overseas MP has an annual budget for his/her assistants corresponding to four round trips between the constituency and Paris in economy class and it up to the M.P. to distribute these trips freely within the team.

The MP representing French people settled outside of France can have a maximum of 30% of their annual transport credit available to their assistants for journeys within their constituency or between it and Paris.

III - The Organization of the National Assembly

File n°12

THE PRESIDENCY OF THE NATIONAL ASSEMBLY

Key Points

As the fourth highest dignitary of the State, the President of the National Assembly plays an essential role in French political life.
He is elected for the term of Parliament and has many prerogatives, certain of which are listed in the Constitution. He is thus consulted by the President of the Republic in several cases (the dissolution of the National Assembly, the implementation of the special powers provided by article 16 of the Constitution) and is vested with the power of referral to the Constitutional Council of which he appoints three members.
He particularly has a preeminent role in the organisation of parliamentary work and in the chairing of debates in the public sitting.

The Presidency of the National Assembly plays an essential role in French political life, on account of its position within the institutions of the Republic and its essential contribution to the proper running of the National Assembly. This role has been strengthened by the Constitutional Act of July 23, 2008 and by the subsequent modification in the Rules of Procedure of the National Assembly.

This explains why the National Assembly in the Fifth Republic, as during the previous Republics, has often been presided over by high-profile politicians. The following men have been Presidents since 1958: Jacques Chaban-Delmas (1958-1969, 1978-1981 and 1986-1988), Achille Peretti (1969-1973), Edgar Faure (1973-1978), Louis Mermaz (1981-1986), Laurent Fabius (1988-1992 and 1997-2000), Henri Emmanuelli (1992-1993), Philippe Séguin (1993-1997), Raymond Forni (2000-2002), Jean-Louis Debré (2002-March 2007), Patrick Ollier (March-June 2007), Bernard Accoyer (2007-2012), Claude Bartolone (2012-2017), François de Rugy (2017-2018), Richard Ferrand (2018-2022) and Yaël Braun-Pivet since June 2022.

At its first sitting, the newly elected Assembly, chaired by its most senior member, elects its President. This election, which is valid for the term of the Parliament, is held by secret ballot at the rostrum. If the absolute majority of votes cast is not obtained at the first two rounds of the ballot, then a relative majority is enough at the third. In the case of a tie then the eldest candidate is elected.

I. – THE INSTITUTIONAL ROLE OF THE PRESIDENCY OF THE NATIONAL ASSEMBLY AND HIS RELATIONS WITH THE OTHER PUBLIC POWERS AND BODIES

1. – Compulsory Consultation

The President of the National Assembly must be consulted by the President of the Republic in two occasions:

- the dissolution of the National Assembly (article 12 of the Constitution);

- the implementation of emergency powers by the President of the Republic (article 16 of the Constitution).

She is also consulted by the Prime Minister when the latter seeks the holding of extra days of sitting beyond the usual one hundred and twenty days which each Assembly may hold during its normal session (article 28 of the Constitution).

2. – Powers of appointment of the President of the National Assembly

The President of the National Assembly carries out appointments to certain bodies which are external to the Parliament, in accordance with the Constitution or in application of a law.

She appoints, at the same time as the President of the Republic and the President of the Senate, one member of the Constitutional Council at each three-yearly partial renewal of this body (article 56 of the Constitution). Since the revision of July 23, 2008, this appointment is made after the opinion of the Law Committee has been given.

According to the terms of the new version of article 65 of the Constitution, the President of the National Assembly appoints, after the opinion of the Law Committee has been given, two of the six people who will sit in the sections of the High Council of the Judiciary which have jurisdiction over judges and over public prosecutors.

In addition to the appointments she makes in accordance with the Constitution, the President of the National Assembly appoints one or several members of various councils and independent administrative authorities (the Authority for the Regulation of Audio-visual and Digital Communication, the Board of Directors of the Bank of France, the National Commission on Data Protection and Liberties, the Financial Markets Authority, the Regulatory Authority for Electronic Communications and Post, the High Authority in Political Life, qualified figures working with the Defender of Rights etc.).

She also appoints, by virtue of Law n°2009-39 of January 13, 2009, one of the qualified people on the commission provided for by article 25 of the Constitution which is responsible for publicly expressing an opinion on the Government and Private Members' Bills defining the constituencies for the election of Members of the National Assembly, or modifying the distribution of the seats of Members of the National Assembly or of Senators. This appointment is made after an opinion is given by the Law Committee.

Furthermore, certain laws grant her the task of appointing one or several M.P.s to sit on bodies on which representation of the parliamentary assemblies is provided for. This is notably the case for the Commission on Access to Administrative Documents, the Steering Committee on Employment or the National Consultative Committee on Ethics in Life Sciences and Health. Law n°2018-699 of August 3, 2018 provides that these appointments must respect gender parity between women and men and should endeavor to respect the political make-up of the Assembly.

3. – Powers of referral of the President of the National Assembly

a. Referral to the Constitutional Council

The President of the National Assembly may refer bills to the Constitutional Council before their promulgation (article 61 of the Constitution) and may call on it to decide if an international agreement contains any clauses contrary to the Constitution (article 54 of the Constitution).

In the case of disagreement with the Government, she may call on the Constitutional Council to decide if a Members' bill or an amendment is, or is not, a matter for statute or is, or is not, contrary to a delegation of authority granted by virtue of article 38 of the Constitution (article 41 of the Constitution).

After thirty days of the exercise of emergency powers, the President of the National Assembly, may, by virtue of article 16 of the Constitution, refer the matter to the Constitutional Council so that it may decide if the conditions laid down in the same article still apply.

According to the new article 39, paragraph 4, of the Constitution, in the case of a disagreement between the Conference of Presidents and the Government on the matter of knowing if the presentation of bills allows their inclusion on the agenda[1] of the National Assembly, the President of the National Assembly may refer the matter to the Constitutional Council which shall rule within a period of eight days.

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[1]. *And thus answers the conditions laid down by article 8 of the Institutional Act n° 2009-403 of April 15, 2009, concerning the application of articles 34-1, 39 and 44 of the Constitution which define the content of documents which deal with the impact associated to the bills and which must be tabled in the first of the assemblies to which the referral has been made, at the same time as the bill itself.*

b. Referral to other bodies

Article 39, paragraph 5 of the Constitution, introduced by the constitutional revision of July 23, 2008, allows the President of the National Assembly to submit a member's bill tabled by an M.P. for the opinion of the *Conseil d'État* before its examination in committee subject to the agreement of its author.

The President may also, by law, refer matters to:

- The Court of Budgetary and Financial Discipline;
- The National Consultative Committee on Ethics in Life Sciences and Health;
- The Authority for the Regulation of Audio-visual and Digital Communication.

She may in addition, at the request of one of the standing committees of the National Assembly, communicate to the Defender of Rights any petition which has been referred to the National Assembly.

Moreover, article 70 of the Constitution provides that Parliament may consult the Economic, Social and Environmental Council.

The President may also consult the Congress of New Caledonia on member's bills introducing provisions which concern it and request the High Commissioner of the Republic to make a consultative referral to the Assembly of French Polynesia on a Government or member's bill which concerns it (Institutional Laws n° 99-209, of March 19, 1999 and n° 2004-192 of February 27, 2004).

4. – Chairmanship of congress and of the high court

The President of the National Assembly presides over the Congress when it is called in order to carry out a constitutional revision, to ratify a membership to the European Union not submitted to referendum or when the President of the Republic takes the floor before it in accordance with article 18 of the Constitution.

When, pursuant to article 68 of the Constitution, Parliament sits as the High Court, it is presided over by the President of the National Assembly.

II. – THE ROLE OF THE PRESIDENT WITHIN THE NATIONAL ASSEMBLY

1. – Role concerning the terms and status of M.P.s

The President of the National Assembly receives all decisions and communications which could have a bearing on M.P.s' terms of office or status:

- Decisions of the Constitutional Council concerning electoral disputes, resignations or vacant seats;

- Correspondence concerning parliamentary immunity;

- Membership of political groups and declarations regarding their membership, if that be the case, of the opposition;

- Declarations of membership of parties for the financing of public subsidies to political parties.

She must then implement the procedures provided for in such circumstances either through her own initiative or by referring the matter to the *Bureau*.

2. – Chairmanship of the decision-making bodies of the assembly

Each week, the Conference of Presidents is convened, if necessary, by the President of the National Assembly on the day and at the time which she sets. She may also convene the Conference of Presidents at any moment for any other reason. It may also be convened by the President upon the request of a political group chair so that it may exercise the prerogatives given to it by the constitutional reform of July 23, 2008: opposition to the inclusion on the agenda of a bill when it considers the documents referring to the bill's impact study do not meet the requirements of the Institutional Law n°2009-403 of April 15, 2009 or joint opposition with the Senate to the implementation of the accelerated procedure.

The agenda for two weeks out of four is set by the National Assembly on the proposition of the Conference of Presidents, whilst the agenda for the other two weeks is set down by the Government. It is the task of the President of the National Assembly to gather the various proposals for the agenda for these two weeks and to present them to the Conference.

The President convenes and presides over the *Bureau* of the National Assembly. The *Bureau* has plenipotentiary powers to regulate the deliberations of the Assembly and to organize and direct all of its departments.

In accordance with the terms of article 146-2 of the Rules of Procedure, she chairs the Commission on the Assessment and Monitoring of Public Policies which was set up in 2009.

3. – Role of the president in the running of debates

As regards the chairmanship of plenary sittings, it is the President's duty:

- To open, close or adjourn the sitting;
- To chair the debates in accordance with the decisions taken by the Conference of Presidents;
- To decide the order of speaking and to give speakers the floor;
- To decide on the postponement or the priority of certain articles or amendments;
- To oversee the respect of the Rules of Procedure, as well as of constitutional or institutional provisions;
- To maintain order in the Chamber.

In the carrying out of these functions, the President may be replaced by one of the Vice Presidents of the National Assembly.

In addition, the President:

- Oversees the running of the Committees which she convenes for their constitution;
- Receives the tabling of all initiatives (Government bills, Members' bills or resolutions, motions etc.);
- Sends Government and Members' bills for examination to the relevant committee;
- Oversees the implementation of the correct procedure for written and oral questions;
- Transmits the bills which have been passed to the relevant authorities;

She makes a decision on the admissibility of amendments tabled on bills discussed in plenary sitting, in particular regarding article 40 of the Constitution which provides that parliamentary amendments cannot result in either a diminution of public revenue or the creation or increase of any public expenditure, though this power, in reality, may be delegated to the Chair of the Finance Committee or, after a possible consultation with the Chairman of the lead committee, regarding article 45 of said Constitution which requires all amendments to have a link with the bill.

Since the constitutional revision of July 2008, the President of the National Assembly has four new prerogatives which are linked to the legislative procedure:

- Article 39, paragraph 5 of the Constitution allows the President to refer a Member's bill tabled by an M.P. for an opinion of the *Conseil d'État*, (see above I, 3, b);

- Article 41, allows him, during the legislative procedure, to argue the inadmissibility of an amendment or of a Member's bill for not being a matter for statute;

- In accordance with article 45, paragraph 2, the President of the National Assembly and the President of the Senate, acting jointly, may, in the case of a Member's bill, call a meeting of a joint committee after two readings (a single reading if the accelerated procedure has been implemented);

- The President also monitors the subject of draft resolutions tabled by virtue of article 34-1, since a resolution may not be included on the agenda if it is on the same subject as a previously tabled resolution during the same ordinary session.

4. – Other roles of the President

a. The representative role of the National Assembly

The President of the National Assembly represents the Assembly and ensures the preservation of its interests. In order to do this he may avail of "the length of the term of Parliament" and is thus the only member of the *Bureau* who is not submitted to periodic re-election.

The Rules of Procedure of the Assembly state that "*the communications of the National Assembly shall be made by the President*" (article 13) and the law grants her the representation of the institution before jurisdictional bodies.

Beyond these legal aspects, it also falls within the remit of the President to embody the community of M.P.s in certain circumstances.

It is thus that she expresses in plenary sitting, the emotion of the national representation during events of particular solemnity (attacks, catastrophes, the death of important personalities, catastrophes, etc.).

She also carries out the representation of the Assembly at official ceremonies (the ceremony of New Year's wishes of the *Bureau* to the President of the Republic) and at certain international bodies (the co-chairmanship of the French group to the Inter-parliamentary Union, the Conference of Presidents of European Parliamentary Assemblies, the summits of the Presidents of the

Parliaments of the G7/G20). She often grants interviews to Heads of State or members of foreign Governments visiting Paris.

b. The role of the President in security matters

The President of the National Assembly is in charge of the internal and external security of the National Assembly (article 3 of ordinance n° 58-1100 of November 17, 1958 concerning the running of parliamentary assemblies; article 13 of the Rules of Procedure). Se thus has at her disposal and under her orders, a military unit, whose responsibility it is to oversee the security of the *Palais Bourbon* and the parliamentary precincts.

File n°13

THE *BUREAU* OF THE NATIONAL ASSEMBLY

Key Points

Even if the Constitution only mentions the *Bureau* of the National Assembly in passing (articles 26 and 89), the *Bureau* is nonetheless the highest collective decision-making body of the National Assembly.

By uninterrupted tradition, the *Bureau* has general competence, either directly or by the delegation of powers to certain of its members, over the organization and the internal running of the National Assembly.

This idea is expressed in article 14, paragraph one, of the Rules of Procedure: "*The Bureau shall have complete power to run the deliberations of the House and to organize and direct departments*".

I. – COMPOSITION AND ELECTION OF THE *BUREAU*

1. – Composition

The *Bureau* is made up of 22 members:

- The President of the National Assembly, the only member to be elected for the whole term of the Parliament,
- The 6 Vice Presidents,
- The 3 *Questeurs*,
- The 12 Secretaries.

In order to deal with certain decisions, delegations were formed within the *Bureau.* There are currently six such delegations:

- The delegation in charge of international activities;
- The delegation in charge of transparency and the representatives of interest groups
- The delegation in charge of communication and the press;
- The delegation in charge of M.P.s' status;
- The delegation in charge of study groups;

- The delegation in charge of artistic and cultural heritage;

Each of these delegations is chaired by one of the Vice Presidents. In addition, three of them also have as members, a *Questeur* acting in his official capacity (communication, international activities, artistic and cultural heritage). The chairman of each delegation reports to the *Bureau* on the conclusions of the delegation which he chairs.

2. – Method of election

a. The Provisional Bureau

The first sitting of the Parliament is chaired by the eldest M.P. who is aided by the six youngest M.P.s who fulfil the role of Secretaries until the election of the *Bureau*. The Provisional *Bureau* only operates in order to carry out the election of the President of the National Assembly. Although no debate may take place under the chairmanship of the most senior member, it is customary for him to make a speech to his colleagues in which he shares his thoughts inspired by his experience in Parliament.

b. Election of the President of the National Assembly

The President of the National Assembly is elected by secret ballot at the rostrum. Tellers, drawn by lots, count the votes and the most senior M.P. announces the result. If an absolute majority of votes cast is not obtained at the first two rounds, a relative majority is enough at the third round; in the case of a draw, the eldest candidate is deemed elected. As soon as he is elected, the President mounts the rostrum, makes a speech and announces the date of the following sitting during which the members of the *Bureau* of the National Assembly will, themselves, be elected.

c. Election of the Vice Presidents, the Questeurs and the Secretaries

The other members of the *Bureau* (the Vice Presidents, the *Questeurs* and the Secretaries) are elected at the beginning of each term of Parliament, during the sitting which follows the election of the President and are renewed at the beginning of each ordinary session, with the exception of that preceding the renewal of the National Assembly.

The composition of the Bureau attempts to reproduce the political make-up of the National Assembly. In October 2017, a reform of the Rules of Procedure, clarified the way in which this principle was to be applied. Paragraphs 5-7 of article 10 of the Rules of Procedure set down the criteria according to which the groups the positions and create the principle that one of the *Questeur* positions is reserved for the opposition:

"*Each position in the* Bureau *is allocated a number of points: 4 points for the position of President, 2 points for that of Vice President, 2.5 for that of* Questeur *and 1 point for that of Secretary.*

All the positions together represent a total of 35.5 points which are divided between the groups in a proportional manner in order to represent the political make-up of the National Assembly.

The chairs of the groups choose, according to the number of points which they have, the positions which they wish to have for their group. This distribution is carried out in priority order according to the number of members of the respective groups and, in the case of equal numbers of members, by drawing lots. One of the Questeur *positions is reserved for an M.P. who belongs to a group which has declared that it is in the opposition".*

It is only when the groups do not reach agreement that a ballot is held for each type of position for which the number of candidates is superior to the number of positions on offer.

After the election of the *Bureau*, the President of the National Assembly notifies the President of the Republic, the Prime Minister and the President of the Senate of its composition.

II. – THE POWERS OF THE *BUREAU*

Article 14, paragraph 1, of the Rules of Procedure states that *"The Bureau shall have complete power to run the deliberations of the House and to organize and direct departments".*

The Bureau represents the National Assembly at external events, interprets and applies the Rules of Procedure, rules on major incidents during sittings and also ensures equality of treatment in media coverage.

1. – Powers of the *Bureau* concerning legislative activities of the National Assembly

a. In Plenary Sitting

In plenary sitting the President (or one of the Vice Presidents replacing him) directs the debates. He may, at any time, adjourn or end the sitting.

The Secretaries of the *Bureau* check the voting operations and the count for certain ballots: ordinary public ballots using ballot papers (in cases where the electronic voting system fails to work) public ballots at the rostrum or in the rooms adjoining the Chamber (e.g. vote on a censure motion), secret ballots for personal appointments.

b. In Parliamentary Procedure

The *Bureau* has the power to assess the financial admissibility of Members' bills upon their tabling. This power is carried out by one of its delegations.

The President of the National Assembly may also refer questions of the financial admissibility of amendments to the *Bureau* although, in practice, this provision is not applied.

2. – Powers of the *Bureau* concerning the administrative running of the National Assembly

The *Bureau* has wide statutory powers:

- It decides upon the Internal Rules which establish the organization, the powers and the working of the departments of the National Assembly;

- It sets down the terms of application, of interpretation and of implementation of the Internal Rules by the various departments;

- It establishes the status, the retirement scheme and the social security system of the staff, as well as the terms of the relationship between the administration of the National Assembly and the professional organizations representing the personnel;

- It has a power of appointment to the highest positions in the administration of the National Assembly: it thus appoints the secretaries-general, the general directors, the directors of departments, as well as the heads of unit;

- Under the supervision of the *Bureau*, the *Questeurs* have responsibility for financial and administrative issues and in this capacity they present each year the predicted budget of the Assembly ; they report to the *Bureau* on the main decisions falling within their remit and, should circumstances so require, ask it to make a decision on certain matters which in particular affect the material aspects of the status of the personnel or the means available to M.P.s and to the bodies of the National Assembly.

3. – Other statutory powers of the *bureau*

So as to ensure the respect of the prohibitions mentioned in article 23 of the Rules of Procedure, which ban the forming of groups defending private, local or occupational interests, the *Bureau* approves, upon a report of its relevant delegation, the study groups which are allowed to be formed within the National Assembly.

It coordinates the international activities of the National Assembly.

In the field of communication, the *Bureau* has the final say on the conditions of production, transmission and distribution of the audio-visual account of the debates.

4. – The constitutional and legislative powers of the *bureau*

There are several specific elements in this remit which the *Bureau* possesses on account of various constitutional and legislative provisions. To be particularly noted is:

- The system of authorization concerning custodial or semi-custodial legal measures (article 26 of the Constitution);

- The responsibility of the *Bureau* to become the *Bureau* of the Congress of Parliament when the latter meets in order to carry out a constitutional revision (article 89 of the Constitution);

- The verification of incompatibility with parliamentary office as laid down by the electoral code (article L.O. 151-2 of the electoral code);

- The registration of M.P.s as regards their membership of parties and political groups eligible for the distribution of public subsidies, as laid down by the legislation on the financing of political life (article 9 of Law n° 88-227 of March 11, 1988);

The setting-down of the rules regarding the prevention and monitoring of conflicts of interest (Law n° 2013-906 of October 11, 2013). These rules were established after consultation with the body in charge of parliamentary ethical standards. In addition, the law provides the *Bureau* with the task of overseeing the respect and the monitoring of these rules concerning ethical standards.

5. – Powers as regards appointments

In application of article 80-2 of the Rules of Procedure of the National Assembly, it is within the remit of the *Bureau,* upon a proposal of the President, to appoint the Commissioner for Ethics of the National Assembly, with a majority of three-fifths of its members and after the agreement of at least one president of an opposition group.

The *Bureau* meets around eight times a year. Each meeting leads to a publication on the internet site of the Assembly, of the minutes of the decisions taken, certain of which are published in the *Journal officiel.*

File n°14

THE *QUESTEURS*

Key Points

The term and the position of *questeur* date from the Senatus Consultum of 28 frimaire, year XII (20 December 1803). There are three *Questeurs* since the Third Republic.

The *Questeurs* are members of and act under the authority of the *Bureau* of the National Assembly and thus of the President of the National Assembly. They "*shall be responsible for financial and administrative matters. No new expenditure shall be incurred without their prior agreement*" (Article 15, paragraph one, of the Rules of Procedure of the National Assembly). No expenditure can thus be incurred directly by any of the departments under their authority.

It is a tradition that two of them should come from the ranks of the Government majority and one from the opposition. This principle now figures explicitly in article 10 of the Rules of Procedure of the National Assembly, when the make-up of the *Bureau* is based on an agreement between the groups.

They are elected by their peers at the beginning of each term of Parliament, and then every year at the beginning of each ordinary session, except that which precedes the renewal of the National Assembly.

In practice, the *Questeurs* manage, by delegation of the *Bureau*, the administrative and material sides of the life of the National Assembly.

Chaired by the President, the *Bureau* is the supreme body of the National Assembly but its modest size (22 members) means it must delegate some of its powers. Thus the *Questeurs* are the members of the *Bureau* who, under its authority, carry out the administrative and financial management of the National Assembly. In particular they draw up the budget of the National Assembly, manage the funds and decide upon expenditure.

The position of *Questeur* illustrates the principle of administrative and financial autonomy of parliamentary assemblies set down in article 7 of the Ordinance of November 17, 1958 relative to the running of parliamentary assemblies.

I. – THE *QUESTEURS*: A COLLEGIAL BODY

1. – Composition

Like the other members of the *Bureau*, with the notable exception of the President of the National Assembly who is elected for the whole term of Parliament, the three *Questeurs* are elected by their peers at the beginning of each term of Parliament, and then every year at the beginning of each ordinary session, except that which precedes the renewal of the National Assembly. In practice there is quite a large amount of stability in the function of *Questeur*.

Article 10 of the Rules of Procedure specifies that "*in the election of Vice-presidents, Questeurs and Secretaries, every endeavour shall be made to ensure that the Bureau reflects the political make-up of the House and to ensure gender parity between women and men*" (second paragraph). In order to satisfy this principle, the practice observed in the National Assembly, since 1959, consists of seeking an agreement to distribute the candidates for the different functions between all the parliamentary groups, using a calculation key taking into account the number of members of groups and the importance of various positions. This calculation key is now, since resolution no. 26 of October 11, 2017, explicitly included in the Regulations of the National Assembly, whereas until now it was only the result of a practice.

Since 1973, two of the *Questeurs* have traditionally been members of the parliamentary majority and the third *Questeur* has been a member of the opposition.

Paragraph 7 of Article 10 of the Rules of Procedure, amended by the aforementioned resolution of October 11, 2017, now explicitly indicates that "*One of the positions of* Questeur *is reserved for an M.P. belonging to a group that has declared itself in opposition* ". It should be noted, however, that this obligation of belonging to an opposition group for one of the three *questeurs* only applies, upon reading Article 10 of the Rules of Procedure, when seeking an agreement between the group presidents. In the event of no agreement, when there is appointment by ballot, the vote of all the M.P.s is free and this obligation no longer applies.

The fact of having *Questeurs* from different political parties means that a consensus can be reached between the political groups on decisions of an administrative nature and this avoids such issues being exploited for political reasons.

2. – Working

The *Questeurs* meet regularly, in the presence of the two Secretaries General, to discuss all the questions which fall within their remit.

The decisions of the *Questeurs* are taken collegially. One is 'delegated'or 'lead' *Questeur* and is chosen by his/her colleagues to act in their name for all official acts. Each of the three *Questeurs* carries out this responsibility in turn for a one-month period.

The General Secretariat of the *Questure* prepares the meetings of the *Questure* and in collaboration with the different departments draws up the files to be

put before the *Questeurs*, writes up the minutes, records the decisions and assures their implementation and communication (in particular via the intranet site of the National Assembly).

After each meeting of the *Questure*, the Secretary General of the *Questure* and the Director General of Administrative Services, bring together the heads of departments to inform them of the decisions taken and to establish the practical aspects of their implementation.

II. – POWERS OF THE *QUESTEURS*

1. – The *Questeurs* and the budget of the National Assembly

a. The Preparation of the Budget

The financial autonomy of the parliamentary assemblies allows them to fix their draft budget without the executive power intervening. The draft budget is thus prepared and settled by the *Questeurs* and is then presented to the *Bureau*.

The amount of the annual allocation provided by the State to ensure the running of each parliamentary assembly is drawn up by the 'joint committee in charge of deciding credits' which is made up of the *Questeurs* of the two assemblies and is chaired by the president of a chamber of the Court of Accounts, aided by two assessorial judges acting as *rapporteurs*. The report drawn up by the *Questeurs* presenting the draft budget guidelines as set down in the previously described conditions, is then referred to the chairman of the joint committee.

A report signed by the seven members of the joint committee and drawn up by its chairman and the assessorial judges accompanies the request for credits and outlines the reasons. It is reproduced in its entirety in the budgetary booklet for the "public powers" mission which is annexed to the year's finance bill.

The joint committee sets down the amount of the allocation requested. It is the task of the *Questeurs*, after the passing of the Finance Act in which the allocation is included, to distribute the credits between the various chapters and expenditures.

b. Implementation of the Budget

The *Questeurs* are empowered with a general delegation regarding financial and accounting matters. Expenditure may only be authorized with their agreement, except when the amount of such expenditure is relatively insubstantial. In such cases the agreement of the Secretary General of the *Questure* by proxy is sufficient.

Expenditure is examined by the *Questeurs*, upon the basis of files prepared by the various departments of the National Assembly.

The procedure of approval of such expenditure illustrates the financial autonomy of the assemblies as the *Questeurs* approve the expenditure without the agreement of a financial inspector, the civil servant who represents the executive power.

c. Monitoring the Implementation of the Budget

In the same way, the auditing and the balancing of the accounts are matters for an internal body of the National Assembly: the *ad-hoc* committee in charge of auditing and balancing the accounts, set up by article 16 of the Rules of Procedure of the National Assembly is made up of 15 members appointed to proportionally represent the political groups. Only an M.P. belonging to a group which has declared itself as in the opposition may be elected to the chairmanship. The committee is renewed each year at the beginning of the ordinary session. The members of the Bureau and thus the *Questeurs* may not sit on this committee.

At the end of the financial year, the *Questeurs* draw up, on a proposal of the Secretary General of the *Questure*, a report for the *ad-hoc* committee on the implementation of budgetary operations, the technical preparation of which is the task of the Budget, Financial Monitoring and Markets Department. This report is made public.

The *Questeurs* appear before and answer for their management to the *ad-hoc* committee which is in charge of granting them discharge and of definitively approving the accounts for the financial year. The committee also gives discharge for his management to the Treasurer of the National Assembly. In the performance of its duties, the committee has substantial powers of oversight: its members may examine all payment orders and accompanying invoices and may question the *Questeurs* orally or in writing, in particular at the moment of the examination of the management of the financial year which has just ended. The Chairman of the *ad-hoc* committee draws up, every year, a report on the accounts of the previous year. This report is made public and is published on the internet site of the National Assembly.

In the framework of the certification procedure for the general accounts of the State introduced by the Institutional Law of August 1, 2001, concerning finance acts, a specific procedure has been implemented so as to reconcile the technical requirements of this certification with the autonomy of the parliamentary assemblies. The Court of Accounts has been, by a convention dated July 23, 2013, tasked with carrying out an audit of the accounts of the National Assembly with a view to declaring their true and fair nature in the sense of accountancy norms. The certification report which is drawn up at the end of the work is transmitted by the First President of the Court of Accounts to the President of the National Assembly who in turn, passes it on to the Chair of the *ad-hoc* committee. This report is published on the internet site of the National Assembly.

2. – The general administration of the National Assembly

The *Questeurs* are expected to be aware of questions arising from the general administration of the institution. Each of the following areas partially or completely fall within their remit, under the authority of the *Bureau*: personnel management, social security systems, pensions, the maintenance of the *Palais-Bourbon*, its grounds and attached buildings, the car pool, the catering facilities, the provision of material means to their colleagues.

a. Personnel Management

The President of the National Assembly and the *Questeurs* are together in charge of personnel management (with the exception of the porters, security staff, skilled workers, restaurant employees who fall entirely within the remit of the *Questeurs* alone). Within this area, they are in charge of all the provisions concerning the recruitment of civil servants by competitive examination, their promotion, their secondment, their leave of absence or their retirement as well as those provisions concerning disciplinary action. The *Questeurs* decide upon salary increases due to seniority but the *Bureau* is the only body which decides upon the salary index scale of the staff.

They authorize the recruitment of contract workers, in the conditions laid down by an Order of the *Bureau* and they receive any requests for the upgrading or modification of such contracts.

b. Powers of the Questeurs Regarding Social Security Matters

This element of the remit covers M.P.s and former M.P.s, as well as retired or present staff. The *Questeurs* are in charge of the pension scheme and are members, by right, of the Social Security Management Committee for M.P.s and former M.P.s. They have the same powers of administration for the Social Security system of the staff.

c. Security, Control of Access and Movement in the Palais Bourbon

According to article 3 of the Ordinance of November 17, 1958 and to article 13 of the Rules of Procedure of the National Assembly, the President of the National Assembly is in charge of overseeing the internal and external security of the *Palais Bourbon* and all the other premises of Parliament. He decides upon the size of the military force deemed necessary and this force is under his/her command. The President of the National Assembly may, if he so desires, delegate certain of these powers to the *Questeurs*.

d. Powers Concerning the Working of the National Assembly

The *Questeurs* are also in charge of certain tasks directly related to the working of the National Assembly. At the end of a discussion with the secretaries general of groups at the beginning of each term of Parliament, they ratify in particular the distribution of offices and meeting rooms for the secretariats of the political groups and for the M.P.s.

In addition, the *Questeurs* do all within their power to help the M.P.s in the carrying out of their office (transport, telephone, office equipment).

File n°15

THE BUDGET OF THE NATIONAL ASSEMBLY

Key Points

The rules which apply to the budget of the National Assembly are based on the principle of the financial autonomy of each of the parliamentary assemblies which itself is founded on the more general principle of the separation of powers.

The National Assembly and the Senate prepare their annual draft budget separately, each under the authority of their *Questeurs*. After that, a joint committee meets, consisting of the *Questeurs* from the two assemblies (six in all) and chaired by a member of the Court of Accounts, who is assisted by two judges of the Court of Accounts with a consultative voice. This joint committee decides on the amount of funds necessary for the operation of each assembly and this amount appears in the finance bill. An explanatory report drawn up by the joint committee is annexed to the finance bill.

The two assemblies then manage their budgets as they so desire. The normal rules of public accountancy are not applicable although the rules set down by the *Bureau* of the National Assembly are very widely based on them.

The monitoring of the implementation of the budget is carried out, in each assembly, by an internal committee. In the National Assembly this committee is made up of fifteen M.P.s appointed in proportion to the representation of the political groups. It draws up an annual report which is made public.

The principle of the financial autonomy of the parliamentary assemblies, which is based on the more general principle of the separation of powers, was long recognized by law professors before being enshrined in the law and accepted by the Constitutional Council.

Article 7, paragraph 1 of ordinance n° 58-1100 of November 17, 1958 concerning the functioning of the parliamentary assemblies provides that "*each parliamentary assembly possesses financial autonomy*".

More recently, the Constitutional Council based one of its decisions on "*the rule, according to which the constitutional public powers decide themselves on the funds necessary for their operation*" and stated that "*this rule is, in fact, inherent in the principle of their financial autonomy which guarantees the separation of powers*" (decision n° 2001-456 DC of December 27, 2001 on article 115 of the Finance Act for 2002).

This autonomy is represented both in the method used to draw up the budget and in the conditions of its implementation and monitoring.

I. – THE DRAWING-UP OF THE BUDGET FOR THE COMING YEAR: FREEDOM OF CHOICE IN DECISIONS CONCERNING THE EXPENDITURE AND RESOURCES OF THE PARLIAMENTARY ASSEMBLIES

1. – The basic draft

Article 7 of ordinance n° 58-1100 of November 17, 1958 sets down, in its two last paragraphs, the procedure to be followed:

"*The funds necessary for the operation of the parliamentary assemblies are laid out in proposals made by the Questeurs of the two assemblies and decided upon by a joint committee made up of the Questeurs of the two assemblies. This joint committee is chaired by a president of a division of the Court of Accounts who is appointed by the First President of this Court. The latter also appoints two judges from his court to assist the committee. They have a consultative voice in the deliberations*.

"*The proposals which are thus decided upon are included in the budgetary bill and an annex is added consisting of an explanatory report drawn up by the joint committee mentioned in the previous paragraph*".

2. – The preparation of the budget

a. Preparation at the National Assembly

Near the end of the first quarter of the year (y), the *Questeurs* of the National Assembly decide upon the main trends for the budget of the following year (y+1). In particular, they set the principal values which effect the progression of expenditure (the index point for the civil service, the expected inflation rate etc.).

Using these trends and the accounts of the previous year (y-1) as a basis, the various departments of the National Assembly draw up their expenditure forecasts.

The Budget and Management Monitoring Unit analyses these draft budgets and summarizes them. In the case of a divergence of opinion, it attempts to reach an accommodation with the department in question. If there is still disagreement the matter is put to the Secretary General of the *Questure* for arbitration.

The draft budget which is thus drawn up, includes an analysis of the expenditure forecast and of the revenue, the amount of the allocation which will be requested in the finance bill as well as a debit to be transferred from the Assembly's own available financial resources. This is then settled by the College of *Questeurs* and submitted to the *Bureau* of the Assembly, a body made up of the President of the National Assembly, the six vice-presidents, the three *Questeurs* and the twelve secretaries of the National Assembly.

b. The Role of the Joint Committee

In mid-June, the National Assembly provides information on the budget, adopted by the *Bureau* to the chairman of the Chamber at the Court of Accounts who is also chairman of the joint committee. Each of the two judges who assist the chairman

of the joint committee, delivers a report before the joint committee on the budget of one of the two assemblies. He may, in this capacity, request further information.

In accordance with the presentation of the budget since Institutional Law n° 2001-692 of August 1, 2001, pertaining to finance laws, the funds allocated to the two parliamentary assemblies and to the parliamentary television channel are included in a specific mission entitled “public powers”, which also covers the Presidency of the Republic, the Constitutional Council and the Court of Justice of the Republic.

The allocation for the National Assembly is not divided into sections, whereas that for the Senate is subdivided into three actions (the Senate itself, the Luxembourg Gardens and the Luxembourg Museum). The allocation for the parliamentary television channels is divided into two actions: one for the channel called *La Chaîne Parlementaire-Assemblée Nationale* and one for that called *Public-Sénat*.

For each of these allocations, the joint committee sets down an overall amount which corresponds to the funds it considers necessary for the operation of each of the two assemblies and of the Parliamentary Channel.

This procedure is unusual for two reasons:

- It gathers the financial authorities of the two assemblies in the same body. It allows for the sharing of official information between the National Assembly and the Senate without calling into question the autonomy of either of the assemblies. In fact, in practice, the *Questeurs* only comment upon questions dealing with the budget of their own assembly, except when the problems are shared.

- It provides the judges of the Court of Accounts with a specific role in the process of the drawing-up of the budgetary allocations of the two assemblies. The presence of such judges, dating from 1958, guarantees the intervention of an external eye. However it has always been considered that they do not represent the Court of Account as an institution and are therefore not answerable, in the carrying out of their tasks, to the First President of the Court of Accounts. The proposals of the *Questeurs* are, in fact, adopted only with the modifications which they themselves have accepted.

3. – The inclusion of the budget allocation for the assemblies in the finance act

a. The Procedure for the Passing of Funds

The chairman of the joint committee sends, on its behalf, the explanatory report containing the proposals for the budget allocations for each of the assemblies to the Budget Minister.

The minister is not in capacity to voice his/her opinion and includes the corresponding funds in the finance bill without any modification. During the discussion of the bill in committee and in plenary sitting, the rules of common law are applied to the discussion of the funds for the Public Powers mission and thus within this mission

to the allocations for the parliamentary assemblies: these funds are, in particular, the subject of a special report of the Finance Committee and may be amended.

The allocation granted by the state represents almost the entire resources of the Assembly.

Once the finance bill has been passed by Parliament, the *Questeurs* in each assembly decide upon the distribution of the funds between the various expenditure accounts.

If additional State funds are requested during the year, they are included in a "corrected" finance act following the same procedure as that applied to the initial funds.

b. Information Given to M.P.s and to the General Public

The explanatory report drawn up by the joint committee during its annual meeting is reproduced in its entirety in the budgetary booklet for 'Public Powers' which is a public document. It details the amount and nature of the expenditure forecast, the actual use of the corresponding funds during the previous year, as well as the variation from one year to another. It indicates, in addition to the allocation requested from the state budget, the forecast amount of revenue generated by various sources (through the sales of parliamentary documents, the renting out of meeting rooms etc.). It also states, where necessary, the transfers that the Assembly has decided to make from its own assets to cover the difference between the amount of the expenditure forecast and the combined total of the allocation and various revenues.

II. – THE IMPLEMENTATION OF THE BUDGET: THE RULES SET DOWN BY EACH ASSEMBLY

On account of the budgetary and financial autonomy which applies to the two assemblies, the managing of their budget and the monitoring of the regularity of this management is not subject to prior scrutiny by the Budget Minister. Similarly no legal *a posteriori* oversight is carried out by the Court of Accounts.

1. – The rules set down by the National Assembly

The provisions which apply to the budget of the National Assembly are set down in the Budgetary, Accountancy and Financial Rules which are included in a decree of the *Bureau* of the National Assembly.

In fact, this text repeats the main principles of budgetary management and public accountancy: its annual nature, no off-setting of expenditure and revenue, no assignment of the revenue which ensures the implementation of overall expenditure, budgetary specification based on the nature of the expenditure, distinction between investment budget and operational budget, restricted nature of funds other than those concerning salaries and the rule of payment upon services rendered.

During the year, credit transfers ensure the necessary financial flexibility; accounts which are in deficit are topped up from accounts with a surplus.

2. – The different phases in a financial outlay at the National Assembly

These phases are, broadly speaking, the same as for other state administrations but they nonetheless have certain specificities which are linked to the principle of financial autonomy:

- Act of financial engagement (an act by which a requirement is created or recognized on the part of the National Assembly which will result in a financial outlay for it). This act is prepared by the director of the department incurring the expenditure, under the authority of the Secretary General of the *Questure*. It falls within the remit of the *Questeurs*;

- Whatever the nature of the expenditure concerned, its settlement and payment can only occur once an order for payment has been drawn up by the department concerned in the name of one or several creditors. Documents proving the existence of the service provided must be furnished with the order of payment;

- Act of settlement (the verification of the liability contracted by the act of financial engagement and the establishing of its amount). This is also drawn up by the department concerned and is carried out by the Secretary General of the *Questure*;

- Order of payment (the administrative act which gives the order to pay an outlay in accordance with the results of the act of settlement). This falls within the remit of the lead *Questeur*;

- The payment of the outlay is made by the treasurer, who is a civil servant of the National Assembly responsible before the *Questeurs* for the funds which are entrusted to him.

3. – Accounting documents

Every year, the College of *Questeurs* draws up the results and the aggregated account of the National Assembly which includes the accounts of the National Assembly *per se*, those of the pension and retirement systems as well as those of the two social security schemes for M.P.s and staff, and the Differential and Digressive Mutual Insurance Fund for the return to employment of the M.P.s.

This is accompanied by an information annex which in particular includes an assessment of the social spending of the National Assembly. An outside actuarial office is given the task of carrying out this assessment.

All these documents are drawn up using the principles of the general accountancy plan except where adaptations are necessary on account of the particularities of the National Assembly. Such exceptions are decided upon by a decree of the *Questeurs*.

III. – MONITORING OF BUDGETARY IMPLEMENTATION: INTERNAL AND EXTERNAL MONITORING

The means of monitoring the implementation of the budget are freely set by each of the parliamentary assemblies.

In each of the two assemblies, the *a posteriori* monitoring of the implementation of the budget is carried out by an internal committee.

In addition to this, the true and fair nature of the accounts is also checked by a third body in the framework of the annual certification procedure for the general accounts of the state.

1. – Monitoring by the special committee in charge of auditing and balancing the accounts of the National Assembly

According to article 16 of the Rules of Procedure of the National Assembly, the Special Committee in Charge of Auditing and Balancing the Accounts of the National Assembly, must be made up of fifteen M.P.s appointed proportionally according to the representation of each political group. The members of the *Bureau* of the National Assembly and thus, the *Questeurs*, may not be members. The position of chairman of this committee may only be held by a member of the opposition.

Every year, the committee examines the accounts of the previous full financial year.

To do this, the Budget Unit draws up a draft report. This report is adopted by the *Questeurs* and then passed on by them to the members of the special committee. The latter may freely consult the financial account[2], and the documents having served in its drawing-up. This report is made public.

Once it has consulted the report, the special committee may send a questionnaire to the *Questeurs*. The answers drawn up by the various departments involved in the expenditure are returned by the *Questeurs* to each of the members of the special committee. The committee my then carry out a hearing of the certifying officer(s) of the accounts.

Once the special committee has questioned the *Questeurs*, it settles the accounts and the annexed accounting for the previous year of the National Assembly by a decree signed by its chair and the members of its *bureau*. By the same decree, it entrusts the *Questeurs* with the task of appropriating the results for the financial year, gives them final discharge of their financial management or renders account to the Assembly. It also gives final discharge to the treasurer of the Assembly.

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[2]. *The financial account is drawn up by the Director of Acquisitions and Finances and is signed by the Secretary General of the Questure as well as by the lead Questeur. It includes an implementation report on the budget, the final accounts, the balance sheet and its annexes as well as the general balance of the accounts (article 36 of the Budgetary, Accountancy and Financial Rules)*

The aforementioned article 16 of the Rules of Procedure of the National Assembly provides that at the end of each budget period, the special committee draws up a public report.

The drawing-up of this report is given over to the chair of the special committee who authorizes its publication. The report sets down the reasons for the decision to approve the accounts.

2. – The certification of the accounts

The Institutional Act Concerning Finance Acts of August 1, 2001, introduced a certification procedure for the general accounts of the State. The Court of Accounts was tasked with this and it led to the drawing-up by the latter of a report which is annexed to the draft settlement bill for the previous year's budget.

The Assemblies decided to hand over the audit of their own accounts for certification, to an outside body. After having been carried out by the High Council of the Order of Chartered Accountants this task has been given to the Court of Accounts since the 2013 budgetary year.

The certification deals with the aggregated accounts described above. The certification report is sent by the First President of the Court of Accounts to the President of the National Assembly so that it may be transmitted to the chair of the special committee. This report is published on the internet site of the National Assembly.

File n°16

STANDING COMMITTEES

Key Points

As the essential working bodies of the National Assembly, the standing committees have a double role:
– To prepare the legislative debate in plenary sitting;
– To inform the National Assembly and monitor the Government.
In their efforts to set up a form of rationalized parliamentarianism, the framers of the 1958 Constitution attempted to strictly limit the role and influence of the standing committees (in particular by restricting the number of standing committees to six).
The practical reality has not fulfilled their expectations. Today the work of the standing committees is an integral part of to the drawing-up of the law. The constitutional revision of July 23, 2008, drew the necessary conclusions from this development and provided that the bills debated in plenary sitting be those which emanate from the work in standing committee and the maximum number of standing committees was increased from six to eight. Following on from this idea, the updating of the Rules of Procedure of the National Assembly of June 4, 2019, increased the role of standing committees in the drawing-up of the Law.
In addition, various constitutional and statutory revisions have provided the standing committees with many more varied means of monitoring governmental action and have increased the publicity surrounding their work.

Being the essential working bodies of the National Assembly, the main role of the standing committees is to prepare the legislative debate in plenary sitting. The importance of their role was strengthened by the constitutional revision of July 23, 2008, which introduced rules whereby the bills debated in plenary sitting are those which emanate from the work in committee

However, far from confining themselves to this role, the standing committees have been extending their sphere of influence, much like in many other parliaments, to activities in other areas, including keeping the National Assembly informed and monitoring the Government.

I. – THE COMMITTEES: WHERE THE LEGISLATIVE DEBATE IN PLENARY SITTING IS PREPARED

1. – Number and powers of the committees

The framers of the Constitution of 1958 attempted to strictly limit the influence of the standing committees. This explains:

- The stress placed by the Constitution itself on the number of standing committees. This number was limited to six and was thus distinctly lower than that in the other parliaments of the European Union. This clearly marked a break with the practice of the Fourth Republic with its eighteen committees;

- The determination to make referral to an *ad-hoc* committee the rule and referral to a standing committee the exception (see the original wording of article 43 of the Constitution). Parliamentary practice however did not follow this provision, because the *ad-hoc* committees proved difficult to handle for a variety of reasons. (For the Government there was the loss of the reference points of the standing committees as well as the fact that the standing committees operated in parallel. In addition, the standing committees themselves put a break on the setting-up of a body which usurped part of their prerogatives whilst the whole legislative procedure was slowed down by the fact that, as an *ad-hoc* committee ceased to exist once the bill referred to it had been passed, it was in its interest to extend the period of examination of said bill).

The constitutional revision of July 23, 2008, increased the maximum number of standing committees from six to eight and, so as to consecrate a common practice, made referral of a bill to a standing committee the rule and the setting-up of an *ad-hoc* committee, the exception.

Article 36 of the Rules of Procedure of the National Assembly which states the names and the areas of responsibility of the standing committees was thus modified accordingly. The increase from six to eight committees was introduced by dividing the two committees which each represented a quarter of the members of the Assembly: the Cultural, Family and Social Affairs Committee and the Economic, Environmental and Regional Planning Committee. The result is a more even distribution of M.P.s between the eight committees, so that each committee is now composed of one eighth of the members of the Assembly (i.e. 72):

- Cultural and Education Affairs Committee

- Economic Affairs Committee

- Foreign Affairs Committee

- Social Affairs Committee

- National Defence and Armed Forces Committee

- Sustainable Development, Spatial and Regional Planning Committee

- Finance, General Economy and Budgetary Monitoring Committee

- Constitutional Acts, Legislation and General Administration Committee.

As before, each M.P. may only be a member of one standing committee.

2. – Setting-up and working of the committees

At the beginning of each term of Parliament, and from then on, every year at the beginning of the ordinary session (with the exception of that preceding the renewal of the Assembly), the National Assembly appoints, on the basis of the proportional representation of the political groups and upon the nomination of the chairmen of these groups, the members of the standing committees. Each committee then appoints a *bureau* to run it. This *bureau* is made up of a chair, four deputy chairs and four secretaries. In addition, the Social Affairs Committee and the Finance Committee also appoint a general *rapporteur*. In fact, the Finance Committee may only elect as its chairman, a member of an opposition group. The make-up of the *bureau* of each committee ensures that every endeavour is carried out so that it reflects the political make-up of the Assembly and represents all its opinions and respects gender parity between women and men.

Each committee has at its disposal:

- Its own meeting room with a public address system and the equipment necessary for the digital recording of debates (this is an important guarantee to allow citizens to be informed and in the case the minutes are contested). Most of the meeting rooms are also equipped with technologies allowing the holding of remote meetings by videoconference.

- A team of parliamentary civil servants specialized in legislative work and in monitoring tasks, which is at the disposal of all the M.P.s and, especially, of the chair of the committee and the *rapporteurs* which the committee designates;

- Specific financial means allowing it, for example, to cover travel expenses and study costs.

The standing committees are extremely active and this is borne out by the following data pertaining to the XVth term of Parliament:

- 3,719 meetings making up a total of 7,092 hours (of which 765 hours were given over to the budget debate);

- 3,094 hearings of individuals (including 617 of members of Government);

- 1,442 reports filed (including 1,201 legislative reports).

The standing committees face one major challenge: time.

Although Wednesday mornings are given over, by the rules, to the work of standing committees, generally they have to meet several times a week and even, at times, sit at the same time as the plenary sitting, especially on Tuesdays and Wednesdays. Thus the stipulation in the Rules of Procedure which stated that committees could not meet at the same time as the plenary sitting, except to finish the examination of a bill included on the order paper, was removed in 2014. Indeed it had become impossible to respect this rule, given the steady rise in the activities of the standing committees and the number of hours of plenary sitting.

However the most difficult time limit is, without doubt, that imposed by the agenda. In order to alleviate this difficulty, the constitutional revision of July 23, 2008 introduced the requirement of a period of six weeks between the tabling of a bill and its consideration on initial reading before the first Assembly to which it is referred and then a further four-week period between the transmission of the bill and its examination on initial reading before the second House. The committee thus, in principle, is ensured of having the necessary number of weeks to carry out its working meetings and its preparatory hearings, with that of the minister in charge of presenting the bill being a priority. These time periods do not apply however when the accelerated procedure is implemented by the Government. Nor do they apply to finance or social security financing bills. This is also the case for bills pertaining to states of crisis. In fact, the Government has had a tendency to make more and more use of the accelerated procedure.

3. – Referral to committee

a. Ad-hoc Committee or Standing Committee?

The constitutional revision of July 23, 2008 reversed the idea introduced at the beginning of the Fifth Republic which aimed at decreasing the power of the standing committees by privileging the consideration of bills by *ad-hoc* committees. The new wording of article 43 of the Constitution in taking note of the practice, established the rule of referral of a bill (tabled either by Government or by one or more M.P.s) to a standing committee and made referral to an *ad-hoc* committee, the exception.

Nonetheless the setting-up, as of right, of an *ad-hoc* committee remains possible if the Government requests it or if such a request is made by one or

several political group chairmen, if the overall membership of the group or groups concerned, is equal to the absolute majority of members of the National Assembly. (However, this request cannot be made in the case of finance bills).

In other cases, when the request for the setting-up of a select committee comes from a standing committee, a political group chairman or fifteen M.P.s, it is considered passed unless there is opposition from the Government, the chairman of a standing committee or the president of a political group. In the case of opposition, the decision lies with the National Assembly.

In practice, almost all bills are sent to a standing committee. Nonetheless, during the XVth term of Parliament eleven *ad-hoc* committees were set up, as opposed to six in the previous Parliament.

If there is a conflict between two standing committees concerning areas of responsibility, the final decision lies with the National Assembly. This is a very rare occurrence as the last example dates back to 1979.

b. Referral to Committee for Opinion (Consultative Committees)

The almost total absence of conflict regarding areas of responsibility can be explained partly by the flexibility of the procedure of referral for opinion which allows each standing committee to express its view on all or on a part of a text which has been sent for examination to another standing committee. Thus, every year, in the case of the finance bill which is sent to the Finance committee for examination, the seven other standing committees give their opinion.

The reform of the Rules of Procedure of June 4, 2019, however, modified the terms of referral for opinion, by refocusing the work of the committee requested for an opinion, on the stage prior to the meeting. Thus, during the meeting, the committee requested for an opinion no longer intervenes and its *rapporteur* no longer speaks in his/her capacity. In addition, the report for opinion is no longer the subject of a specific publication: it takes the form of an annex to the report of the lead committee.

On the other hand, the 2019 reform provided a regulatory basis to the practice of “delegation of articles”: the lead committee now has the possibility of requesting the opinion of another standing committee on part of a bill which has been submitted to it. In this scenario, the lead committee "relinquishes" the delegated articles: it tacitly agrees to accept the amendments adopted on these articles by the committee whose opinion it requested, so that these amendments are included in the text which will serve as a basis for the discussion in plenary sitting. The committee requested for an opinion by the lead committee then intervenes to present its position in plenary sitting.

4. – Carrying out committee responsibilities in legislative matters

a. A Strengthened Place for the Committees in the Legislative Procedure

The constitutional revision of July 23, 2008 modified article 42 of the Constitution so that as of March 1, 2009, the consideration of Government and Members' bills, in plenary sitting, would be on the text passed by the lead committee Thus, it is now only in cases where a committee cannot produce a text, either because it has rejected it or because it has not been able to complete the examination of the text in time, that the bill discussed in plenary sitting will be that initially referred to the Assembly. Disregard for this rule leads to the cancelling of the whole law (Decision n° 2012-655 DC of the Constitutional Council of October 2012).

This rule introduced a substantial change in the place and the role of the committees in the legislative procedure. The amendments adopted by the lead committee are integrated into the bill discussed in plenary sitting and do not have to be presented, discussed and adopted during that sitting. As a result, if M.P.s wish to attack the position adopted by the lead committee, they must table an amendment in the opposite direction during the plenary sitting. This inverted discussion procedure has consequences not only for all the parliamentarians but also for the Government which no longer controls, as before, the basis for the discussion in plenary sitting.

Exceptions to this examination rule have nonetheless been provided for in paragraph 2 of article 42 of the Constitution, concerning constitutional revision bills, finance bills and social security financing bills. The discussion of such bills in plenary sitting, on first reading before the first assembly to which they have been referred, will be on the text tabled by the Government and on subsequent readings, on the bill transmitted by the other Assembly.

In addition, the reform of the Rules of Procedure of June 4, 2019 provided for a new "legislation in committee" procedure. Thus, at the request of the President of the National Assembly, the president of the lead committee, the chair of a group or the Government, the Conference of Presidents may decide that the right of amendment of the M.P.s and of the Government on a bill or Members' bill or resolution can only be carried out in committee. The procedure can relate to all or part of the text under discussion. However, this procedure has been little used until now because a group chair can object to its implementation.

b. The Work of the Rapporteur

For each Government or Private Members' bill, the relevant committee appoints a *rapporteur* or more than one amongst its members.

Although the *rapporteur(s)* have no specific powers of investigation[1], they do carry out a double task: an assessment mission which leads to the filing of a report and a proposal mission which leads to the introduction of amendments.

In these tasks they are helped by parliamentary civil servants made available to them.

The hearings of the *rapporteur* are open to all members of the committee. The *rapporteur* of the lead committee is obliged, in addition, to communicate to the fellow committee members a document which describes the state of his/her work during the week which precedes the consideration of the bill in committee since the time period between the tabling and the examination of the bill in plenary sitting is six weeks. In reality, a provisional report is sent to the commissioners before the examination of the text in committee, in which appears, at the very least, a commentary on the articles. The committee also appoints an M.P., from an opposition group if the *rapporteur* is from the governing majority (and vice-versa), who is in charge of following, along with the *rapporteur*, the regulatory enforcement of the law.

c. The Admissibility of Amendments

The chairman of the committee ensures the compliance with Article 40 of the Constitution (financial admissibility) of the amendments presented in committee, most often after consulting the Chairman of the Finance Committee, in order to prevent the committee from introducing inadmissible provisions into the text discussed in plenary sitting.

Since the reform of June 4, 2019, the chairman of the lead committee has the authority to declare inadmissible in committee amendments contrary to Article 45 of the Constitution, that is to say devoid of any direct – or indirect link in 1st reading – with the text under discussion. He may be consulted by the President of the National Assembly on the admissibility of certain amendments tabled during the plenary.

In addition, before the plenary sitting, the chairman of the lead committee must send to the President of the Assembly the list of amendments tabled for that sitting which he considers contrary to article 41 of the Constitution (i.e. - say not a matter for statute), or infringing a delegation granted to the Government under article 38 of the Constitution (authorization to legislate by means of ordinance).

[1] The only members who have the power to examine all documents required are the special *rapporteurs* i.e. members of the Finance Committee in charge of examining the budgets of a specific minister, the Chair and the General *Rapporteur* of the Finance Committee, who is in charge of the examination of the whole finance bill, the Chair of the Social Affairs Committee, the Chair of the Assessment and Monitoring Mission for Social Security Financing Laws and the *rapporteurs* of the Social Affairs Committee in charge of the social security financing bill.

d. The Examination of Texts in Committee

The examination of the report by the committee closely resembles the procedure followed in plenary sitting.

It usually begins with a general debate, sometimes preceded by or even replaced by, the interviewing of the relevant minister. No procedural motions may be introduced at this stage. The committee then moves to the examination of the text, article by article, as well as all the amendments, including those introduced by M.P.s who are not members of the committee (who may not vote). The amendments adopted by a consultative committee are tabled by its *rapporteur* before the lead committee.

The Government may attend this examination of the text in committee. This possibility which was rarely used until the constitutional revision of 2008 has now become regular, even though there are exceptions (especially on bills emanating from Parliament) and though the procedures for the participation of ministers in the debate are quite variable. Certain ministers do not hesitate to speak quite often whilst others limit themselves to giving their opinion only when the chairman of the committee asks for it.

The committee debate finishes with a vote on the entire text. The report of the committee, which recaps all the work, concludes therefore with an adoption with amendments, with the original text or with a rejection of the Government or Member's bill. Annexed to the report is the bill passed by the committee which will serve as the basis, except for bills mentioned in the second paragraph of article 42 of the Constitution (see above), as the basis for the debate in plenary sitting.

In addition, upon first reading, the reports also contain in an annex, upon their request, the contributions of opposition and of minority groups, as well as, as the case may be, those of the *co-rapporteur* for the application of the law who must belong to the opposition. This latter contribution may deal with the impact study attached to the bill. In practice these possibilities are seldom used.

Except for the accelerated procedure, at first reading, the period between the posting online of the text adopted by the committee and the start of its examination in plenary sitting cannot be less than ten days since the reform of the Rules of Procedure of June 4, 2019 (instead of seven previously), which makes it necessary to allow a week's gap between the committee meeting and the examination in plenary sitting and accordingly reduces the preparation time available for the *rapporteur.*

e. The Prerogatives of Committees in Plenary Sitting

In plenary sitting, the committee is represented by its chair and by its *rapporteur*. They speak first of all, before the general discussion. The member of the opposition appointed to follow the application of the law may also speak before the general discussion, but this happens rarely in practice. In his/her

presentation, the *rapporteur* is the spokesperson of the committee and must defend its opinions, even if they are the opposite of his/her own, which he can nonetheless express “in his personal capacity”. The *rapporteur* expresses the position of the committee on each of the amendments submitted to the National Assembly.

The chair and the *rapporteur* of the committee responsible for the bill have one particular privilege: they may speak in plenary sitting when they wish. When a set time limit is fixed for the discussion of a bill, by virtue of article 49 of the Rules of Procedure, their speaking time is not deducted. In addition, they may, by right, request an adjournment of the sitting, a public ballot, a deferment of the debate or a second deliberation.

II. – EXTENSION OF THE ROLE OF STANDING COMMITTEES

1. – The reinforcement of the information for the public of the work in committee

Until 1994, the rendering to the general public (hereafter called “publicity”) of committee work was limited to the drafting of an analytical report published as soon as possible, most often the day after the meeting.

In 1994, this publicity was reinforced, the *Bureau* of a committee being able to decide to open to the press the meetings during which it held hearings and M.P.s who were not members of the committee being authorized, without taking part in the votes, to attend and speak at its meetings. The same rule applied to the Government.

These publicity rules were further strengthened in 2009, the *Bureau* of each committee now being responsible for organizing the publicity of the committee's work by the means of its choice, subject to respecting the requirement formulated by the Constitutional Council that "*there should be a precise report on the speeches made before the committees, the reasons for the proposed modifications to the texts before them and the votes cast within them*." Audiovisual broadcasts of committee work have been developed, with meeting rooms being equipped for this purpose.

Finally, since the reform of the Rules of Procedure of November 28, 2014, the publicity of the work of the committees has become the rule and the committee offices can only deviate from this by a reasoned decision made public. All committees now broadcast their meetings live on the Assembly website, except in exceptional cases. In addition, they publish a written report, at least for meetings relating to legislative work, drawn up primarily by a dedicated department.

2. – The increase in the importance of the activities concerning information, assessment and monitoring

Article 145 of the Rules of Procedure of the National Assembly states that the standing committees must keep the National Assembly informed so as to allow it to carry out its function of monitoring Government policy.

Although the power of the standing committees concerning monitoring remained almost dormant for a long time, it now represents a very important part of their work as the monitoring and assessment of Government and public authorities' action is becoming a stronger and stronger part of the role of M.P.s, in their own eyes.

a. Hearings in Committee

Hearings in committee, and in particular, interviews of ministers, have become a traditional and privileged method of working for the standing committees.

Since the Law of June 14, 1996, the committees have also been given the right to call for interview any person they so wish (the fact of not replying to such a summons being punishable by a €7 500 fine) whilst taking into account, on the one hand, subjects of a secret nature concerning national defence, foreign affairs and the internal or external security of the State and, on the other hand, the respect of the principle of the separation of the legal authority and the other powers.

b. Fact-finding Missions

Fact-finding missions, which are set up within each committee and are sometimes shared by several committees, have been in constant development over recent time. Their work leads to the publication of information reports. In addition, such missions may take on the powers of investigation enjoyed by the commissions of inquiry, in the case of a specific mission which does not exceed six months. This possibility was not availed of for almost twenty years and was first used by the Law Committee in November 2015 to monitor the implementation of the State of Emergency.

The popularity of such missions is due to the lack of formality required in their setting-up. The number of members is at the discretion of the committee. Since 2009, the fact-finding missions must, at least, include a minimum of two members, one of whom must be a member of the opposition (article 145 of the Rules of Procedure).

The length of the duration of such fact-finding missions is not fixed either. During the XVth term of Parliament there were several fact-finding missions created for a short period, referred to as the "flash fact-finding missions" which, generally, were made up of two M.P.s who were *co-rapporteurs*.

c. Assessment and Monitoring Missions

In 1999, within the Finance Committee, an Assessment and Monitoring Mission (MEC) was set up, based on the *National Audit Office* of the British Parliament. Its remit is to evaluate public policies on various topics predetermined by the *Bureau* of the Finance Committee. It was co-chaired by a member of the governing majority and a member of the opposition. Its work was suspended following the setting up of the "Spring Survey" of 2018.

Based on this model, in order to better monitor the financing of the social security system, an Assessment and Monitoring Mission on the laws governing the financing of social security, was set up in 2004. It answers to the Social Affairs Committee and usually carries out studies on several themes each year.

It works in close cooperation with the Court of Accounts.

d. Law Implementation and Assessment Reports

Six months after the entry into force of a law, its *rapporteur* and the M.P. of the opposition appointed to follow its application, submit a report on the regulatory texts published regarding its implementation as well as on its provisions which have not met the necessary implementation regulations.

In addition, at the end of a three-year period after the coming into effect of the law, an impact assessment report of the law, the *Bureau* of a committee may ask two M.P.s, one of whom must be a member of an opposition group, to prepare an assessment report on the impact of said law. This assessment report takes into account the effects, as well as the difficulties met during its implementation.

e. The Opinion of the Standing Committees on Certain Appointments

When, under constitutional or legislative provisions, a standing committee of the Assembly is called upon to give an opinion prior to an appointment by the President of the Republic, the name of the person whose appointment is envisaged is transmitted to the President of the Assembly, who refers the matter to the relevant committee. The person whose appointment is being considered is interviewed by the committee. The chairman of the committee consults with the chairman of the relevant standing committee of the Senate so that the counting of the votes takes place at the same time in the two standing committees.

Since the reform of the Rules of Procedure of June 4, 2019, the designation of a *rapporteur* belonging to an opposition or minority group, previously practiced in certain committees, is now compulsory.

A comparable procedure is implemented when a standing committee is called upon to deliver an opinion prior to an appointment by the President of the Assembly.

3. – Processing petitions

Petitions addressed to the President of the National Assembly, via an online portal, are now directly referred to the relevant committee, which appoints a *rapporteur*. This leads either to a ranking or to the examination of the petition in committee. In practice, the *Bureau* of each committee has decided on a threshold of signatures below which petitions are automatically archived after a certain period.

4. – Committees and the European Normative Apparatus

Since 1992, the Government has submitted to the National Assembly and to the Senate the proposals for Community instruments with provisions of a legislative nature. This transmission has since been extended to all draft European instruments regardless of whether they contain provisions of a legislative nature.

These texts are examined by the European Affairs Committee, which can transmit its analyses, perhaps with conclusions, to the standing committees. It may also table fact-finding reports on certain of these instruments, along with, in certain cases, a draft resolution. The later is subsequently put forward, examined and debated according to the procedure applicable on first reading to Members' bills.

Other European motions for resolution on Union instruments are first of all examined by the European Affairs Committee. The text which emerges from this examination is then referred to the relevant standing committee which is considered to have passed it without modification unless it examines it within one month. If there is no request to include the motion for resolution on the agenda of the plenary sitting within fifteen days following its adoption (positive or tacit) by the lead committee, then the motion is considered definitively carried.

File n°17

PARLIAMENTARY DELEGATIONS

Key Points

Parliamentary delegations, which were set up generally by laws, are bodies which are internal to the National Assembly and to the Senate. Their objective is to deal with cross-disciplinary or specific subjects in order to extend the work carried out by the standing committees

Between 1979 and 2007, six such delegations were set up by legislators. Three of these which were deemed unnecessary or which no longer had regular activities were abolished by Law n°2009-689 of June 15, 2009:

- The Parliamentary Delegation for Demographic Problems;
- The Parliamentary Delegation for Planning;
- The Parliamentary Delegation for Regional Planning and Sustainable Development;
- The Parliamentary Delegation for the European Communities, set up in 1979, however, became, after the constitutional reform of July 23, 2008, the Commission in Charge of European Affairs.

At the time of the XVIth term of Parliament, there are the following delegations at the National Assembly:

- The Parliamentary Delegation for the Rights of Women and Equal Opportunities between Men and Women (set up in 1999);
- The Parliamentary Delegation on Intelligence (set up in 2007), which is shared by the National Assembly and the Senate;
- The Parliamentary Delegation on Overseas France (set up in 2012);
- The Parliamentary Delegation for Territorial Communities and for Decentralization (set up in 2017);
- The Parliamentary Delegation for Children's Rights (set up in 2022).

The National Assembly and the Senate, have been seeking to develop a strong expertise on certain subjects and have set up various bodies called "delegations" which meet to deal with common topics. Certain M.P.s wish to closely follow a specific issue or public policy in parallel to their membership of a standing committee.

Since the beginning of the XVIth term of Parliament, five such delegations operate within the National Assembly[1]:

- The **Parliamentary Delegation for the Rights of Women and Equal Opportunities between Men and Women** (set up by Law n° 99-585 of July 12, 1999) in charge of informing the National Assembly of the policy followed by the Government as regards consequences in the field of women's rights and the equal opportunities between men and women as well as of following the evolution of the law in this area;

- **The Parliamentary Delegation on Intelligence** (set up by Law n° 2007-1443 of October 9, 2007). This is a joint delegation between the National Assembly and the Senate which since Law n°2013-1168 of December 18, 2013 has the explicit remit of monitoring Government action in the field of intelligence and of assessing public policy in this area;

- **The Parliamentary Delegation on Overseas** France, set up on July 17, 2012 whose existence was confirmed by Law n°2017-256 of February 28, 2017;

- **The Parliamentary Delegation for Regional Planning** and Sustainable Development, which was set up at the beginning of the XVth term of Parliament by a decision of the Conference of Presidents of November 2017;

- **The Parliamentary Delegation for Children's Rights**, a recent creation which was set up at the beginning of the XVIth term of Parliament by a decision of the Conference of Presidents of September 2022.

The delegations file fact-finding reports on the subjects in their field, and also, if necessary, on bills which are referred to them with the permission of the relevant standing committees.

I. – THE DELEGATION FOR THE RIGHTS OF WOMEN AND EQUAL OPPORTUNITIES BETWEEN MEN AND WOMEN

Law n° 99-585 of July 12, 1999 set up, within each of the assemblies, a Parliamentary Delegation for the Rights of Women and Equal Opportunities between Men and Women.

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[1] *The Senate has six delegations : in addition to the Delegation on Intelligence which is common to the two assemblies, they are the Delegation for the Rights of Women and Equal Opportunities between Men and Women, the Delegation for Territorial Communities and for Decentralization (set up by the decree of the Bureau of the Senate of April 7, 2009) and the Delegation on Overseas France, as well as the Delegation on Companies (set up by the decree of the Bureau of November 12, 2014) and the Delegation for Strategic Foresight (set up by the executive instruction of the Bureau of April 7, 2009).*

II – THE MAKE-UP AND THE MISSIONS OF THE DELEGATION

At the National Assembly the delegation has thirty-six members appointed "in such a way as to ensure the proportional representation of political groups, balanced between men and women as well as between the standing committees*". The delegation at the National Assembly is appointed at the beginning of the term of Parliament for its entire length. It decides upon its own internal rules which, in particular set down the make-up of its* Bureau*, which is elected at the beginning of each term of Parliament.*

In accordance with article 6 septies *of the Ordinance n°58-1100 of November 17, 1958 concerning the functioning of parliamentary assemblies, the delegation's* "*mandate is to inform the National Assembly of the Government's policy and the impact it has on the rights of women and on equal opportunities between men and women"* and to ensure *"the follow-up of the implementation of the laws*" in this area. The delegation's mandate covers a wide area, but it must be carried out "*without entering either the remit of the standing or ad-hoc committees or that of the committee in charge of European Affairs*".

In addition, the following matters may also be referred to the delegation:

Government and Members' bills by the *Bureau* of the National Assembly, either on its own initiative or upon the request of a chair of a political group, or by an *ad-hoc* or standing committee, either on its own initiative or upon the request of the delegation itself;

Texts submitted in accordance with article 88-4 of the Constitution, by the committee in charge of European Affairs.

In reality it most often the delegation itself which is at the origin of this referral. Such work leads to the tabling of a report with recommendations. This report is made public and is also transmitted to the relevant standing committees.

In order to thoroughly carry out its work on a specific issue or on a Government or Member's bill, the delegation may request to interview any person it considers useful for its proceedings. Such meetings may, in addition, be held jointly with the Delegation on Women's Rights of the Senate. It may, in particular, request to interview ministers; 33 interviews with ministers and secretaries of state were thus held between July 2017 and the beginning of 2023.

In addition, according to the aforementioned Law of July 12, 1999, the Government must transmit to it all useful information as well as the documents necessary for the carrying out of its brief.

1. – The work carried out by the delegation

The policy in favour of equality between women and men applies, by definition, across the board: beyond the specific measures carried out in favour of women, it is necessary to take account of the aim to reach gender equality in the conception and implementation of all public policies.

Since its creation, the delegation has thus published numerous works on such varied subjects as gender equality in politics, professional and salary equality between women and men, equal wages, equal retirement for women, equality for part time labour, equality in parental authority, equal treatment in the case of divorce, violence towards women and prostitution, contraception, voluntary interruption of pregnancy, the struggle against climate change, the mechanisms for income tax, the right to asylum or public development aid. All these have been studied from the perspective of female-male equality.

During the XVth term of Parliament (2017-2022), the Delegation for the Rights of Women published thirty-seven reports:

- About half of them were based on Government or member's bills, especially concerning the fight against sexual and gender-based violence, the reform of the civil service and labour laws, or finance bills the struggle against sexual harassment, higher education and research, health etc. In the framework of the consideration of these bills, the *rapporteurs* of the delegation tabled several amendments aimed at implementing the adopted recommendations;

- The other information reports dealt with themes such as the decentralized network of women's rights, the implementation for companies of their obligations towards professional female-male equality, the struggle against the prostitution system, taxation, female-male equality in Mayotte, gender stereotypes or the access to the voluntary interruption of pregnancy.

The delegation organized several conferences open to the public, on various themes such as equality in the civil service, economic violence, the fight against climate change, violence against disabled women, the place of women in politics, public development aid, sexist images and violence in the audiovisual media, video or internet games or on the anniversary of the Copé-Zimmermann Law..

It has also, over the years, developed international activity which has led it to participate in meetings at a European level (at the European Parliament, for instance) or at a world level (notably, at the United Nations) as well as hosting foreign personalities or delegations.

2. – The parliamentary delegation on intelligence

The Parliamentary Delegation on Intelligence which was set up by Law n° 2007-1443 of October 9, 2007 at the National Assembly and the Senate made up of four M.P.s and four Senators. The chairmen of the committees in charge of internal security and defence are *ex-officio* members whilst the other members are appointed by the President of each assembly in order to ensure cross-party representation

It is chaired alternately, for one year, by an M.P. or a senator.

The delegation almost always meets weekly and can interview members of the security services who may be accompanied by the assistants of their choosing.

Its work is covered by the National Defence Secrets Code. This is an obligation and the members of the delegation must obey it and must not publish any information or evidence which is protected by it.

It compiles an annual activity report. A version of this report minus any classified information is made public.

It may make recommendations and observations to the President of the Republic and to the Prime Minister.

The Parliamentary Delegation on Intelligence brings together the Special Funds Verification Commission (CVFS) composed of four of its members: two M.P.s and two Senators designated to ensure pluralist representation. The presidency of the CVFS is held alternately by a member of the National Assembly and the Senate.

The CVFS is responsible for "*ensuring that the credits* [in special funds] *are used in accordance with the purpose assigned to them by the finance law*". Each year, sit presents a classified report to the other members of the intelligence delegation. Then, it is handed over, by the Chairman of the delegation, to the presidents of the National Assembly and the Senate, to the chairmen and general *rapporteurs* of the committees of the Assembly and the Senate responsible for finance as well as to the President of the Republic and the Prime Minister. A version of the CVFS annual report, minus classified elements, is made public.

The prerogatives of the Parliamentary Delegation on Intelligence have been gradually strengthened, both concerning its power of interviewing or the documents it receives.

Since Law N° 2013-1168 of December 18, 2013 relating to military programming for the years 2014-2019, it now explicitly monitors the Government's action in matters of intelligence and assesses public policy in this area.

In order to thoroughly carry out its brief, it gathers information concerning, in particular, the national strategy on intelligence, certain elements of the national programme for intelligence aims, the intelligence budget and on the annual activity report of the intelligence services.

It may also request from the Prime Minister and relevant ministers, the transmission of inspection reports concerning the intelligence services.

According to the new article 6 *nonies* of Ordinance n° 58-1100 of November 17, 1958, the documents, information and evidence collected by the delegation may not deal with current operations of the intelligence services "*nor with the instructions given by the public authorities in these matters, nor with the operational procedures and methods, nor with exchanges with foreign services or with international bodies working in the field of intelligence".*

Law N° 2021-998 of July 30, 2021 relating to the prevention of acts of terrorism and intelligence strengthened the prerogatives of the Parliamentary Delegation on Intelligence on several points:

– its scope of competence is broadened to monitor current issues and future challenges that concern public intelligence policy;

– it now receives, every six months, the list of inspection reports relating to the intelligence services;

– it may request the communication of any document, information and element of assessment necessary for the accomplishment of its mission. This is a significant step forward because, until now, it only received a limited list of documents. On the other hand, this expanded right to information remains limited to the delegation's need to know, which excludes current operations, operational methods and the services' relations with their foreign partners;

– it can now interview "*any person exercising management functions*" within the intelligence services. Until now, only the directors of departments and the people placed around them and occupying a position granted by the Council of Ministers could be interviewed;

– Finally, it has the possibility each year of asking the national coordinator of intelligence and the fight against terrorism to present the national intelligence orientation plan (PNOR).

III. – THE PARLIAMENTARY DELEGATION ON OVERSEAS FRANCE

Set up by the Conference of Presidents on July 2012, the Delegation for Overseas France was institutionalized in each assembly by article 99 of the Law n°2017-256 of February 28 2017, codified in article 6 *decies* of Ordinance 58-

1100 concerning the functioning of the parliamentary assemblies, which sets down its powers and its make-up.

This delegation is tasked with informing the National Assembly on any issue concerning France's overseas communities/territories whatever their status.

It is composed automatically of all M.P.s coming from French overseas communities/territories and its membership is completed in such a way as it ensures the proportional representation of all the political groups of the National Assembly. It has, in all, 54 members.

During XVth term of Parliament, the Delegation on Overseas France fulfilled its role by intervening, through proposals annexed to its information reports, on the drawing-up of various bills which might interest overseas France.

The delegation has organized many hearings with personalities which have strengthened, over the years, its role as an institutional interlocutor concerning problems dealing with overseas France.

IV. – THE PARLIAMENTARY DELEGATION FOR TERRITOTIAL COMMUNITIES AND FOR DECENTRALIZATION

The Parliamentary Delegation for Territorial Communities and for Decentralization was created by a decision of the Conference of Presidents on November 28, 2017. Its constitutive meeting was held on December 20, 2017.

The desire to provide the National Assembly with a lasting body allowing it to maintain a constructive and permanent dialogue with local authorities led to its creation. Indeed, even if article 36 of the Rules of Procedure of the Assembly grant competence to the Law Committee to deal with issues relating to local authorities, these are very often transversal, if only because they very often have a financial impact on funds transferred to local authorities or because they affect the implementation of policies of different types locally.

The delegation is made up of 36 M.P.s and its composition endeavours to reproduce that of the Assembly. Its *Bureau* has nine members (in addition to its Chairman, four vice-presidents and four secretaries); parliamentary groups which are not represented within it can designate one of their members to participate, without the right to vote.

Since its first hearing (that of the Chairman of the Financial Markets Authority, on January 31, 2018), the delegation has met more than a hundred times.

The delegation has also led 9 flash missions, focusing in particular on experimentation and territorial differentiation, the financial autonomy of local

authorities, the investment of local authorities, the contractualization and the regulatory power of local authorities, as well as the management of water and the recruitment and training of municipal police.

In addition, 17 working groups have been set up, either to support the work of *rapporteurs* responsible for issuing an opinion on a legislative text, or to respond more flexibly to current issues (as was the case from the start of the health crisis) or to assess the territorialization of the Recovery Plan. This work resulted in the publication of several contributions on the National Assembly website.

The delegation has published 12 information reports following referrals on texts of direct interest to local authorities, which notably concerned: the “ELAN” bill; the civil service transformation bill; the mobility orientation bill; the abolition of the housing tax on main residences and the reform of the financing of local authorities in the finance bill for 2020; the bill relating to commitment in local life and proximity to public action and the bill relating to differentiation, decentralization, deconcentration and involving various measures to simplify local public action – the so-called “ 3DS”. More recently, it has published reports on the acceleration of investment by local authorities in the ecological transition and on monitoring the financial situation of local authorities and financial compensation from the State for the years 2023-2027.

The delegation has also worked on the Members’ bill relating to the setting-up of the National Agency for Territorial Cohesion as well as on the institutional bill relating to the simplification of experiments implemented on the basis of the fourth paragraph of article 72 of the Constitution.

The amendments proposed by the *rapporteurs* were co-signed by many MPs, often in a cross-partisan manner.

V.- THE DELEGATION FOR CHILDREN’S RIGHTS

Created by the Conference of Presidents on September 13, 2022, the Delegation has 36 members distributed proportionally to the groups. Its *bureau* is made up of a chairman, four vice-presidents and two secretaries.

It participates in assessment and monitoring missions, by interviewing any person whom it considers necessary and by carrying out fact-finding missions or flash missions. It can also participate in European and international exchanges.

Since October 2022, the delegation has interviewed the main institutional players in the field of children's rights. It has carried out a first cycle of ministerial hearings by interviewing various ministers: the Secretary of State to the Prime Minister responsible for children’s rights, the Minister of Solidarity, Autonomy and Persons with Disabilities, the Minister of Justice, the Minister of National Education and Youth as well as the Minister Delegate to the Ministry of the

Economy, Finance and Industrial and Digital Sovereignty, responsible for the digital transition and telecommunications.

As part of its evaluation work, it has:

- adopted an information report on the members' bill aimed at better protecting and supporting child victims and co-victims of domestic violence;

- led a flash mission relating to young people and digital technology in the light of three members' bills: the first aimed at establishing a digital majority and fighting against online hatred, the second aimed at guaranteeing respect for the image rights of children and the third relating to the prevention of excessive exposure of children to screens.

As part of its monitoring activities, it set up a working group on the care provided to French children returning from the Iraqi-Syrian zone and led an fact-finding mission on the fight against violence against minors in overseas France.

Furthermore, it organized a conference around the theme "the digital age and the protection of minors".

File n°18

THE PARLIAMENTARY OFFICE FOR SCIENTIFIC AND TECHNOLOGICAL ASSESSMENT

Key Points

The Parliamentary Office for Scientific and Technological Assessment (OPECST) was set up by law and is an information body jointly run by the National Assembly and the Senate.

It is made up of eighteen M.P.s and eighteen Senators. The mandate of this parliamentary delegation, in the wording of the law, is "*to inform Parliament of the consequences of the choice of scientific and technological options, in particular, so as to enable it to make enlightened decisions*". It allows Parliament to avail of expertise to make informed long term political choices.

I. – THE CREATION OF THE OPECST

At the beginning of the 1980s, at the time of debates such as that on the direction of nuclear or space programmes or on the territorial cabling plan, the Parliament realized that it was not in a position to independently judge all Government decisions on the broad orientations of scientific and technological policy.

Therefore, it decided to set up its own expertise and assessment body specialized in issues linked to the development of scientific knowledge and of new technologies: the Parliamentary Office for Scientific and Technological Assessment (OPECST).

Set up by Law n° 83-609 of July 8, 1983, with the unanimous agreement of Parliament, this body has, as its mandate, according to the wording of the law, "*to inform Parliament of the consequences of the choice of scientific and technological options, in particular, so as to enable it to make enlightened decisions*". To do this it "*collects information, sets up study programmes and carries out assessments*".

II. – MAKE-UP AND MISSIONS

1. – The structure of the office

The OPECST is an unusual structure within the Parliament as it is run jointly by the National Assembly and the Senate. It is composed of 18 M.P.s and 18 Senators who are appointed in order to ensure the proportional representation of political groups. The chairmanship is carried out by a member of one of the two assemblies in alternation, for a three-year term. The law stipulates that the first deputy chairman must belong to the other assembly.

The OPECST plays a role of intermediary between the world of politics and the world of science, research and innovation. It is aided by a Scientific Council, the composition of which reflects the wide range of scientific and technological disciplines. This Scientific Council, which is made up of 24 leading figures appointed by the Delegation on account of their expertise, may be convened by the Chairman of the OPECST as often as he feels it necessary. In addition, the *rapporteurs* often call upon the expertise of the members of the Scientific Council who are most concerned by their specific work.

2. – Referral of studies

Matters may be referred to the OPECST either by the *Bureau* of one or the other of the assemblies (upon its own initiative or upon the request of the chairman of a political group or that of sixty M.P.s or forty Senators) or by a standing committee or by an *ad-hoc* committee. Up to the moment, there has been about the same number of referrals from one of the *bureaus* as studies requested by standing committees.

Every referral must lead to the appointment by the OPECST of *rapporteurs*, selected exclusively within the Office. They are usually a duo and represent a triple mixture: an M.P., a Senator; a woman, a man; a member of the ruling majority and a member from the opposition.

3. – Assessments provided for by law

In addition to having studies referred to it, the OPECST carries out assessments in the framework of procedures laid down by various laws such as those of 1994, 2004, 2011 and 2021 on “bio-ethics”, that of 1998 concerning health security monitoring, that of 2005 setting down guidelines for energy policy, that of 2006 on the subject of transparency and nuclear safety, that of 2006 on the sustainable management of radioactive matter and waste, those of 2006 and 2013 on research or that of 2015 on energy transition.

Certain of these assessments are recurrent such as that on the national plan for the management of radioactive matter and waste every three years, as well as a prior consultation before every reform in the bioethics field.

The assessments are carried out in the same way as the studies and according to the same methods, by *rapporteurs* appointed with the OPECST.

4. – Public hearings on current issues

When a current news item dealing with a scientific or technological subject leads to a debate or to a request for clarification from Parliament, the OPECST may organize a collective and adversarial hearing of all the stakeholders: representatives of the scientific and technological community concerned, authorities, associations and citizen groups etc. Public hearings on current issues are open to the press and are broadcast live on the video portal of the assembly in which they are held. .

This procedure was begun in 1997 with the organization of a “study day” on the information society and has dealt with a huge spectrum of diverse subjects. These range from, the crisis linked to the outbreak of legionnaires disease in 2003 to the world governance of the internet, from scientific expertise to the London Protocol on European Patents, from radiotherapy to bio-fuels, from the recognition of research to personal medical files, from the benefits science and technology bring to the development of financial markets to mathematics in France and in the sciences, from the issues of strategic materials to the aerial flyover of nuclear power plants by drones, from biosimilar medicinal products to the synergy between humanities and technological sciences, vector-borne diseases, electro-hypersensitivity, smart meters, technological perspectives opened up by 5G, animal testing, artificial intelligence and health data, new plant breeding techniques, prolonged symptoms after Covid (or “long Covid”), polar research, etc.

Often the public hearings on current issues allow the OPECST to conduct a review of the developments which have taken place in a particular field since the publication of a previous report.

Following a public hearing on a current issue, the members of OPECST who chaired the debates present the conclusions they draw to the delegation. The report of the OPECST deliberation is attached to the proceedings of the public hearing, which are published in the form of a parliamentary report.

5. – Scientific notes

In order to inform public decision-making more quickly, the OPECST developed, during the XVth term of Parliament (2017-2022), a new working method inspired by British practice. In addition to studies of several hundred pages carried out in six to eighteen months, there are now “scientific notes”, produced in four to eight weeks, in an easy-to-read four-page format supplemented by appendices. These notes aim to present an educational summary of the state of the art on a current scientific or technological subject: its context, the measures implemented, the results already obtained and the

avenues for research. After its adoption by the OPECST, the *rapporteur* presents it in the form of a short video broadcast on the OPECST internet portal.

33 such notes were published during the XVth term of Parliament, on subjects as diverse as 3D printing, carbon storage, health and environmental issues, palm oil, reusable space launchers, phage therapy, biomimicry, psychosocial balances in the face of Covid 19, the storage of data in the form of DNA or the intestinal microbiota.

III. – THE NATURE OF THE WORK

1. – The topics dealt with

Since the setting-up of the OPECST, around 230 reports have been published dealing with a wide range of subjects, as can be seen from those examining the development of the micro/nanoelectronics sector, the risks and dangers for human health of everyday chemical products, benefits science and technology can bring to the compensation of handicaps, the improvement in the safety of dams and of hydraulic structures,

The contribution of innovation and scientific and technological assessment to the implementation of COP21 decisions, the technological challenges of blockchains, the expertise of health and environmental risks by national and European agencies, the hesitation concerning vaccination or the cessation of the marketing of thermal vehicles in 2040.

Certain referrals have been renewed (monitoring of the safety and security of nuclear installations, development of the semi-conductor sector, digital high definition television, biotechnologies, the energy performance of buildings etc.) and this allows the OPECST to follow up the implementation of its recommendations.

2. – Feasibility Studies

Once a referral has been made, the appointed *rapporteurs* first of all carry out a feasibility study. The aim of such a study is to establish the state of knowledge on the subject, to decide on possible fields of research, to judge the possibility of obtaining useful results in the required time limit and also to determine the means necessary for the carrying out of the study programme, notably to arrange the visits necessary to gather the most relevant information.

The *rapporteurs* may decide to set up a working group or “steering committee”, made up of experts which could help them in their work.

The *rapporteurs* submit this feasibility study to a deliberation with the OPECST which can decide to adapt the scope of the referral or, in exceptional cases, not to pursue the work.

3. – Drafting the Report

When the decision to open up the study is taken, the *rapporteurs* hold a series of hearings which enable them to gather the information, analyses and opinions of the leading scientists or representatives of public bodies, industry, associations, administration or agencies. They may also hold one, or several, public hearings open to the press so as to gather, and even to oppose, the opinions of persons and bodies which wish to express their opinion on the issue. Their work is also based on a compilation of extensive documentation.

The *rapporteurs* may organize certain of these hearings in public, i.e. by opening them to the press. The summary of these public hearings is then annexed to the report.

The *rapporteurs* may, in addition, according to the sites mentioned in the feasibility report, carry out missions in France or abroad which allow them to gather, on the ground, first-hand information.

4. – The Powers of the *rapporteurs*

The law provides *rapporteurs* of the Office with the same powers as special *rapporteurs* of the parliamentary committees in charge of finances. They may thus have free access to all evidence in state bodies and can examine all administrative documents with the exception of those concerning national defence or state security. Thus, two *rapporteurs* carried out two unannounced visits to nuclear power plants in 2011. In addition, in case it encounters obstructions in carrying out its tasks, the OPECST may ask, for a period not exceeding six months, to obtain the powers attributed to parliamentary commissions of inquiry.

5. – The publication of the report

The reports of the OPECST are not limited to gathering and juxtaposing the various opinions of experts. The collected information is analysed by the *rapporteurs* and they develop their interpretations by attempting to keep in mind, as best they can, the various aspects of the question so as to reach as enlightened an opinion as possible. At the end of their study, they put their conclusions and recommendations to a deliberation of the OPESCT. The latter decides, by vote, on the authorization of the publication of this work or not. The decisions of the OPESCT are taken, very often, unanimously.

The reports whose publication is approved by the OPECST are submitted to each assembly.

IV. – OPENING UP TO THE OUTSIDE

1. – Relations with scientific bodies

Although this was not part of its original mission set down by the Law of 1983, the OPECST has been led, in the framework of its parliamentary monitoring and assessment function, to develop institutional relations with the actors of the scientific and technological community. These relations have taken on a specific importance as of the XIIIth term of Parliament.

Certain of these regular exchanges are provided for by the law, such as the presentation of the annual activity reports of the Nuclear Safety Authority (Law of June 13, 2006) or of the Biomedicine Agency (Law of July 7, 2011) or of the Scientific and Technical Centre for Building (Law of August 17, 2015).

Since 2005, the OPECST has developed a partnership with the French Academy of Sciences. This partnership was expanded in 2018 to the National Academy of Medicine and transformed to organize thematic discussions approximately three times a year, held alternately at the Academy of Sciences, the National Academy of Medicine, the Senate and the National Assembly, on scientific subjects of common interest. Themes such as energy programming, genome engineering, participatory science, robotics and “net zero” were thus addressed.

The Academy of Technologies has formalized a regular information exchange partnership with the OPECST on their respective work. It also lends its support to the work of the rapporteurs. Every year, in December, *l’INSERM* (the French Council for Medical Research) organizes the presentation of the OPECST-INSERM prize to a researcher who has been recognized in the field of research.

Other types of contact occur in the shape of visits to laboratories, to other technical facilities or more classically in the form of hearings. The Chair of the OPECST, in addition, makes a distinct effort to receive in individual discussions numerous personalities of the world of science and technology. These discussions are more and more often open to all the members of the OPECST.

Several laws involve the OPECST in the appointment of M.P.s or qualified figures to scientific bodies and this includes the direct presence of the Chairman or several members of the Office on their boards of management.

As of the XIIIth term of Parliament, the OPECST became specifically interested in the structure of French research. This was particularly true as it was requested by the Ministry of Research and Higher Education to provide a considered opinion on the national strategy for research and innovation and as it strongly encouraged the setting-up of thematic research alliances. Following up on the launching of the programme for future investments in 2010 , the OPECST has worked on the cooperation between the thematic research alliances and the

General Commissariat for Investment and has been very keen to make a first appraisal of future investments.

The XIVth term of Parliament witnessed the recognition of the role of the OPECST as an assessment body of the scientific research and higher education mechanism through, first of all, its close collaboration with the National Conference on Research in 2012, and then through , the inclusion, in the Law of July 22, 2013, of its assessment mission on the national research strategy which led to the publication in February 2019 of a first report.

2. – International activities

The OPECST contributes to the opening-up of Parliament to the knowledge and good practices of foreign countries by means of three other directions:

- First of all, by supporting its investigations through visits and meetings in the various places in the world which are relevant to the subjects of its studies (in this respect, special mention should be made of trips to Germany and to Japan for the report on the future of nuclear power, the trip to Switzerland for the study on the energy efficiency of buildings and trips to Germany and the United States for the report on the economic, environmental, health and ethical issues of biotechnologies in the light of new avenues of research);

- Secondly, it is an active member of the *European Parliamentary Technology Association* (EPTA), an informal club of the European bodies tasked with dealing with scientific and technological assessment for national Parliaments and for the European Parliament. The National Assembly hosted a colloquium of the EPTA in September 2008 as part of the French Presidency of the European Union, then in September 2015, at the time of the French presidency of the EPTA. The European partners of the EPTA are often requested to provide their national contribution to the work of the OPECST.

Lastly, by receiving foreign delegations which come to reap the French experience in their fields of expertise.

File n°19

STUDY GROUPS

Key points

Amongst the many means which are available to M.P.s to obtain the information necessary for the exercise of their office, one must consider the study groups. These are made up of M.P.s in order to follow a specific question.

These groups are subject to an approval procedure which is carried out by the *Bureau* of the National Assembly, and which, in particular, provides that standing committees be consulted on the advisability of their setting-up.

Study groups are informal bodies open to all M.P.s and are set up to examine specific questions more deeply and to follow them. These questions may be of a political, economic, cultural, social or international nature. The Rules of Procedure of the National Assembly, which do not mention their existence, do not impose any rules on the make-up of such groups: their internal rules are set down by the *Bureau* of the National Assembly and M.P.s are free to be members of the groups of their choice and the size of the groups is variable.

Such groups do not intervene directly in the legislative procedure. Their task is to ensure that, the whole length of the term of Parliament, a legal and technical watch be kept on issues which are too specialized to be subject to detailed examination by standing committees (problematic, sector of activity etc.). The study groups are also unique fora for discussions and exchanges between M.P.s of all sides.

As they have great flexibility in the way they operate, study groups develop very diversified activities: hearings of members of the Government, or of those in charge of administrations, personalities from the relevant sector (CEOs, representatives of professional federations or of trade unions, heads of associations), on the ground visits of sites and companies, participation in events outside the National Assembly (colloquia, professional exhibitions etc.).

Although their meetings are usually held behind closed doors, the work of the study groups is publicized on the Assembly website. On the page dedicated to each study group appears the make-up of the group as well as a succinct report of its hearings and other activities; its meetings appear in the online agenda of the National Assembly.

In order to ensure the respect of the prohibitions laid down by article 23 of the Rules of Procedure which forbids the setting-up within the National Assembly of any "*group representing private, local or occupational interests which binds its members*" or of any "*meeting in the precincts of the House… of any permanent association, whose purpose is to represent such interests*", the setting-up of a study group is subject to an approval procedure.

Every request made by an M.P. for such a group to be set up is examined by a specialized delegation of the *Bureau* of the National Assembly, chaired by a vice-president. Before presenting its conclusions, the delegation consults the relevant standing committee to discover if the subject of the group appears compatible with the exercise of its statutory powers and the conduct of its work. Then, based on the report of its delegation, the *Bureau* grants or rejects its approval for the setting-up of the study group.

It is also the task of the *Bureau* of the National Assembly to divide the chairs of the study groups between the political groups (this position can be granted to two co-chairmen) and to decide upon which political group will chair, or co-chair which study group. It is then up to the political group to appoint the chair, or co-chair of the study group.

Approval provides the right to a certain number of operational advantages (the assistance of a volunteer civil servant in charge of the secretariat and of organizing the meetings, availability of meeting rooms for hearings etc.). However, study groups receive no operational financing.

At the beginning of the XVIth term of Parliament the *Bureau* of the National Assembly, has authorized 80 study groups, given over to various subject.

File n° 20

FRIENDSHIP GROUPS

Key Points

The friendship groups of the National Assembly bring together M.P.s who have a specific interest in a particular foreign country. As an important element of the activity of the National Assembly and its influence, their aim is to establish links between French and foreign parliamentarians, but they also play a role in France's foreign policy and in the international influence of the National Assembly.

They must be officially recognized by the *Bureau* of the National Assembly and must also meet certain conditions. When it is not possible to set up a friendship group with a state which is internationally recognized, the *Bureau* may consent to the creation of an international study group which has exactly the same administrative and financial means.

The friendship groups may organize the setting-up of visits to Paris or in the partner Parliament and the hosting of foreign parliamentary delegations. Such activities must be authorized in advance by the *Bureau* of the National Assembly, which establishes their annual programme. In addition, the friendship groups may also receive ambassadors or other personalities from the partner country as well as French figures engaged in cooperation activities with this country. The friendship groups may also act as a base for decentralized or inter-parliamentary cooperation activities.

I. – ROLE AND MEANS OF THE OFFICIALLY RECOGNIZED GROUPS

1. – Role

The first role of a friendship group is to create a network of personal links between French parliamentarians, their foreign counterparts and the main actors in the political, economic, social and cultural life of the country in question.

The hearings, trips or receptions carried out by the groups allow M.P.s to follow the bilateral relations maintained by France as well as to understand the main issues encountered by other countries. In addition, their activities can also contribute to reactivating or enriching relations with the country concerned.

In carrying out their activities, the friendship groups thus provide a parliamentary dimension to traditional diplomatic relations. The practice which

has consisted for successive Presidents of the Republic and Prime Ministers, of inviting the chair or chairs of the friendship groups of the country or countries concerned, clearly illustrates the importance given to this form of inter-parliamentary exchange in bilateral relations.

In addition, friendship groups play a role of increasing importance in the international relations policy of the National Assembly. Thus they may take part in the hosting of high-ranking foreign VIPs or in the organization of international symposiums. Friendship groups are also, more and more frequently, asked to act as a base for inter-parliamentary cooperation programmes carried out by the National Assembly for the benefit of foreign Parliaments.

In practice the only thing which distinguishes an international study group from a friendship group is the name, as they are both subject to the same rules and benefit from the same funds as the friendship groups. The friendship groups and the international study groups together make up the category referred to as 'officially recognized groups', as their setting-up is subject to the consent of the *Bureau* of the National Assembly.

2. – Means

Each officially recognized group has an administrative secretary who is appointed from among the civil servants of the National Assembly, and who has expressed his voluntary agreement to take on such a task in addition to his/her normal administrative work. The role of the administrative secretary is to assist the chair in all aspects of the running of the group. He is in charge, in particular, of the concrete organization of the group's activities (including hosting visits and travelling).

Each officially recognized group is also provided with financial means. Each year this funding enables the financing of trips and hosting costs agreed to in advance by the *Bureau* upon the proposal of its International Activities Delegation, as well as of receptions in honour of ambassadors or foreign personalities.

Officially recognized groups may take advantage of certain logistical means made available to the bodies of the National Assembly (photocopying, meeting rooms, reception rooms etc.).

II. – RULES FOR OFFICIAL RECOGNITION

1. – Criteria for official recognition

Since 1981, three criteria have been laid down for the official recognition of friendship groups:

- Existence of a Parliament;

- Existence of diplomatic relations with France;

- Membership of the country to the U.N. It must, however, be taken into account that absence of the final criterion has not prohibited the setting-up of friendship groups with certain countries (such as Switzerland, which only became a member of the U.N. in 2002) and that it is traditional for a France-Quebec friendship group to be recognized.

The concept of international study groups (GEVI) was set up in 1981 to provide a framework to fit the status of countries which did not fulfil at least one of the three conditions of principle to permit the establishment of a friendship group. Even if there are several long-standing friendship groups which do not fulfil these three conditions, the idea of the GEVI is a useful way to express a change in the way these countries are considered in the light of developments taking place there. The title of GEVI is only given to groups linked to sovereign states which are internationally recognized. There are only two exceptions to this rule: the GEVI on Taïwan and that on Palestine.

2. – Procedure for official recognition

The rules set down by the *Bureau* concerning official recognition are the following:

- No friendship group can be set up without the prior consent of the *Bureau*;

- At its first meeting the delegation examines the list of friendship groups which were officially recognized during the previous Parliament and proposes its renewal, with or without modifications and the *Bureau* rules on this proposal.

The delegation then examines the requests for official recognition which were made during the Parliament by the M.P.s and refers the matter for advice, if it judges it necessary, to the Foreign Affairs Committee. When dealing with a new international study group, the referral to the Foreign Affairs Committee is obligatory and its advice is always followed.

III. – THE SETTING-UP OF FRIENDSHIP GROUPS AT THE BEGINNING OF A NEW TERM OF PARLIAMENT

The successive stages of this procedure are the following:

- At its first meeting of the new term of office, the International Activities Delegation of the *Bureau* confirms the rules applicable to officially recognized groups, draws up the list of such groups (beginning with those recognized during the previous term of office) and carries out, according to the rule of the greatest remainder formula of proportional

representation, the numerical distribution of the chairmanships between the political groups. There are four large geographical areas (Europe, Africa, the Americas and Asia-Oceania);

- The representatives of the political groups are then convened by the Chairman of the delegation and they carry out the distribution of the chairmanships, country by country;

- In reply to a request made by the Chairman of the delegation, the political groups transmit the names of their members holding the chairmanships which have been attributed to their group. It should be made clear that an M.P. may only hold the chairmanship of one friendship group;

- The M.P.s are then requested to make known the officially recognized groups to which they wish to belong;

- The chairmen of the officially recognized groups then receive a list of the members of their group. It is then their responsibility, with the help of the administrative secretary who has been appointed to their group, to convene the opening meeting.

IV. – APPOINTMENT OF THE *BUREAU* MEMBERS OF THE OFFICIALLY RECOGNIZED GROUPS

The *bureau* of a friendship group includes, in addition to the chairman, several deputy chairmen and several parliamentary secretaries.

The number of deputy chairmen is decided by both the total number of members of the friendship group and by the numbers in the political groups in the National Assembly. If the number of members of such political groups goes beyond a certain threshold, then the group is entitled to additional deputy chairmen.

However the number of parliamentary secretaries, usually between 6 and 10, depends entirely on the number of members in the friendship group.

An M.P. may only hold one chairmanship.

V. – PRESENTATION OF THE ACTIVITIES OF THE OFFICIALLY RECOGNIZED GROUPS AND THE RULES WHICH GOVERN THEM

The following is an overall presentation of the main types of activity carried out by the officially recognized groups and the rules which govern them.

1. – Visits paid and received

The core activities carried out by the officially recognized groups are made up of visits to the countries in question and the hosting of delegations from the partner Parliament. Such activities are expensive and as such, they are regulated by rules drawn up by the *Bureau* and confirmed at the beginning of each Parliament:

- The number of visits paid and received is limited to a single exchange (one visit paid and one received) per group during the same term of Parliament, except for countries bordering France. In practice, the real number of visits paid and received takes into account the funding available;

- The number of M.P.s who can travel is also limited (6 in Europe and 5 outside of Europe with this number being reduced further to 4 for visits to far-off countries). The same limits apply to the numbers in delegations hosted in France. For these trips, a pre-established distribution of places between the political groups, is decided upon by the *Bureau*;

- The expenses incurred during the visits and the hosting are divided up between the National Assembly and the partner parliament according to the following rule: the visiting delegation pays for the travel costs necessary to get to the host country which, in turn, looks after all expenses during the stay. It is, nonetheless, possible, when the rules applied by the partner Parliament make it necessary, to follow another system of financing. In this case the Parliament of the visiting delegation covers all the expenses relating to the trip.

- All requests either to make or receive a visit must be approved by the International Activities Delegation and then, by the *Bureau*. In practice, the chairmen of the friendship groups and of the GEVI are asked, at the end of the year, to make their wishes known. Before requesting permission for a trip, the group must be sure that the partner Parliament is prepared to receive it and, where necessary, to cover the corresponding expenses. The requests must also follow a rule of alternation between visits paid and received. The delegation draws up an annual draft programme of visits to be paid and received and particularly takes into account, the last exchanges carried out, the level of activity within the group and the context of the diplomatic and parliamentary relations with the country in question.

- The visits hosted in France are usually divided into two parts over a period of three to six days. The first part takes place in Paris where parliamentary and ministerial political meetings are organized, and is usually followed by a second part, outside of Paris, very often in the constituency of the chairman or the deputy chairman, who use it as a way to have the main achievements of their region highlighted. These

programmes always attempt to take into account the wishes of the visiting delegations, as well as the context of the economic and cultural relations with the country in question.

- The programmes for the visits by French M.P.s abroad are also based on the same broad principles. Nonetheless, there is a major exception: exchanges with Germany. These exchanges, which take place every year and are usually limited to two or three days, are mainly given over to working meetings on one or more themes of common interest which have been decided upon in advance.

- Reports are published concerning trips abroad by French friendship groups, in the collection called “Information Documents of the National Assembly”;

- The friendship groups with countries and regions with which a Grand Inter-parliamentary Commission has been set up by the President of the National Assembly and his/her counterpart (Algeria, Canada, Québec, Russia, China, Morocco, Italy) participate in this annual or bi-annual meetings and thus do not avail, in principle, of an authorization for a supplementary visit paid or received.

In addition, the chairmen of officially recognized groups can request expenses to cover receptions (notably lunches or dinners) organized in honour of personalities playing an eminent role in the relations between France and the country concerned (notably ambassadors, parliamentarians, members of the executive from the country who are visiting France).

2. – Meetings and various contacts with foreign or french personalities

Meetings with ambassadors, diplomats from the French Foreign Ministry, French or foreign specialists on the country in question, as well as the leaders of associations active in the country, can all help to improve the knowledge of the members of the group and contribute to binding the links between France and the country in question more closely.

3. – Participation in the policy of inter-parliamentary cooperation

The chairmen of the friendship groups, who are in a good position, by their very office, to understand the needs of the partner Parliaments, can initiate cooperation activities to be carried out by the National Assembly. Whatever happens, they are systematically invited to participate in such activities, whether they be multilateral or bilateral. These could include receptions for foreign M.P.s or parliamentary civil servants who are visiting Paris or participation in training or information missions carried out in a foreign Parliament.

4. – Decentralized Cooperation

Friendship groups may wish to give a territorial dimension to the links created with the partner country and this can lead them to encourage the setting-up of relations between local communities and authorities. This type of decentralized cooperation can in particular take the form of twinning between towns of similar sizes.

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This list of the activities of the officially recognized groups is certainly not exhaustive. The chairmen may take whatever initiative they feel appropriate to carry out the objectives of the group. In the countries in question, the area of the promotion of the French language may often be one which is particularly supported by the friendship groups.

File n°21

THE CHILDREN'S PARLIAMENT

Key Points

The Children's Parliament aims at proposing to 1,154 CM2 classes (final year of primary school) and, as of the 2023-24 edition, 6th year classes (first year of middle/secondary school), i.e. two classes for every constituency, the possibility of participating in a lesson in civic education by drawing up a draft bill on a given subject.

A national jury designates the draft bills for the finalists. They are put to an on-line vote by all the participating classes. The finalist classes which have come up with the winning draft bills of the Children's Parliament is invited to spend a day at the National Assembly.

The process takes place first at a local education authority level and then nationally and begins after the beginning of the school year, reaching its climax at the end of the month of May.

The Children's Parliament is organized by the departments of the National Assembly and of the Ministry of National Education. It does not take place in years of presidential and general elections.

The website of the Children's Parliament: www.parlementdesenfants.fr, presents the entire operation in an interactive manner.

Civic education is an integral part of the objectives of the school system and covers awareness of the values of democracy and of the Republic.

The National Assembly contributes to this fundamental objective by organizing the Children's Parliament which is an operation aimed at raising the consciousness of future citizens, at an early age, concerning the drawing-up of collective rules.

Children of between ten and eleven years old in the CM2 class, i.e. the final year of primary school, are given a lesson in civic education as they discover, in an active way, the role of the lawmaker. Each participating class is thus asked to collectively prepare a draft bill. Under the supervision of the teachers who follow them in their discussions, the objective is to allow them to understand the meaning of democratic debate. It is based on a concrete presentation of the French parliamentary system. As of the new school year, beginning in September 2023, this possibility has been extended to classes beginning middle/secondary school

At the end of the year these classes, meeting in the “Children's Parliament” are asked to vote for one of the draft bills that have been selected by a jury at a national level. This jury is made up of M.P.s and representatives on the National Education Ministry.

The Children's Parliament, which was set up in 1994, takes place throughout the entire school year. It does not take place the years of presidential or general elections. It is organized jointly by the departments of the National Assembly and of the National Education Ministry as well as the Agency for the Teaching of French Abroad (AEFE) and the French Secular Mission (MLF).

The internet website www.parlementdesenfants.fr presents the entire operation, the theme, the rules, the contributions put forward by the participating classes along with the teaching tools associated.

I. – SELECTION OF THE CLASSES

It is within each of the 577 electoral constituencies that the departmental services of the Ministry of National Education, or the services of the AEFE or the MLF, for the classes concerning French people living abroad, choose the two classes, which for each constituency, will participate in the event.

This choice is carried out, once the applications have been received, after consultation, if necessary, with a selection committee. M.P.s are encouraged to call for candidacies.

The list and the addresses of the classes chosen are transmitted to the Institutional and Event Management Communication Unit of the National Assembly. M.P.s are informed of the two classes from their constituency which will take part in the event. They may also pay it a visit and establish with it a direct contact and follow-up during the school year. The Departments of the National Assembly send a teaching pack to the classes in question and they are generally invited to come to visit the National Assembly by the M.P. of their constituency.

II. – WORK OF THE PARTICIPATING CLASSES

The work of the participating classes selected is to draw up a draft bill on an imposed topic which is different every year. This draft bill must fulfil certain formal criteria. It is obligatory to follow the structure of a draft bill which is made up of a one-page explanatory statement and of four articles maximum which are also drawn up on one page.

This work has to be sent in by mid-February.

The participating classes receive an access code for the specific interface of the internet site www.parlementdesenfants.fr, so they can post, contributions.

These codes are transmitted by the Institutional and Event Management Communication Unit

III. – HOW THE WINNING DRAFT BILLS ARE CHOSEN AT A REGIONAL LEVEL AND HOW THE FINALISTS ARE CHOSEN AT A NATIONAL LEVEL

1. – Selection at a regional level

As the work of each class is handed in before mid-Feburary, the juries convene during the following month in each region.

These juries select the best draft bill for the region (two as of the 2023-24 edition) and name a winning regional class. Their criteria are the following:

- The draft bill must fulfil the formal criteria;
- It must be a true piece of work of the pupils and correspond to their reasoning and their way of expression;
- It must be a reflection of future citizens on societal problems;
- It must correspond to real action to be taken or a possible law to be enacted.

Each winning class at a regional level is awarded a prize attributed by the National Assembly.

2. – Selection at a national level

A national jury, made up of M.P.s, members of the National Education Ministry and of the AEFE and the MLF, meets before mid-May. It chooses the final draft bills, (the number of final bills has been “gradually increased), in no particular order according to the aforementioned criteria from amongst all the bills selected at a regional level as well as from those sent in from the classes of the overseas departments and from the constituencies of French people living abroad.

Each class which has drawn up one of the bills selected by the national jury is awarded a prize attributed by the National Assembly.

These bills are placed on-line on the Children’s Parliament internet site so that all the participating classes may discuss them and choose the best one.

Each class makes its choice by electronic vote by means of the internet site before the end of May.

IV. – TRIP AND TIMETABLE OF THE DAY AT THE NATIONAL ASSEMBLY

The classes whose draft bill has received the greatest number of votes at the end of the electronic vote process are named the winning classes.

The result of this vote and the proclamation of the winning bill of the Children's Parliament are revealed during the reception of the finalist classes.

They are invited to spend a day at the National Assembly with their teachers during the month of June to receive their prize.

The organization of this phase of the event is carried out by the Institutional and Event Management Communication Unit. It is in charge of the practical aspects of the trip, the stay and the timetable of the day in Paris in consultation with the teachers.

File n°22

THE STRUCTURE OF THE DEPARTMENTS OF THE NATIONAL ASSEMBLY

Key Points

The departments of the National Assembly are divided into legislative departments, administrative departments and joint departments.

The departments of the National Assembly are divided into legislative departments, administrative departments and joint departments.

The **Secretary General of the Assembly and the Presidency**, aided by the Director General of Legislative Departments, is accountable before the President of the National Assembly for the correct operation of the seven legislative departments which are:

- General Secretariat of the Presidency;
- Table Office;
- Committees;
- Monitoring and Assessment;
- European, International and Defence Affairs;
- Communication and Heritage Enhancement;
- Reports

The **Secretary General of the *Questure***, aided by the Director General of Administrative Departments, is responsible to the *Questeurs* for the correct running of the five administrative departments which are:

- General Administration and Security;
- Parliamentary Logistics;
- Procurement and Finances;
- Parliamentary and Social Management;

- Buildings and Heritage.

Two **joint departments** are placed under the joint authority of the secretaries general: The Information Systems Department and the Human Resources Department.

File n° 23

THE STATUS AND CAREER DEVELOPMENT OF CIVIL SERVANTS OF THE NATIONAL ASSEMBLY

Key Points

The civil servants of the National Assembly are state civil servants; however, the statutory provisions which concern the rest of the civil service do not apply to them. They are provided with a separate status which is decided upon by the *Bureau* of the National Assembly in application of the constitutionally-binding principle of the separation of powers, which has its corollary in the administrative and financial autonomy of the Assembly.

The Internal Rules of Procedure on the Organization of Departments (RIOS) which define the status of the staff of the National Assembly set a cap of 1,353 on the number of civil servants. These are divided between four general branches (advisers, deputy advisers, management assistants and porters) and 20 specialized branches.

The civil servants of the National Assembly are recruited exclusively by competitive entrance examination. Most of them will work in a variety of jobs in the various departments of the Assembly throughout their career. They may be seconded to external bodies in certain circumstances and can take advantage of in-house training.

As in the rest of the civil service, each of the branches of the civil service within the National Assembly is divided into ranks and each of these is sub-divided into classes and subsequently into grades. Promotion from one grade to the next depends upon length of service whilst promotion from one class or rank to the next is obtained on the basis of merit according to a joint procedure.

I. – THE STATUS OF CIVIL SERVANTS OF THE ASSEMBLY

According to article 8 of Ordinance n° 58-1100 of November 17, 1958 concerning the functioning of the parliamentary assemblies, "*tenured staff of sparliamentary assembly departments are state civil servants whose status and retirement scheme are decided upon by the* Bureau *of the relevant assembly after consultation with the trade union staff representatives. They shall be recruited by competitive examination according to rules determined by the relevant bodies in each assembly. Administrative courts shall be called upon to deal with any individual disputes concerning such staff and their decisions shall be based upon the general principles of law and the fundamental guarantees recognized for all*

state civilian and military civil servants, as laid down in article 34 of the Constitution".

These legislative provisions are based on the constitutionally-binding principle of the separation of powers, which has its corollary in the administrative and financial autonomy of the Assembly.

The civil servants of the National Assembly are thus state civil servants, however the statutory provisions which concern the rest of the civil service do not apply to them. They are provided with a separate status which is decided upon by the *Bureau*. This status may not, however, be in contradiction with the general principles of law and fundamental guarantees recognized for other civil servants.

This status which is decided upon by the *Bureau* takes the form of Internal Rules of Procedure on the Organization of Departments which define the status of the staff of the National Assembly. They are supplemented by statutory application decrees which are decided upon either by the *Bureau*, or jointly by the President of the National Assembly and the *Questeurs* or by the *Questeurs* alone.

Despite some particularities which are due to the institution and to its history, the status of the civil servants of the National Assembly is quite close to that of other civil servants.

It must however be noted that the staff of the National Assembly have a very strict duty of professional discretion and political neutrality.

The staff also have an obligation of absolute availability as their rhythm of work must, at all times, be adaptable to that of parliamentary activity, be it according to the legislative calendar (extraordinary sessions) or the timetable of sittings (night sittings and committee meetings).

II. – NUMBERS AND CATEGORIES OF CIVIL SERVANTS

The permanent positions within departments are mostly carried out by civil servants recruited by competitive examinations specific to the National Assembly.

Article 5 of the Rules of Procedure sets a cap of 1,353 on the number of civil servants. These are divided between 4 general branches representing 79% of the staff and 20 specialized branches representing 21%.

On December 31, 2022, 867 civil servants worked in the departments of the National Assembly: about 51.7% in legislative departments, 37.8% in administrative departments and 10.5% in joint departments (Human Resources Department and Information Systems Department).

The average age of civil servants of the National Assembly was on December 31, 2022, 50.8 years old. Their median age was 52.5 years old. 60.6% were older than 50. Those under 40 represented around 16% of the civil servants. There were 36.8% women among the civil servants at the end of 2022.

The general branches are the following:

- *Advisers*: they are recruited among candidates possessing a master's level. Once they have reached the rank of senior adviser they take on managerial positions, mostly the grade of head of unit or deputy head. Their promotion to the grade of head of unit allows them to have access to the position of deputy director or director. There are 33 heads of unit, 7 advisers to deputy directors, 10 deputy directors, 12 directors, 2 general directors and 2 secretaries general.

Advisers work almost exclusively in legislative departments where they provide legal and technical assistance to M.P.s in the drawing-up of the law and in the monitoring of Government action. In the administrative or joint departments they mainly hold managerial positions.

- *Deputy advisers*: candidates for the competitive examinations must have a Bachelor level. They carry out a variety of duties depending upon their department, such as logistics and following the votes in committees, the management of purchasing or legal analysis in administrative departments. The computer analysts, although they are recruited by means of a specific competitive examination hold the status of deputy advisers.

- *Management assistants:* members of this branch carry out the duties of an executive secretary or administrative management tasks. Some of them are recruited by internal competitive examination from among the porters.

- *Porters*: they are recruited by competitive examination. They mainly carry out duties connected to reception, internal services or guided tours. The ushers and chauffeurs from the Transport Department are also part of this branch.

On December 31, 2022, the numbers of working civil servants were the following:

Advisers and equivalent	182
Report writers	58
Deputy Advisers and equivalent	114
Management assistants and equivalment	142

Porters	265
Security guards of the *Palais Bourbon*	40
Skilled workers	25
Restaurant employees	41
Total	867

The specialized branches correspond to the following positions or jobs:

- *The writing-up of minutes:* At the end of 2022, 58 précis-writers, including two directors, recruited at master's level.

- *Security*: 40 security officers at the *Palais Bourbon*. This competitive examination is limited to members of the military with at least fifteen years of service.

- *Catering*: 41 employees in three categories.

- *Computing*: computer engineers (equivalent to adviser), deputies to the head of software programmes and technicians, (with the same status as management assistants). In addition, the deputy adviser branch includes 14 computer experts as of July 27, 2023.

- *Buildings:* engineers and architects, draftsmen and professional workers divided between two categories.

- *Various positions*: medical assistants, head of car-pool, mechanics, and a photographer.

The hierarchy within the branches is as follows:

- Level 1: advisers, précis-writers, chief engineers and chief architects and computer engineers;

- Level 2: deputy advisers and assimilated civil servants, the technical director of the restaurants and catering staff belonging to the 4th category;

- Level 3: management assistants and assimilated civil servants, catering staff belonging to the 3rd category and professional workers belonging to the 3rd category;

- Level 4: porters, security officers, catering staff belonging to the 2nd category and professional workers belonging to the 2nd category;

The two deputies to the head of software programmes are situated on a hierarchical level between level 1 and level 2.

Civil servants belonging to a specific branch have the possibility of being promoted to the next highest branch. Such promotion is carried out exclusively by internal competitive examination.

With the exception of specific provisions concerning staff appointments, the individual decisions concerning civil servants are the responsibility of:

- The President and the *Questeurs* as regards civil servants in categories 1 to 3, except for catering staff belonging to the 3rd and 4th categories and professional workers of the 3rd category;

- The *Questeurs* for all other civil servants.

Nonetheless:

- The appointment of departmental directors and heads of unit and decisions concerning the secretaries general are the responsibility of the *Bureau*;

- The determination of the salary index for all civil servants is the responsibility of the *Questeurs.*

III. – CAREER AND ADVANCEMENT

1. – Recruitment by competitive examinations

Civil servants of the National Assembly are exclusively recruited by competitive examination according to rules set down by the *Bureau*.

The RIOS limit access to such examinations to French citizens and to citizens of the other member states of the European Union. The *Questeurs* are informed of the holding of all examinations and of any change in the rules of such examinations. At the end of the tests, the *Questeurs* receive a report on the results of the examinations, take official notice of the list of successful candidates and extend the date, where necessary, for the validity of the waiting list, should there be one.

The successful candidates must then carry out a year's trial period as a probationer before being granted full tenure in their specific branch.

Civil servants meeting the seniority conditions specified by the Rules of Procedure may take internal competitive examinations to access a hierarchically superior category. Civil servants who pass these internal competitive examinations are also admitted to the "extraordinary" framework of the category they join and they are fully integrated into the category at the end of their trial period.

2. – Mobility within the departments of the national assembly

Throughout their careers, the civil servants belonging to the four general branches will experience a variety of positions in both the legislative and the administrative and joint departments.

According to article 50 of the RIOS, as modified in 2021, the 'general' categories may not hold the same position for more than eight years. A "bridge" was introduced allowing mobility between advisers and report writers.

3. – External Mobility

The mobility of staff towards other administrations may take two forms:

- Advisers, précis-writers and deputy advisers may be placed "at the disposal" of a number of defined external bodies: foreign parliaments, European institutions, international organizations, the Economic, Social and Environmental Council, the Constitutional Council, The Court of Appeal or independent public or administrative authorities. In this case, the civil servant keeps his rights concerning promotion and retirement and continues to be paid by the National Assembly. A certain number of bodies regularly receive civil servants of the National Assembly who are placed at their disposal (Constitutional Council, *Conseil d'État*, Court of Accounts The Authority for Competition).

- Secondment is the second type of mobility and is open to all categories. In this case, the civil servant keeps his/her rights concerning promotion and retirement but is paid by the receiving body. The list of bodies to which a civil servant may be seconded is much broader; in particular, it is possible to be seconded to a state administration (excluding ministerial staff positions) which is not the case for the aforementioned type of mobility.

4. – In-house training

The types of in-house training on offer are mainly centred on the positions to be filled and these in turn vary as the activities and interests of the National Assembly evolve (increase in international programmes, progress in computer techniques, strengthening of security, development of communication, occupational health, welcoming and accompanying disabled persons in particular). The policy for training is based on the plans of the various heads of department of the National Assembly combined with individual requests and is implemented by the Human Resources Department.

IV. – CAREER STRUCTURE

As in the rest of the civil service, each of the branches of the civil service within the National Assembly is divided into ranks and each of these is sub-divided into classes.

Each class and each rank have their own salary scale which is divided into grades. Each grade of this scale corresponds to an index which determines the salary.

Every civil servant has the right, in principle, every two years, to a raise in salary based on length of service. Once he has reached the last grade on the index scale, the grade may no longer increase until he is appointed to the next highest rank or class.

Promotion from one class or rank to the next is obtained on the basis of merit. Candidates are included on a promotion table drawn up by the President and the *Questeurs* upon a proposal of the Promotion Committee made up equally of representatives of the administration and of elected delegates of the staff.

The career development for the four “general” branches is the following:

- *Advisers*: they may be liable for promotion to the rank of senior adviser after twelve years. After four more years senior advisers reach the level of ‘special category’ in their rank. At this stage they may be appointed head of unit which opens up the possibility of accessing the positions of director, general director and secretary general. Appointments to these last three ranks, which are made by the *Bureau* do not require the drawing-up of a promotion table.

Members of the branch of report writers may have a similar career, although they may not go as far as the rank of director general or secretary general.

- *Deputy advisers*: they enter the first class category upon being given tenure and can reach special category after eleven years service. At the end of a further five years, special category deputy advisers may be liable for promotion to the rank of principal. Principal deputy advisers may reach the level of exceptional class after three years at that rank.

- *Management assistants*: they enter the second class category upon being given tenure and can reach the first class category after eleven years of service. After five years in the first class category they can reach special category. They may be appointed head of section after having spent two years in the special category.

- *Porters*: they enter the first class category upon being given tenure and can reach special category after eleven years service. At the end

of a further three years, special category porters may be liable for promotion to the rank of first porter. First porters may be appointed head of group after three years at that rank. They may then become deputy head porter and subsequently head porter. At the top of this branch is the rank of Head of Porters of which there is only one.

File n°24

THE SECRETARIES GENERAL

Key Points

One of the defining elements of the administrative structure of the National Assembly is its two-headed aspect: the running of its two distinct poles (legislative departments and administrative departments) is carried out by two high-ranking civil servants appointed by the *Bureau* of the Assembly.

The Secretary General of the Assembly and of the Presidency assists the President in plenary sitting and helps the President in all matters concerning the institutional running of the Assembly, particularly in the relations with public powers. He is responsible to the President for the correct running of the legislative departments.

The Secretary General of the *Questure* assists the three *Questeurs*, whose responsibility it is, under the authority of the *Bureau*, to deal with all administrative and financial questions. He is responsible to them for the correct running of the administrative departments.

The two secretaries general are together responsible for the correct running of the joint departments to the President and to the *Questeurs.*

As the fourth figure of the State, the President of the National Assembly is directly or through the chairmanship of the *Bureau*, the principal person in charge of the correct running of the Assembly and, in this capacity, has authority over all of its Departments.

However, since the origin of Parliament, M.P.s considered that for their work to be carried out in the best conditions, it should not be burdened by material problems. Therefore, they appointed, amongst their own members, M.P.s specifically in charge of the administrative and financial management of their assembly. In 1803, these appointees received the name of *Questeurs*.

Thus, the activities of the staff responsible for assisting the representatives of the Nation were divided into two poles. The first, under the direct authority of the President, was centred on legislative activity and the second, under the main authority of the *Questeurs*, was organized around administrative tasks.

Two high-ranking civil servants head these two poles: the Secretary General of the Assembly and of the Presidency and the Secretary General of the *Questure*.

I. – APPOINTMENT, SUBSTITUTION, RETIREMENT

The Secretary General of the Assembly and of the Presidency and the Secretary General of the *Questure* are appointed by the *Bureau* of the National Assembly. They are selected from amongst civil servants holding the position of director general, director or head of unit.

The two secretaries general are assisted, for the former, by a Director General of Legislative Departments and, for the latter, by a Director General of Administrative Departments. The directors general replace them if need be and have, in such a case, authority over all the legislative and administrative departments.

The secretaries general, who are appointed until the age limit of their rank, may, by right, retire between sixty-five and sixty-seven years old, according to their year of birth.

II. – MAIN REMIT

1. – The Secretary General of the Assembly and of the Presidency

The Secretary General of the Assembly and of the Presidency plays the role of adviser to the President in all matters concerning procedure. He assists the President in plenary sitting.

Outside of questions linked to the running of debates, he provides the President with assistance in all matters concerning the institutional operation of the Assembly and in particular with his relations with public powers. He is in charge of the preparation, the holding and the follow-up of the meetings of the *Bureau*. The *Bureau* is the supreme collegial body of the Assembly and has full power in the making of rules concerning the deliberations of the Assembly and in the organization and management of all its departments.

The Secretary General of the Assembly and of the Presidency is responsible to the President for the correct running of the General Secretariat of the Presidency and the six legislative departments: the Table Office, committees, monitoring and assessment, European Affairs, International and Defence Affairs, Communication and Reports.

2. – The Secretary General of the *Questure*

The Secretary General of the *Questure* assists the three *Questeurs* who, under the authority of the *Bureau*, of which they are members, have extensive powers in financial, accountancy and administrative matters within the framework of the autonomous management of the National Assembly.

To do so, he arranges the meetings of the *Questure*. He also, along with the departments, prepares the files which will be submitted to the *Questeurs*, draws up the minutes, records the decisions and ensures their implementation.

The Secretary General of the *Questure* is responsible to the *Questeurs* for the correct running of the five administrative departments: the General Administration and Security Department, the Parliamentary Logistics Department, the Procurement and Finance Department, the Parliamentary and Social Department and the Buildings and Heritage Department.

The two secretaries general together head two joint departments: the Human Resources Department and the Information Systems Department.

File n°25

THE *QUESTURE*: FUNCTIONING AND ORGANIZATION

Key Points

Following the principle of management autonomy which the parliamentary assemblies possess and under the supreme authority of the *Bureau*, of which they are members, the *Questeurs* have broad powers in financial, accounting and administrative matters. In order to carry out their duties and to take the decisions which fall within their remit, the *Questeurs* can rely on, in particular, the administrative departments headed by the Secretary General of the *Questure*, who is in charge of all non-legislative aspects of the workings of the National Assembly. Together, the *Questeurs*, the Secretary General of the *Questure* and the administrative departments, make up what is commonly referred to as the *Questure*.

I. – A DECISION-MAKING BODY: THE *QUESTEURS*

1. – An institution which celebrated its bicentenary in 2003

As Eugène Pierre reminds us in his "Traité de droit politique, électoral et parlementaire", ("Treatise on Political, Electoral and Parliamentary Law"), "*representatives of a country have always chosen, from amongst their number, members in charge of overseeing that no material worry might occur which would hinder or block the path of legislative work*".

Thus, as of 1789, the National Assembly set out the tasks of those who would be called *Questeurs* by the *Senatus Consultum* of 28 frimaire, year XII (December 20, 1803), in reference to the administrative and financial role of the *Questeurs* of the Roman Republic.

2. – The *questeurs* are appointed by their peers

The three *Questeurs* are elected by M.P.s at the beginning of each term of Parliament and subsequently every year at the start of the ordinary session, with the exception of that which precedes the renewal of the Assembly.

There is in fact great stability in the holding of the office of *Questeurs*.

The appointment of the *Questeurs* follows a desire for pluralism which takes into account the size of the political groups in the National Assembly. Since 1973, two of the *Questeurs* are members of the ruling parliamentary majority and the third is a member of the opposition.

3. – The *questeurs* have a fourfold role

The tasks of the *Questeurs* are based on the principle of the financial autonomy of the parliamentary assemblies which was reiterated by the ordinance of November 17, 1958. They are detailed by the Rules of Procedure of the National Assembly and the General Instruction of the *Bureau*.

a. They Possess Financial and Budgetary Powers

They draw up and carry out the budget of the Assembly. They control all expenditure and all payments. They take the decisions concerning procurement contracts made by the National Assembly.

b. They Have an Administrative Management Power over the Staff and the Departments of the National Assembly

The *Bureau* of the National Assembly, the President of the National Assembly, and the *Questeurs* are jointly in charge of the management of the staff. The Human Resources Department prepares and implements their decisions. Article 15, paragraph 1, of the Rules of Procedure provides that *"the* Questeurs*, under the high management of the* Bureau*, are in charge of financial and administrative departments".*

c. They are in Charge of the Material Conditions of the Exercise of the Office of M.P.

The *Questeurs* do everything to facilitate the exercise of the office of M.P. (premises, transport, telephones, computer and office equipment etc.).

d. They Oversee Procedures in Cases of Conflict

4. – The *questeurs* take their decisions collegially

The decisions of the *Questeurs* are taken collegially during *Questure* meetings. They can lead to a vote but, in practice, this rarely happens.

The collegiality is slightly offset by the existence of a lead *Questeur*. This position is held, in turns, by each of the three *Questeurs* for a month.

The *Questeurs'* meetings, which are in addition attended by the two secretaries general, the Director General of Administrative Departments, the Director of General Administration and Security and the Chief of Staff of the President, are also an occasion for numerous exchanges on the administrative operation of the National Assembly.

The *Questeurs* are only responsible for their management in front of their peers and this through an *ad-hoc* committee in charge of checking and auditing the accounts.

II. – THE ORGANIZATION AND POWERS OF ADMINISTRATIVE DEPARTMENTS AND OF JOINT DEPARTMENTS

In order to carry out their duties and to take the decisions which fall within their remit, the *Questeurs* can rely on the administrative departments headed by the Secretary General of the *Questure* and the joint departments placed under the authority of the two secretaries general.

1. – Administrative departments

a. The Secretariat General of the Questure

The Secretariat General of the *Questure* prepares the *Questeurs'* meetings, oversees, along with the departments, the drawing-up of the files submitted to the *Questeurs*, drafts the minutes, records the decisions and ensures their implementation as well as the publication of the decisions taken.

The Director General of Administrative Departments is tasked with assisting the Secretary General of the *Questure* and deputizes for him/her, when necessary. He has, in this capacity, authority over all the administrative departments.

Measures concerning fire safety in the *Palais Bourbon* and in the other premises belonging to the National Assembly are drawn up and implemented under his authority in cooperation with the departments involved.

To this effect, he prepares the *Questure* meetings and ensures the follow-up of all decisions taken.

b. The General Administration and Security Department

This department includes two units: the General Administration, Reception and Litigation Unit and the Security and Access Unit.

The director of the department is responsible for the implementation and the coordination of all safety and security measures applicable to the *Palais Bourbon* and all other buildings which are the property of the National Assembly.

The General Administration, Reception and Litigation Unit carries out all studies concerning general administration matters; plans all administrative aspects of parliamentary meetings; manages the allocation and maintenance of meeting rooms; services offices allocated to political groups, vice-presidents and M.P.s; provides medical consultations to M.P.s.; all the insurance files of the National Assembly; deals with sponsorship requests submitted by external bodies.

The Security and Access Unit designs and, along with the departments concerned, implements and coordinates all safety and security measures regarding individuals and property; it is informed, in good time, of all events to be held on these premises or in the surrounding areas if they are likely to have an impact on the security situation; it is in charge, subject to the remit of the Communication and Heritage Enhancement Department, of the reception of individuals wishing to enter the National Assembly premises and oversees the proper running of the meetings which take place

there; provides security passes as well as vehicle access and parking permits; liaises with the military commanding officer of the *Palais Bourbon* and external security services in charge of security and public order.

The parliamentary security officers are under the authority of the head of this unit.

Under the authority of the head of the unit, the Leading Head Porter takes part in the drawing-up of the instructions concerning the reception of the general public and security checks and oversees their implementation. He participates in the organization of special events. To fulfil this task he has authority over all the head porters and deputy head porters.

c. The Parliamentary Logistics Department

This department consists of three units: publishing and communication supplies, restaurants, accommodation and supplies; transport.

The *Publishing and Communication Supplies Unit* is in charge:

- Of publishing all parliamentary, institutional and administrative documents;
- Of managing publication policy and photocopying equipment;
- Of the management of telephones and of the switchboard of the National Assembly
- Of the management of postal mail;
- Of the management of all material means of telecommunications, postal mail, computer and office equipment, made available to M.P.s in the carrying-out of their office as well as those of the political groups;

The *Restaurants, Accommodation and Supplies Unit* is in charge:

- Of the management of the restaurants;
- Of the management of the accommodation, notably the Residence of the Jacques Chaban-Delmas building;
- Subject to the responsibilities granted to other departments, of the purchasing and the delivery of materials, supplies and services necessary for the functioning of the National Assembly and for the carrying-out by M.P.s of their office.

The Transport Unit deals with all matters regarding M.P.s' travel and in particular their travel cards; making reservations for M.P.s for train and plane tickets necessary in the carrying out of their office. It is also in charge of motor transport for M.P.s and civil servants. To this end, it manages an automobile service whose head is responsible for overseeing the drivers and vehicle maintenance.

d. The Procurement and Finance Department

This department is made up of three units: Treasury, Procurement and Public Purchasing, Budget and Monitoring.

The director of the department, the Treasurer of the National Assembly, answers to the *Questeurs* regarding the funds placed under his/her authority. They are assisted in this position by the Head of the Treasury Unit who has the role of deputy treasurer. They are both bound by strict confidentiality requirements.

The Treasury Unit manages general and additional accounting; checks the validity of payment orders; implements expenditure payments and income titles; manages tenders; regularly oversees salary payments; covers all questions regarding income and loans.

The Procurement and Public Purchasing Unit is tasked with studying the regulatory provisions concerning the public procurements of the National Assembly; with studying and preparing, in collaboration with the departments concerned, *Questeurs'* decisions regarding procurement and the application of the procedures; with monitoring the implementation of tenders, as well as managing any litigation that may arise. To this end, it is kept informed by the other departments of the National Assembly concerning any pre-litigation situation. It is also tasked with the management of other cases of litigation, upon the request of the concerned departments; with answering questions of a legal nature which are asked by other departments.

The Budget and Management Monitoring Unit is in charge of preparing and implementing, along with the departments in charge of managing funds, the initial budget plan of the National Assembly and applying any modification that may be subsequently adopted; monitoring budgetary expenses and engagements; keeping the budgetary accounts; monitoring management.

e. The Parliamentary and Social Management Department

This department is made up of 2 units: Parliamentary Financial Management and Social Benefits.

The Parliamentary Financial Management Unit is in charge of disbursing M.P.s' allowances. It also manages funds allocated to parliamentary secretariats and staff that are privately recruited but paid out of public funds, as well as funds allocated to political groups.

The Social Benefits Unit is in charge of social benefits, pensions and retirement.

f. The Buildings and Heritage Department

This department manages the moveable and immovable assets of the National Assembly and assists the authorities of the Assembly in the field of project management. To this end, it is in charge of:

- proposing the planning for new building works, and works of renovation, maintenance, conservation, restoration and decoration; of ensuring the

feasibility and the timing of each planned operation, of proposing its programme and assessing the provisional financial burden as well as of proposing the process with which it will be carried out;

- managing all the contracts dealing with the studies for and the carrying out of such operations and, if need be, of studying and preparing the *Questeurs'* decisions pertaining to the public procurement markets dealing with moveable and immoveable heritage as well as ensuring their proper implementation; of preparing and implementing the department's budget as well as the accountancy operations and of applying a management monitoring process;

- ensuring the oversight of external contracting authorities and of the delivery of the work;

- overseeing the architectural aspect of the work; keeping the databases on the patrimony and the property files and managing the management software for the operations concerning moveable and immovable assets; implementing the purchasing and maintenance policies concerning works of art;

- providing services to the occupiers of the buildings and ensuring a number of routine maintenance works; of managing, along with the other departments concerned, the audio-visual equipment.

2. – Joint Departments

a. The Information Systems Department

It has two units; legislative applications for the management of audio-visual and computer information; management applications.

The tasks of this department are:

- the drawing-up of the technical studies necessary for the development programme concerning the computer and technological means necessary for the automated processing and transmission of information and documentation; the design and the creation, in collaboration with the concerned departments, of management software and its maintenance; the conception and the creation, along with the Communication and Heritage Enhancement Department and other interested departments, of legislative applications and documentaries and their maintenance;

- the drawing-up of an investment plan and proposals for the choice of material; the use and the maintenance of central and network information systems; the maintenance of the equipment of each department;

- the implementation of the processing of computerized applications and the drawing-up, once the computerized accountancy documents have been established, of payment documents.

- The technical coordination of the action of services in the field of new technologies; the study of organizational problems linked to their development; the carrying-out of technical studies in the field of technological assessment and decision-making; the necessary assistance to the departments and to the political groups in the defining and implementation of their own plans regarding computing and office automation; the technical support to access documentary databases.

b. The Human Resources Department

This department, which is tasked with managing the staff of the National Assembly, has four units.

The director of the department is responsible for relations with the trade union groups which represent the staff and with professional associations. Each of the heads of unit is in charge of following the human resource management of one or several categories of civil servants.

The Status, Contracts and Salaries Unit is tasked with studying the statutory provisions pertaining to salaries and to the working condition of civil servants; the study of the provisions pertaining to the salaries and work conditions of contract workers; the payment of wages and salaries; the drawing-up of individual decisions in conjunction with other units; making individual and regulatory instruments known; dealing with litigation concerning employees of the National Assembly.

The Employment, Training and Career Path Unit is in charge of the prospective management of staff, positions and skills; the compiling of individual professional projects; career management; defining and implementing an internal and external mobility policy; assessment and marking; drawing up a professional training plan; the preparation for external competitive examinations.

The Recruitment and Work Placement and Apprenticeship Unit deals with the study of provisions pertaining to recruitment for work placements and apprenticeships; the preparation and implementation of the recruitment of contract staff; the organization of competitive examinations; the management and reception of apprentices in the departments; the management and reception of trainees in the departments.

The Social Dialogue, Quality of Life at Work and Internal Communication Unit deals with the study the provisions relating to working conditions; management of sick leave, work accidents and occupational safety illnesses; the organization of aptitude and preventive medicine; the secretariat of the health, safety and working conditions committee; the prevention of professional risks and the treatment of harassment situations; disability policy; relations with trade union organizations, the organization of professional elections and the secretariat of the consultation commission; the development and dissemination of information for staff.

File n°26

THE DEPARTMENT OF INFORMATION SYSTEMS

Key Points

The task of the Information Systems Department is to ensure the upkeep of all the computer-based means necessary for the correct running of the National Assembly. To accomplish this task it implements the guidelines set down by the *Bureau* of the National Assembly and the College of *Questeurs*.

It provides M.P.s with the computer equipment they use as well as that used by the departments of the National Assembly. It oversees the upkeep of the existing material, provides advice, assistance and training and develops in-house software or uses external providers.

In 2022, it managed and maintained around 100 applications dealing either with the National Assembly's task of drawing up the law and monitoring Government or with its administrative management activities, as well as around 200 applications for specialized jobs. It uses over 2,700 computers, 27,400 network inputs, 900 WiFi terminals, around 570 servers and supervises their security.

The Information Systems Department (DSI), placed under the responsibility of the two secretaries general, is in charge of managing the computer equipment of the institutional bodies of the National Assembly and its administration (excluding that of the political groups). It is, in particular, in charge of the study, the conception, the execution, the production implementation, the administration and the maintenance of computer applications, as well as the installation and the maintenance of materials. It is in charge of the use of the computer rooms and of the management of the computer network.

The DSI is organized into four entities:

- The Digital Counter;
- The Legislative, Information Management and Audiovisual Applications Unit ;
- The Management Applications Unit ;
- The Technical Information Systems Unit which in charge of the servers, of the internal and external networks, of the information technology equipment stock, of computer security, as well as assistance for users.

I. – THE DIGITAL COUNTER

This is a reception area located within the *Palais Bourbon* which offers a certain number of services to M.P.s and their assistants:

• A multi-service physical space set up at the start of the XVIth term of Parliament is intended to permanently provide digital-related solutions:

It supports M.P.s and their assistants in using their mobility tools.

The Digital Counter responds to the specific uses of a space for exchanges making it possible to capture, report and prioritize the expectations of M.P.s and their assistants in terms of digital tools and materials, so that they can exercise effectively and efficiently their legislative work in complete safety.

• A suitable work space (co-working) aimed at encouraging exchanges;

• **A service counter: providing real local technical support** allowing immediate help, particularly for videoconferencing;

• **Advice and training on IT, but also awareness of IT security issues;**

• **Supply and loan of materials**.

II. – APPLICATIONS

Given the very special nature of legislation and of the monitoring of Government action, as well as its organization, a substantial number of the applications are specific to the National Assembly

1. – Legislative, documentary and audio-visual applications

- The voting system

The electronic voting system means that it is possible to know, to use and to transmit, in real time, the results of public ballots in the Chamber.

The processing and the transmission of the official report

- The drawing-up, processing and transmission amendments (“Eloi”)

Eloi is the tool for M.P.s to remotely table their amendments and their contributions. A table presents to each M.P. his/her amendments listed by text and by stage (in the process of being drawn up, tabled, withdrawn, to be discussed, discussed etc.) and allows them to be modified or withdrawn, to have the list of co-authors changed.

This application also allows the departments of the National Assembly to deal with the amendments tabled using dematerialized methods. Eloi also permits the departments to prepare bills for examination, the reediting and approval of

amendments, the information flows concerning the management of admissibility, the preparation of the "Yellow Booklet" for the plenary sitting, the creation of bundles of amendments in the order they will be called, the drawing-up of the text adopted, the production of the "blue book" annexed to the verbatim report of the sitting as well as the publishing of statistics.

In addition, the application Eliasse, which is derived from Eloi, permits the consultation on numerical tablets of the amendments debated in committee or in plenary sitting.

The Syceron application allows the electronic transmission of the report of the debates to the *Journal officiel* as well as its posting online on the website of the National Assembly, within 6 hours after the sitting.

- Questions and Ministers' replies

M.P.s can table and manage all their written questions to members of the Government on-line. The application Questions/Answers also processes questions to the Government and oral questions without debate. It allows the departments of the National Assembly to deal with these questions and to transmit them in electronic form to the *Journal officiel* for publication. Ministerial answers are also processed, collected and included in the database through a procedure and platforms which are totally paperless. The written questions asked by M.P.s and answers given by ministers (almost 10,000 during each session) are all published on the internet site of the National Assembly.

- The Legis application

This application is used to follow, by means of legislative files, the successive steps in the examination of Government and Member's bills, from their being tabled in the National Assembly or the Senate to their publication in the *Journal officiel*. The data contained on this database feed into the National Assembly internet site.

- The Tribun application

This application is used to manage information concerning M.P.s' elective offices and their membership of the various bodies in the National Assembly. The database also contains information concerning Senators transmitted by the Senate. Data from this database may be consulted on internet.

- The Library application

Since 1992, the library has had a computerized list of all the works acquired since that date (fifteen thousand files per year). The indexing is carried out by using the *Bibliothèque Nationale's* (France's National Library) "Rameau" thesaurus. The application allows access, via internet, to the catalogue and enables reservations of works to be made on-line.

- The "Déports" and "Donations and Trips" applications

The "Déports" application allows M.P.s to make a written declaration of a private interest, in order to prevent a situation of conflict of interest, and to declare the

work of the Assembly in which they abstain from participating when they believe they are in such a situation. The “Donations and Trips” application allows Members to declare to the Assembly Ethics Commissioner any donations, invitations to sporting or cultural events or advantages of a value exceeding an amount determined by the *Bureau* from which they have benefited during their term of office.

- Applications concerning the electronic management of documents

The “ Eurodoc” application allows the sub-department for European Affairs to manage the documentation of the various European institutions. It may be consulted on intranet or on internet. Eurodoc enables a totally paperless exchange of documents between the National Assembly and European institutions.

Other electronic document management applications allow the development, storage and search of documents, particularly for *Questure* reports and decisions.

- Audiovisual applications

The video portal of the National Assembly (videos.assemblee-nationale.fr) broadcasts live and later all the debates of the plenary sitting and the committees. The Photo Library makes it possible to store, manage and distribute the institution’s photographs; in addition it allows each MP to download the images on which they appear. Furthermore, the displaying in the Chamber and broadcasting on the internal television network provides M.P.s with all the information useful for the carrying-out of plenary sittings (names of speakers, order of amendments under discussion, results of votes, speaking time etc.) Moreover, an archiving application allows long-term conservation of all audiovisual media.

2. – Management applications

The accountancy, administrative management and salary systems rely on a single piece of integrated, management software. The social security management system of the National Assembly has been outsourced to the *Mutualité sociale agricole* (Agricultural Mutual Assistance Association)

The management of the plans of the buildings and the fixtures of the National Assembly is ensured by an integrated piece of software (GMAO or management assisted by computer). The checking of access from outside to the National Assembly and thus to rooms and offices, is carried out by a centralized electronic system.

Other management applications have been implemented to cater for the specific needs of particular departments: stock management, restaurant management, applications for the Transport Unit when dealing with issuing transport tickets, or with coordinating motor transportation in Paris and in the suburbs etc.

3. – Mobility and telephone applications

The messaging system Outlook/Exchange allows M.P.s to synchronize their smart phone with the messaging service of the Assembly, so as to receive their electronic mail and to synchronize their datebooks and their contacts.

An access portal provides the possibility of having easy access by internet to the applications, as well as to the messaging system and the agenda. The tabling of amendments or of questions is, in particular, possible using remote access. The “virtual office”, enables M.P.s to connect easily through internet to the legislative applications as well as to any useful application.

Moreover, the DSI has developed, for the Communication and Heritage Enhancement Department, an application allowing the consultation of the video of the plenary sitting and of standing committee meetings which is accessible speaker by speaker.

A series of WiFi antennae allow M.P.s to connect to internet and thus to consult their electronic mailboxes from the meeting rooms of the National Assembly. The office of each M.P. has WiFi access.

The M.P.s and the management of the Assembly have a computer network telephone system (ToIP), which is run by the DSI. Each person is equipped with an IP telephone landline, supplemented by so-called “Softphone” software allowing them to receive and transmit telephone calls on their Assembly landline from a computer or mobile phone.

MPs can have a telephone and a mobile line provided by the Assembly, this service being managed by the Parliamentary Logistics Department.

Furthermore, office-type videoconferencing solutions (automatic capture in medium-sized rooms or completely dematerialized meetings) are made available to M.P.s and management. These services are managed by the DSI, in addition to institutional meetings for which the videoconferencing means are managed by the Real Estate and Heritage Department.

4. – The management of the National Assembly’s internet links and the use of the assembly’s web sites

The National Assembly’s links to the internet network consist of several broadband connections, which use a load balancer and a series of protection software to safeguard against hacking and other malicious acts. Other internet connections are also available for the needs of departments. The National Assembly is also connected to safe inter-ministerial network, ADER/RIE.

The DSI also manages the use and the upkeep of preproduction infrastructures (the servers and software packages) for the websites of the National Assembly.

- The intranet WEBAN sites and “AN 577”

Two sites are available for M.P.s and staff of the National Assembly

The extranet site “AN-577” allows M.P.s and their assistants to consult a broad range of legislative information or practical notions on the functioning of the National Assembly.

The intranet site, “WEBAN” may be consulted by all members of staff of the National Assembly. It enables the transmission and consultation of a large amount of information concerning the management of the personnel, in-house training, and competitive examinations, as well as practical information of all kinds.

- The Internet Site of the National Assembly

The internet site (http://www.assemblee-nationale.fr) is operated in collaboration with the Communication and Heritage Enhancement Department. It provides the general public with information concerning the organization and running of the National Assembly. It provides access to parliamentary documents and to legislative files as well as to the live broadcasting of the plenary sitting and its consultation on video on demand.

III. – HARDWARE AND TECHNICAL INFRASTRUCTURE

1. – M.P.s’ hardware

As of the XVIth term of Parliament, M.P.s have been provided with two laptops and an 11-inch tablet, supplemented by two 27-inch screens with an integrated docking station when working from their Assembly office.

By default, printing is done on shared floor copiers equipped with a system for releasing prints by badge.

In addition, each M.P. can acquire laptop computers for their assistants which will be provided and maintained by the Assembly in the same way as those in the basic allocation once they have been acquired from the catalogue proposed by the Assembly. However, the cost of acquiring this additional equipment is charged to the M.P.s material allowance (DMD).

All these computers are equipped with the Microsoft Office suite. In addition, a collaborative platform (discussion threads relating to a workspace; sharing, synchronization and co-editing of documents; project and task management; videoconferencing and screen sharing, etc.) accessible from inside as well as from outside the Assembly through the internet network, is provided to all M.P.s.

A centralized messaging system is made available to MPs and their assistants. This system hosts, among other things, the institutional email addresses of M.P.s (so-called public address).

In addition, and as a complement, each M.P. may use the DMD to acquire other computer equipment (hardware, software, internet site, maintenance, training etc.). This DMD allowance is managed by the Parliamentary Logistics Department. The M.P.s are entirely free to choose the computer equipment and supplier they wish.

2. – The hardware of political groups at the National Assembly

The secretariats of political groups at the National Assembly are allocated a specific allowance whose total amount is set for the entire term of Parliament according to the number of members the group actually has.

The political groups may decide upon their computer hardware policy with the advice, if they so wish, of the relevant departments of the National Assembly. Assistance, maintenance and training services concerning the hardware and software of the political groups are not carried out by the Information Systems Department. However requests for access to broadband services may be met via the National Assembly's network.

3. – Department hardware

This hardware is renewed every five years. The network includes almost 1,500 micro-computers, divided between fixed and portable computers.

4. – The technical infrastructures and their use

The information system of the National Assembly included, in 2022 around 570 servers, of which one hundred were physical with data storage bays and dedicated boxes and 213 virtual.

At the same date, the internal network included 400 network sockets and 900 WiFi outlets.

There were some 6,000 electronic mailboxes. The number of electronic mails entering the network of the National Assembly was around 5 million per month.

The running of the computer pool, the networks and the applications, leads on average to more than 23,000 requests for assistance per year which were carried out in 70% of the cases by technicians of the service centre (CDS) and 30% by technicians working for the provider in charge of making on-the-spot interventions.

5. – Computer security

The security of information systems at the National Assembly is ensured by a dedicated team which works to supervise and protect the various digital services offered such as electronic messaging, files on the network, internet access, intranet sites (WebAn and AN-577) and more broadly the assistance of M.P.s and assistants in situations exposing them to IT risks.

The fact that these security issues are taken into account is reflected in the reference documents entitled "IT Charter" and "Information Systems Security Policy" (PSSI) which can be consulted directly on the intranet.

These documents set out the rules for use in force on the information systems of the National Assembly as well as the various security measures implemented and for which the security team ensures proper execution and compliance.

File n°27

THE HUMAN RESOURCES DEPARTMENT

Key Points

The Human Resources Department which is a joint department answering to the two secretaries general, is made up of four units in charge of status, contracts and salaries, of employment, training and career path, of recruitment, work placement and apprenticeship and lastly of social dialogue, quality of life at work and internal communication.

The Human Resources Department is in charge of the recruitment, management, and the training of the National Assembly staff – on December 31, 2022 this amounted to some 867 civil servants in the various departments 402 public servants under contract, as well as 20 apprentices and 20 trainees.

This department had, at that time, four heads of unit, eleven deputy advisers, fifteen management assistants, nine porters (several of whom carry out tasks for other departments), six public servants under contract including the doctor in charge of preventive medicine, the social worker, the computer adviser, three management assistants and two apprentices.

I. – THE STATUS, CONTRACTS AND SALARIES UNIT

This unit has, among its tasks the study of all statutory provisions regarding the career management, salaries and working conditions of the staff.

It assists the political authorities of the Assembly in the drawing-up of projects to modify the status of the personnel, organizes the consultation of the representative trade unions on projects changing the salary structure, the social protection or the retirement regime of staff as well as the organization of departments.

It organizes the promotion committees for the advancement of the ranks and grades of civil servants, manages the follow-up and deals with the regulatory procedures in disciplinary matters. It draws up all the documents concerning appointments, promotions, postings, sanctions and modifications of administrative status. It also deals with the follow-up to appeals against such individual decisions.

It ensures the payment of the wages and salaries of permanent and contract staff. It manages the contracts of interim and contract workers as well as the unemployment insurance of former contract workers of the Assembly.

II. – THE EMPLOYMENT, TRAINING AND CAREER PATH UNIT

This unit is especially in charge of managing staff, positions and job descriptions, as well as the policy on internal mobility and it implementation. Thus, amongst its tasks are the compiling of individual professional projects, the organization of calls for applications and career path management. As well as the welcoming of new arrivals it also participates in the preparation of promotion committees.

It is also tasked with:

- drawing up and implementing the external mobility policy.;

- marking campaigns;

- the staff professional training programme;

- the preparations for internal competitive examinations.

III. – THE RECRUITMENT, WORK PLACEMENT AND APPRENTICESHIP UNIT

In application of the decisions of the political authorities, this unit organizes all the competitive examinations for the recruitment of civil servants in order to fill positions in the 4 general branches (advisers, deputy advisers, management assistants and porters) and the 20 specialized branches (report drafters, security, computing, building, catering and medical staff). In addition to the administrative and technical support provided to juries, the organization of competitive examinations also includes the setting-up of the statutory provisions pertaining to recruitment, the drawing-up of the tests and the fixing of calendars.

The unit also manages the recruitment of contract staff and also deals with apprentices and trainees.

IV. – SOCIAL DIALOGUE, QUALITY OF LIFE AT WORK AND INTERNAL COMMUNICATION UNIT

This unit is in charge of relations with trade union organizations. It organizes professional elections and the annual consultation commission chaired by the *Questeurs*, which represents the main body for consultation with the staff representative unions. This allows the *Questeurs* to determine the main issues which will be the subject of consultation with the unions during the year, within the framework of technical committees.

In terms of occupational health, the unit manages sick and maternity leave, workplace accidents and occupational illnesses. It is responsible for the organization of aptitude and preventive medicine. It provides the secretariat and monitoring of the recommendations of the Committee on Health, Safety and Working Conditions, including the identification of professional risks, as well as the secretariat of the medical commission responsible for proposing adjustments of positions or hours necessary for

people with health problems or disabilities. More broadly, it deals with issues relating to disability and harassment within the departments of the National Assembly.

Finally, it is responsible for internal communications. In this capacity, in particular it draws up and distributes the internal staff letter.

File n°28

THE PROTOCOL UNIT

Key points

The Protocol and Management Unit has two functions: it organizes the ceremonial events connected with the Presidency of the National Assembly (ceremonies, international activities) and it manages the budgetary and accountancy aspects of international activities. It is linked administratively to the General Secretariat of the Assembly and the Presidency and has relative operational autonomy. It is a horizontal structure which liaises with the other bodies of the National Assembly but which is fundamentally centred on the logistical aspects of ceremonies in which the institution is represented, visits by foreign delegations or parliamentary missions or trips by the President abroad. It also maintains permanent links with external partners (the Presidency of the Republic, State Protocol, ministries, military authorities, foreign or French embassies, foreign parliaments, service providers, etc.).

The Protocol and Management Unit:

- Is involved in the organization of ceremonies at which the National Assembly or one of its bodies is represented as well as in the welcoming of foreign personalities or delegations;

- Prepares the financial decisions concerning the missions, receptions or actions of parliamentary cooperation;

- Makes all financial documents for the corresponding expenses and permanently oversees the use of the allocations for international actions;

- Is in charge of the material organization of all events connected with the international activities of the National Assembly.

Under the authority of the Director General of Legislative Departments, this unit remains in close contact with the office and the staff of the President, with the State Protocol Department, with the Protocol Department of the Foreign Affairs Ministry and with the foreign embassies in Paris.

I. – ACTIVITIES LINKED TO PARLIAMENTARY PROTOCOL

1. – The remit of the protocol unit

The ceremonial of the plenary sittings comes within the brief of the Secretary General of the National Assembly and of the Presidency and the Table Office. So the Protocol Unit is in charge of:

- National ceremonies in which the National Assembly is represented [Commemorations (May 8, November 11), Bastille Day (July 14), funerals, tributes, commemorations etc.];

- Other ceremonies taking place inside the *Palais Bourbon* (inaugurations, placing of wreaths, commemoration plaques etc.);

- The reception of official authorities participating in the meeting of the Congress, as provided for by article 18 of the Constitution (speech of the Head of State in the Chamber of Congress in the Château of Versailles);

- The welcoming of the foreign delegations received by the President or members of the *Bureau* of the National Assembly for talks, a meal, a working visit or a speech in the Chamber);

- Trips in France or abroad of the President of the National Assembly and/or members of the *Bureau*.

The Protocol Unit organizes the ceremonial procedures (often working directly with the *Garde Républicaine* - the Republican Guard) and the programme of the visits for the highest foreign dignitaries, including: meetings at the *Hôtel de Lassay*, receptions, (lunches, dinners or receptions), visits of the *Palais Bourbon*, speeches of Heads of State or of Government, Speakers/Presidents of parliamentary assemblies in the Chamber, welcoming to the Chamber of foreign delegations, working meetings.

It takes part in the organization of the meetings regarding various bilateral parliamentary structures like the joint meeting of the *Bureau* of the National Assembly and the Präsidium of the German Bundestag, the Grand France-China Committee or the France-Morocco Parliamentary Forum. It organizes the participation of the President in bilateral meetings with counterparts as well as multi-lateral meetings (like the annual Conference of Speakers/Presidents of Assemblies of the G7)

It is requested to contribute to bilateral or multi-lateral parliamentary events (such as the parliamentary dimension of the French Presidency of the European Counil) or for all visits of important foreign dignitaries.

2. – Missions involving assistance to departments and external bodies

The Protocol Unit is also in charge of the following duties:

- It establishes the order of protocol for the members of the National Assembly according to the principles determined by the Rules of Procedure of the National Assembly as well as according to custom;

- It gives advice to the departments of the National Assembly and to the M.P.s on the measures to be taken in the case of events or conferences, for example in the drawing-up of table plans;

- It advises the civil servants in charge of the reception of a foreign delegation to the Assembly or of a mission of French representatives abroad.

It is consulted on questions regarding the order of protocol for dignitaries, the flying of flags on the National Assembly, the clothes worn by M.P.s, especially official sashes or decorations, and civilian or military honours given to some dignitaries.

3. – The role of protocol

In its concrete roles the Protocol Unit:

- Collects and provides information that is necessary to deliver to parliamentarians, to the departments of the National Assembly or to external partners;

- Coordinates partners at events;

- Gives orders and advice and delivers circulars for all partners;

- Is a main actor during events.

Thus the Protocol Unit establishes relations with numerous partners, both inside and outside the National Assembly and it establishes a standard concerning ceremonial events whoever their organizers be.

II. – MANAGEMENT ACTIVITIES

Each expense incurred during a mission, a reception or an action of cooperation must be authorized in advance by the *Questeurs*.

The Protocol and Management Unit deals with the requests for funding made in the framework of international activities by the standing committee secretariats and the delegations. Upon the receipt of such requests, it prepares a “decision of credit commitment” which will be included on the agenda of the College of *Questeurs'* meeting. It establishes an estimate for the expenses so linked, calculates the different expenses (for transportation, accommodation, catering, translation, gifts, miscellaneous etc.) and follows the entire procedure of examination.

The Protocol and Management Unit is also in charge of the following duties:

- It oversees the use of allocations for all international activities, trips and receptions and informs the departments about the level of spending of their annual budget. The corresponding data are used in the preparation of the annual report on the use of funds and the budgets for the following years;

- It answers the requests of the two Secretaries General and the *Questeurs* regarding the necessity of the expenses and the use of funds;

- It advises the civil servants in charge of the funds and checks the accounts prepared by them at the end of the mission or the reception (concerning the legality of the accounts and the necessity of the spending);

- It prepares the accountancy documents for the signature of the Director General of Legislative Departments.

This management role allows the Protocol Unit to follow the entire procedure concerning international activities both for the planning of such activities and for the pinpointing and the use of funding which are allotted to them.

File n°29

THE TABLE OFFICE (DEPARTMENT)

Key Points

The activities of the Table Office are centred on the plenary sitting: its preparation, its running and the follow-up. To this end the Table Office is, in a general way, in charge of the procedure and the implementation of the Rules of Procedure. However, it is also involved in the running of standing committees both as regards their make-up and their proceedings.

In advance of the plenary sitting, the Table Office contributes to its preparation by manning the secretariat of the Conference of Presidents, which is the body of the Assembly which draws up its agenda and organizes the debates. The Table Office receives, lays out and classifies amendments. It also prepares the President's file which is used as the guideline for discussions in plenary sitting. It organizes the sittings given over to questions.

During the plenary sitting, the Table Office monitors the time limits for speeches, manages the sittings given over to questions and records the decisions of the Assembly. It assists the President during the plenary sittings by providing him with information useful to the resolving of any problems concerning the Rules of Procedure which may arise.

After the plenary sitting, it draws up the texts decided upon by the debates in the Assembly and notes, in the form of 'precedents', all that could contribute to the creation, within the activity of the Assembly, of statutory or constitutional jurisprudence. It also keeps statistics linked to parliamentary activity.

The Table Office includes three units:

- The Plenary Sitting Unit which includes, under the authority of two unit heads, six advisers, three deputy advisers and six management assistants;

- The Law Unit which is made up of one head of unit, two advisers, three deputy advisers and three management assistants (joint secretariat with the Questions and Vote Unit);

- The Questions and Vote Unit which is led by a unit head and is also made up of three deputy advisers and three management assistants (joint secretariat with the Law Unit);

In addition, the Table Office includes eight porters and nineteen ushers who carry out their duties in the Chamber or in the adjoining rooms.

I. – THE PLENARY SITTING UNIT

The activity of the Plenary Sitting Unit may be divided into six categories: the drawing-up of the agenda and the preparation of debates, legislative procedure, monitoring and assessment procedures, various procedures linked to the make-up of the Assembly and to appointments within different bodies, statutory and constitutional jurisprudence and the preparation of draft replies to certain communications addressed to the President as well as the drawing-up of memoranda and various documents.

1. – The drawing-up of the agenda and the preparation of debates

a. The Secretariat of the Conference of Presidents

The Conference of Presidents meets each week during the session. It is chaired by the President of the National Assembly and is made up of the six vice-presidents, the chairs of political groups, the eight chairs of committees, the Chair of the European Affairs Committee, the General *Rapporteur* of the Finance Committee and that of the Social Affairs Committee, as well as the Minister in Charge of Relations with the Parliament. It draws up the agenda for the Assembly and organizes the debates.

The Plenary Sitting Unit services the secretariat of the Conference of Presidents. It calls the meetings of the Conference of Presidents, prepares them and draws up the minutes of such meetings.

Before each meeting, it makes contact with the Minister in Charge of Relations with Parliament to check on the agenda which will be put before the Conference of Presidents by the minister for the weeks reserved for Government business.

In collaboration with the political groups and the standing committees, it draws up a draft agenda for the weeks reserved for parliamentary initiative (the so-called “Assembly” week and that reserved for the assessment of public policies and the monitoring of Government action).

It makes a suggestion for the organization of the general discussion of bills or, if need be, an overall time schedule in the case of the implementation of the set time limit debate procedure. It also puts forward a proposal for the organization of debates included on the agenda.

It also prepares files for the President on all matters which are likely to be discussed.

b. The Organization of the Discussions in Plenary Sitting

The Plenary Sitting Unit oversees the correct organization of speeches during both the discussion of bills and during the debates which take place in the plenary sitting.

In the case of the application of the set time limit debate procedure it calculates the allotment of speaking time between the political groups, which depends upon their

size, taking into account the overall time for discussion decided upon by the Conference of Presidents. It informs the political groups of its decision.

It records M.P.s requests to speak and draws up, under the authority of the President, the order of speakers.

2. – Legislative procedure

The unit carries out its duties at every stage of procedure.

a. The Tabling of Bills

In order to be tabled, Government and Members' bills and parliamentary reports are received by the Plenary Sitting Unit. It provides every one with a registration number which means that each document can be identified during the entire procedure. It draws up, at the end of the final sitting of the day, a list of all the documents which have been tabled that particular day.

It also mans the secretariat of the *Bureau's* delegation in charge of examining the financial admissibility of Members' bills in accordance with article 40 of the Constitution which prohibits parliamentary initiatives which would have the effect of creating or increasing an item of public expenditure or which would diminish public resources.

Except in cases when an *ad-hoc* committee is set up, the Plenary Sitting Unit, under the authority of the President to whom disputed cases are referred, decides to which standing committee the tabled bills must be sent.

b. The Preparation of the Plenary Sitting

The Plenary Sitting Unit records the preliminary rejection motions which may be tabled on each bill.

It draws up the list of speakers who will participate in the general discussion of bills according to the lists transmitted by the groups.

After having requested the advice of the Chair of the Finance Committee and, if necessary, that of the chair of the lead committee, on the financial admissibility of amendments initiated by Parliament in order to check the link that the amendments must have with the bill on which they are tabled, the Plenary Sitting Unit records and lays out the amendments so that the discussion in plenary sitting may be correctly organized. The recorded amendments are then placed on-line on the site of the National Assembly

The Plenary Sitting Unit then prepares the "President's File", including a number of formal expressions (formulae) which structure the running of the debate and which are read out by the chairman of the sitting. The amendments are listed, article by article, according to the statutory instructions which decide the order in which they will be called and voted upon.

In addition, the Plenary Sitting Unit puts together the “runner” for the sitting i.e. the document which retraces the running of the examination of bills and debates included on the agenda of the plenary sitting and which is placed on-line on the site.

c. The Running of the Plenary Sitting

During the plenary sitting, the Plenary Sitting Unit is seated behind the President on the “*Plateau*”. Its first task is to keep the President’s file up-to-date in real time. The list or the order of speakers may be modified. New amendments or sub-amendments may be tabled and they must be laid out, recorded and included in the pre-organized file.

In addition, the Plenary Sitting Unit is in charge of electronically providing the M.P.s, during the discussion of articles, (using the application “Eliasse”), with “bundles” of amendments listed by the order in which they are called.

The Plenary Sitting Unit also has the task, at all times, of providing the means to resolve problems concerning the Rules of Procedure which may be raised during the course of a plenary sitting. It does this in collaboration with the “head of the *plateau*” – the Secretary General of the Assembly and the Presidency, the Director General of Legislative Departments or the Director of the Table Office – who is in charge of directly assisting the President.

3. – Monitoring and assessment procedures

The Plenary Sitting Unit manages certain of the procedures of parliamentary monitoring in plenary sitting: confidence votes in Government, debates preceded or not by a Government statement and the discussion of non-legislative initiatives (draft resolutions).

a. Confidence Votes in Government

When a censure motion is tabled, the Plenary Sitting Unit oversees the application of the time limits set by the Constitution and checks that the list of signatories corresponds to the number required by article 49 of the Constitution.

b. Debates

In carrying out its monitoring activities, the National Assembly holds numerous debates. Certain of these follow a Government statement and may lead to a vote which is not considered a censure motion. Others, generally organized during the weeks given over to parliamentary initiative, may take place upon the request of a group, of a standing committee or an assessment and monitoring commission and may deal with a very precise topic or with the conclusions of a fact-finding mission or the application of a law. They may, at times, take the form of questions to a minister.

The Plenary Sitting Unit organizes the debate according to the rules laid down by the Conference of Presidents whether the debates are held in the Chamber or in exceptional circumstances in the *Salle Lamartine*.

c. Draft Resolutions

Three types of resolution may be tabled to the Plenary Sitting Unit:

- Draft resolutions aiming at the setting-up of a committee of inquiry, for which the Plenary Sitting Unit may propose the organization to the Conference of Presidents when they are included on the agenda. Nonetheless, when such a proposition is initiated by an opposition or minority group with the chair of the group using his right to one such request per ordinary session, as laid down by article 141 of the Rules of Procedure, the Conference of Presidents notes the setting-up of a committee of inquiry if all the required conditions are fulfilled. In all cases, the Plenary Sitting Unit manages the exchange of communications between the President of the National Assembly and the Minister of Justice which are aimed at ensuring the admissibility of the draft resolution. The Plenary Sitting Unit also carries out the coordination with the relevant standing committees.

- Draft European resolutions: the Plenary Sitting Unit informs the standing committees and, if need be, the Government, of the various statutory time limits concerning their examination, the mechanisms for their adoption and their eventual inclusion on the agenda. The Plenary Sitting Unit proposes, if necessary, the organization of debates in plenary sitting which can follow on from the draft European resolutions.

- Draft resolutions tabled in accordance with article 34-1 of the Constitution. These are transmitted by the Plenary Sitting Unit, as soon as they are recorded, to the Office of the Prime Minister but the Government has the possibility of declaring them inadmissible when it considers that they are of a character to question its accountability or when they contain injunctions regarding the Government. The Plenary Sitting Unit ensures that the time limits and the conditions for admissibility provided for by the Rules of Procedure are adhered to.

4. – Procedures concerning the appointment or the renewal of M.P.s within the various parliamentary and extra-parliamentary bodies

The Assembly appoints the members of the *Bureau* and renews them at the opening of each session with the exception of the session of the renewal of the Assembly. The President of the Assembly however is elected for the entire term of Parliament. In addition, at the beginning of the Parliament or during the session, certain M.P.s are called to sit on various bodies. These appointments follow a variety of procedures but all nonetheless are organized by the Plenary Sitting Unit.

At the beginning of the session, the Plenary Sitting Unit prepares the timetable for the operations of the opening of the session according to the constraints of the agenda, as well as the operations for the appointment and setting-up, in plenary sitting, of the *Bureau*.

As regards the appointment of M.P.s called to sit within various bodies, the Plenary Sitting Unit is mainly involved in two ways:

- The Assembly, through its President or through its standing committees, may be called to appoint an M.P. to an “extra-parliamentary” body, i.e. a non-parliamentary body to which one or several M.P.s are appointed in their institutional capacity. It may also be called upon to appoint an eminent person to sit on an *ad hoc* body. The Plenary Sitting Unit prepares the appointment file and when an appointment is made, it ensures that it is published and transmits it to the competent authorities and to those directly concerned;

- In addition, in accordance with ordinary law or with article 13, paragraph 5 of the Constitution, the relevant standing committees of the Assembly are sometimes requested to give their opinion on the appointments which the Government or the President of the Republic envisage. In this case, the Plenary Sitting Unit ensures the coordination of the procedure with the secretariats of the standing committees and informs the Prime Minister of the opinion given following the hearing organized by the standing committee.

In addition, the Plenary Sitting Unit receives the political statements of the political groups, if need be their declaration of membership of the opposition as well as the requests for membership and resignations of their members. It makes all such information public.

5. – The drawing-up of “precedents”

The Plenary Sitting Unit notes and comments upon all those matters which, during the plenary sitting, concern the application of the Constitution, institutional acts, the Rules of Procedure or the General Instructions of the *Bureau*.

This jurisprudence of parliamentary practice is kept article by article. It, of course, means that the Table Office has substantial catalogued archives which serve as a kind of “memory” of the Office but also that, through the repetition of the same scenario, a tradition is created whereby the President may use such documents to take or to justify decisions.

6. – Replies to communications and the drawing-up of various memoranda

The Plenary Sitting Unit is requested in the preparation of draft replies to various letters and electronic mails which are addressed to the President of the National Assembly and which concern the preparation and the running of the plenary sitting, as well as, more generally, the organization of legislative work.

In addition, it drafts memoranda on the different areas of its remit and draws up information documents pertaining to the running of the plenary sitting and the legislative procedure.

II. – THE LAW UNIT

The tasks of the Law Unit may be divided into two categories: those which are linked to the plenary sitting and which follow its rhythm and those which are not directly dependent on the plenary sittings of the Assembly.

1. – The passing of legislative bills

The main aim of the Law Unit is, as its name suggests, to follow the passing of legislative bills and other texts adopted by the National Assembly (European resolutions, resolutions passed in application of article 34-1 of the Constitution etc). This task is carried out throughout the process of the passing of a bill.

a. Before Their Examination in Plenary Sitting and as of Their Inclusion on the Agenda

The Law Unit is in charge of the prior layout of the Government and Members' bills tabled and thus ensures the respect of the norms for presentation which are specific to the National Assembly. In particular it carries out the 'numbering' of the bills which consists of providing numbers to the paragraphs of each article of the text so that amendments can be more easily inserted. This 'numbering' is carried out at every stage of the procedure where a bill can be amended.

Legislative texts – Government bills, Members' bills and amendments – are subjected to a prior analysis by the Law Unit both at the tabling stage and after their adoption by a committee in preparation for their discussion in plenary sitting. As regards content, the provisions and the references to prior bills are checked so as to ensure the coherence of the bill to be passed. The Law Unit is also in charge of examining whether the bill to be discussed, falls within the ambit of statute, so as to enable the President to rule on a potential inadmissibility based on such a reason. This possibility is very rarely used. As regards form, particular attention is paid to the correct typography, punctuation, spelling, grammar and numbering of the bill.

When such verifications (which require a knowledge of the art of drafting legislative texts) involve modifications other than purely formal ones, such changes are suggested to the M.P.s, the Government and to the committees so that they may rectify their amendments or table new ones.

b. During Plenary Sitting

The Law Unit follows the discussion of the bills in plenary sitting.

Its first task is to monitor the speaking time and to provide the President and the speakers with the necessary indications to remain within the time limits.

It also records the decisions of the Assembly on articles and amendments.

c. At the End of the Plenary Sitting

On the basis of the decisions taken by the Assembly which the Law Unit has recorded, it draws up the bill which is the result of such deliberations in a digital form and checks it.

The bill which has been passed is then transmitted, in provisional form, to the General Secretariat of the Government (SGG), to the minister concerned and to the Senate. After a final verification, the Law Unit has the bill printed and distributed in the format of a "*petite loi*" (bill which has yet to be passed in the Senate).

A copy on vellum paper of this text, which is deemed authentic, is signed by the President of the National Assembly and is given the seal of the National Assembly to be placed in the archives of the National Assembly.

When the definitive text is passed by the National Assembly after the "shuttle" with the Senate, the Law Unit drafts this definitive text and specifically reintroduces the provisions which were previously in conformity or unmodified and it coordinates the numbering of the articles.

2. – Permanent Tasks

a. Publications

The Law Unit produces certain publications for the National Assembly.

It is in charge notably of publishing the Rules of Procedure and its successive modifications as well as the General Instructions of the *Bureau*. It also publishes the Rules of Procedure of the Congress.

It is also responsible, along with the Law and Legal Drafting Unit of the Senate, for the drawing-up of the *Recueil des pouvoirs publics*, which is a collection of texts concerning the constitutional bodies of the Republic (the executive power, Parliament, the Constitutional Council, the judicial authority, the Economic, Social and Environmental Council).

b. The Interpretation of Constitutional and Statutory Texts

The Law Unit contributes, from a parliamentary point of view, to the interpretation of constitutional, institutional and statutory texts. In parallel with the Plenary Sitting Unit, it participates in the drawing-up of "precedents" in the areas which fall especially within its remit. This is particularly the case for the application of articles 34 and 37 of the Constitution which deal with matters for statute and matters for regulation.

III. – THE QUESTIONS AND VOTES UNIT

The Questions and Votes Unit has four main tasks: managing the procedures concerning written and oral questions addressed by M.P.s to the Government; organizing the votes which take place at the National Assembly and at the Congress;

managing the procedures pertaining to the make-up and the proceedings of standing committees; providing information and statistics on the plenary sitting and on parliamentary activity.

1. – Written and oral questions addressed to Government

The Questions and Votes Unit centralizes the written questions which M.P.s may ask ministers. It records them, checks their admissibility and their format, summarizes their subject and transmits them every week for publication to the *Journal officiel*, placed on-line on the internet site of the National Assembly. At the same time, the unit receives from the Government the answers to such questions and ensures their publication in the *Journal officiel*. It also transmits to the Government the list of questions which have not been answered and which the M.P.s or groups wish to renew or highlight.

The unit is also in charge of the organization of the sittings of oral questions without debate which are held on Tuesday or Thursday mornings during the monitoring weeks, according to the decision of the Conference of Presidents. The unit receives the questions which the M.P.s wish to ask during the sitting, transmits them to the Government, prepares the sitting on the basis of the order of appearance of the ministers provided by the Government and oversees the correct running of the sitting.

In addition, the unit also sets the order of appearance of the groups for the Government question time sittings which take place on Tuesday afternoons at 3pm.

2. – Votes

The Questions and Votes Unit is in charge of the running of public ballots which may be organized at the National Assembly.

Such votes are by an electronic system and take place in the Chamber or in the neighbouring rooms and their results are published. They may be held during the consideration of a bill, upon the request of the chairman of the sitting, of the Government, of the lead committee or of the chairman of a political group or his representative. They may also be decided upon by the Conference of Presidents on an entire text: they are then referred to as “formal votes” and are usually held after Government question time. In addition, public ballots may be held in accordance with certain constitutional procedures such as when the Constitution requires a specific majority (censure motion, passing on final reading of a Government or Members’ institutional bill) or when the Government makes a bill an issue of confidence or requests a vote on one of its statements.

For these ballots, the unit centralizes the proxy votes which M.P.s may receive from one of their colleagues and then, under the authority of the chairman of the sitting, moves to the vote requested. Afterwards it publishes its result.

If Parliament convenes in Congress for the approval of a constitutional revision, the unit is also in charge of the preparation and organization of the vote. In this case it works in direct collaboration with the Vote Unit at the Senate.

Lastly, the Questions and Votes Unit is in charge of the *secret ballots* required when votes deal with personal appointments: on the basis of the candidacies received by the Plenary Sitting Unit, the Questions and Votes Unit oversees the running and the counting of such ballots.

3. – Following committee proceedings

The unit is in charge of the initial composition of committees and other monitoring bodies of the Assembly at the beginning of a term of Parliament and of their renewal at the opening of each session. It prepares the file for the election of the chairman and *Bureau* of each body.

During the whole term of Parliament, it receives the appointments and resignations of members of these bodies and makes sure all such information is made public in the *Journal official*.

Its remit also includes the composition of non-permanent bodies such as *ad-hoc* committees, commissions of inquiry and fact-finding missions of the Conference of Presidents. It is also in charge, along with the Senate, of the composition and organization of the joint committees.

It provides information and makes it public in the *Journal officiel* on a daily basis, concerning the holding of all the meetings of the aforementioned bodies, records the presence of M.P.s at the meetings of standing committees in accordance with the regulatory provisions and follows the proceedings of the standing committees so as to draw up statistics on their work.

4. – Information concerning the plenary sitting and the legislative and monitoring activities of the Assembly

The Questions and Votes Unit centralizes a large amount of information and provides details and draws up statistics on the plenary sitting and, more generally, on the legislative and monitoring activities of the Assembly.

In collaboration with the political groups, it allots seats to the M.P.s in the Chamber.

File n°30

THE REPORT DEPARTMENT

Key Points

Article 33, paragraph 1 of the Constitution sets down the principle of the public nature of debates at the National Assembly and requires the publication of a verbatim report of these debates in the *Journal officiel*. The Reports Department is in charge of the production of this document.

At the same time, it drafts the reports of committee meetings, fact-finding missions and delegations of the National Assembly.

I. – THE PLENARY SITTING REPORT

The publication of a verbatim report of debates provides each citizen with the possibility of being informed on the progress of parliamentary proceedings and gives real meaning to the notion of the public nature of the plenary sittings, beyond the video recording which is now available on the internet site. This is provided for by article 33, paragraph one, of the Constitution. In addition, according to article 59 of the Rules of Procedure of the National Assembly, the verbatim report represents the official record of the sitting.

The writing of the verbatim report of the plenary sitting is carried out by a specialized department: the plenary sitting report department.

The report writers replace each other in plenary sitting every quarter of an hour at the foot of the speakers' rostrum. During this period, they take notes which will allow them to relate all aspects of the debate: the speech of the main speaker, but also the interruptions made by M.P.s they must identify, movement or activity during the sitting which the video sequence rarely captures. Once they return to their office where they will have the official recording of the sitting available, they then draft their report using a special piece of software.

The transposition of oral remarks which are often improvised into written language must respect the thoughts of the speaker but also requires a certain amount of editing to eliminate the inaccuracies and awkwardness of spoken language. It must render the meaning of the remarks, the aim being to produce a document which is, at the same time, reliable, exhaustive and easily read by everyone. The report is therefore not word for word, even more so in that it must abide by procedural rules

The work of the report-writers is reread by the heads of the department who in turn, have the responsibility of checking the overall reliability of the consistency of the report.

Speakers may see their speeches before they are published and may propose purely formal corrections, as is laid down in article 19 of the General Instructions of the *Bureau*.

The verbatim report of a sitting is placed on the intranet site of the Assembly, as each drafter completes his work, within four hours of being spoken in plenary sitting, and then on the public site (www.assemblee-nationale.fr), after having been re-read. The whole sitting is available on the internet, on average, six hours after the end of morning and afternoon sittings and at the beginning of the following afternoon in the case of night sittings. The report of Government question time is published the day itself before 7pm on the public site.

The articles of the Government and Members' bills, amendments and sub-amendments examined during a plenary sitting are included in a special supplement, called the "*cahier bleu*", or "Blue Report" which can be viewed on the internet site of the Assembly thanks to a links which appears in the electronic version of the report.

II. – THE COMMITTEE REPORTS

The constitutional reform of 2008 significantly changed the conditions of legislative work and as the text adopted in committee now serves as the basis for deliberation in plenary sitting, it is essential that the minutes of debates in committee be as reliable as those in the plenary, as was underlined by the Constitutional Council in its decision of June 25, 2009: "*The necessities of clarity and of faithfulness of the parliamentary debate which apply to the work in committee, require the precise reporting of the speeches made before such committees as well as of the reasons for the modifications proposed to the texts before them and of the votes which take place there".*

It is for this reason that the Department also draws up the reports of the proceedings of the legislative sittings (Government and members' bills) of the eight standing committees (excluding discussion in application of article 88 of the Rules of Procedure and meetings of joint committees which take place at the Assembly).

It also draws up reports concerning the hearings of members of the Government as well as the proceedings of commissions of inquiry and fact-finding missions decided upon by the Conference of Presidents. The reports of most meetings which take place *in camera* are also assigned to the debate report writers.

The drafters are present at the meetings and then they write their "section" of the report with the help of their notes and with the aid of the recordings which are made during the meeting, as well as that, if necessary, of documents provided by the speakers and by the secretariats of the committees. They generally have to work under pressure, as their work is part of a chain which is quite tense.

The draft they write is reread by the director or one of the directors of the publication or by experienced directors. It is then transmitted to the secretariat of the relevant committee which checks it and ensures its publication under its responsibility on the internet site of the National Assembly and in the public reports.

Part of the reporting is still provided by the committee secretariats, or even by external service providers. Some meetings are only video recorded.

III. – RECRUITMENT AND CAREER

Report writers are recruited by a competitive examination which aims at assessing their ability to take notes and to draft a reliable and readable report quickly with the help of a recording.

At their entrance into the Assembly, just as along their careers, they may be posted, according to the needs at the time, to either the plenary sitting report section or to the committee report section. It is then possible for them to hold a position of adviser.

File n°31

THE COMMUNICATION AND HERITAGE ENHANCEMENT DEPARTMENT

Key Points

The National Assembly is at the same time a historical monument, an institution of the Republic and a privileged place in French political life, involving various communication strategies and actions.

The tasks carried out by the Communication and Heritage Enhancement Department are aimed at better informing citizens on the role of the National Assembly, its proceedings and its way of operating.

On account of developments both in information techniques and in the expectations of the general public in the field of communication, this department has seen a huge increase in the use of its digital aids.

At the same time the National Assembly, like all public institutions, has been attempting to open up more to the general public.

From an administrative point of view, this department belongs to the “legislative” departments. Placed under the authority of the Secretary General of the Assembly and of the Presidency, it has four units: institutional and event communication, digital and press communication, the library and visits and archives and parliamentary history.

This department regularly delivers a report on its activities to the delegations of the *Bureau* of the National Assembly in charge of communication and the press on the one hand and, on the other that dealing with artistic and cultural heritage, each chaired by one of the six vice-presidents, who approving the main directions for institutional communication policy and heritage enhancement.

The Department of Communication and Heritage Enhancement's task is to highlight the institution and its role in the exercise of democracy, to facilitate citizens' knowledge of it, to widely disseminate its work and to share its heritage, whether tangible or intangible. The opening-up of the National Assembly to the public is the job of this department with the aim of ensuring access for as many people as possible to the places where the activity of the Assembly takes place (reception of visitors, guided tours) and digital resources (information on M.P.s, parliamentary work, library and archives stocks, history and heritage) by developing communication on all media and aimed at all audiences.

Four units contribute to these missions: institutional and event communication, digital communication and the press, the library and visits and the archives and parliamentary history. Two transversal units put their skills at the service of the entire department: the computer unit which supervises and ensures the maintenance of the

Assembly's websites, and the graphics unit, responsible for ensuring unity and coherence of the visual identity of all the National Assembly's communication media, whether or not they originate from the communications department.

I. – THE INSTITUTIONAL AND EVENT COMMUNICATION UNIT

This unit is firstly responsible for the publication of information works and communication media (paper, digital, audiovisual) relating to the organization, functioning and heritage of the Assembly. For all of this activity, this unit works, if necessary, with external communications agencies selected by public tender. Among these publications can be cited: the communication materials given to M.P.s (the educational kit, for example, made up of panels retracing the role and organization of the Assembly and allowing M.P.s visiting classes in their constituency to have a display), to foreign guests or to visitors to the Assembly (leaflets on the National Assembly or the library), works – sometimes co-published – on the history and heritage of the Assembly (the *Hôtel de Lassay* or the *Palais Bourbon*), books for children, fact sheets on the heritage of the Assembly or its functioning, etc.

The Institutional and Event Communication Unit is also responsible for organizing certain exhibitions and events, all of these events are announced on the National Assembly website and on social networks. Several of these events take place regularly, such as Political Book Day, or the European Heritage Days, on the third weekend of September. Others are occasional and may be the subject of partnerships managed by the unit.

The Institutional and Event Communication Unit has, more specifically, the mission of organizing educational actions relating to the role and activity of the Assembly in order to contribute to citizenship education. It notably organizes the Children's Parliament which, each year, allows CM2 classes (primary school), and young secondary school pupils from the 2023-2024 edition, to participate in the work of drafting a bill.

Finally, the Institutional and Event Communication Unit supervises the activity of the Assembly "*Boutique*" and the service providers who work for it. Located in the immediate vicinity of the Assembly, the *Boutique* offers the public souvenir items, as well as works on the Assembly or written by the M.P.s. Its accounting and financial management, which is managed with the assistance of an external accounting firm, is checked by the delegation of the *Bureau* responsible for communication and the press. Some of its souvenir items are on sale at the newsstand of the Assembly, located within the *Palais Bourbon*, whose activity also falls under the aegis of the Institutional and Event Communication Unit.

This unit is also responsible for ensuring the respect of the visual identity of the Assembly and of the "National Assembly" brand.

II. – THE DIGITAL COMMUNICATION AND PRESS UNIT

This unit ensures the digital communication of the National Assembly mainly through the internet and intranet sites for which it has technical and editorial

responsibility, and ensures the presence of the Assembly on social networks (mainly Facebook, Instagram, X).

Thanks to the assistance of the team of IT specialists from the communications department, it supervises the collection of information on the sites transmitted to it by the other departments of the Assembly. It ensures, in liaison with the information systems department, the proper functioning of the computer applications automatically feeding the website, whether it be with personal data concerning M.P.s or data concerning parliamentary work: reports of the work of the Assembly and its various bodies, videos, agendas, legislative files, questions, amendments, public and formal ballots. It focuses on the technical modernization of the site and develops, in conjunction with other departments, the audiovisual or iconographic presentation. For this, it also benefits from the support of the department's graphics cell.

As part of digital communication, the unit provides, online or by subscription, a weekly electronic newsletter on current and future events. It ensures the editorial content of the home page of the site and of certain pages of the committees and other bodies of the Assembly, as well as the presentation of the content offered on social networks. It acts in the same way for the other sites for which it is also responsible: the site specifically dedicated to the President of the National Assembly, and the two intranet sites intended respectively for M.P.s and their assistants and for Assembly staff.

Regarding relations with the press, in addition to its mission of welcoming and accrediting journalists from the written, web and television media, this unit implements a policy of precise and rapid information for journalists on the work of the Assembly and its bodies, either through its publications (agenda, technical files on current legislative work, press releases), or through its staff responsible for following and reporting on the work of the committees, fact-finding missions and delegations. It is also responsible for following relations with the parliamentary television channel LCP-AN.

The Digital Communication and Press Unit, whose services exclude any position or comment on political news, thus complements the press relations which are the work of other bodies of the Assembly, in particular the Presidency and the parliamentary groups.

Two entities are attached to this division: a team of videographers and a team of photographers.

The team of videographers designs clips based on the images they produce during conferences or other events organized by the Assembly. These sequences are posted online on the Assembly website to make presentation or summary videos of an institutional event available to the public.

The team of photographers is responsible for official photographs of the Assembly. Thus, at the start of each term of Parliament, it produces the portrait of each M.P. in order to publish the *Collection of Notices and Portraits* and to enhance the nominative file on the Assembly website. During the term of Parliament, this cell is responsible for photo reports requested by the Presidency or the protocol division, particularly during receptions of foreign personalities.

The photographers also take shots of the meetings of the various bodies of the Assembly used to enhance the website. Their mission is also to take heritage photos of the *Palais Bourbon*. This photographic collection helps enrich the Assembly's photo library, which is managed by the Archives and Parliamentary History Unit, as well as the internet site and the social media.

III. – THE LIBRARY AND VISITS UNIT

This unit is responsible for purchasing books, subscribing to newspapers and magazines, as well as their conservation, binding and classification. It lends books and distributes parliamentary documents. It creates and updates catalogues of books and journals and manages access to documentary databases. It manages and promotes heritage collections of books, prints, engravings, photographs and objects relating to the history of the National Assembly.

It is also responsible for reservations and organizing visits (guided if necessary) to the Assembly at the invitation of M.P.s. It ensures the checking and reception of the public coming to visit the *Palais-Bourbon* or attend plenary sittings. It exercises supervision in the public galleries and handles the movement of the public in the rooms adjacent to the Chamber.

Its responsibilities are detailed in a specific file entitled "The Library and Visits Unit".

IV. – THE ARCHIVES AND PARLIAMENTARY HISTORY UNIT

This unit is responsible for the conservation and management of the archives transferred by the various departments of the Assembly; the conservation, management and delivery of audiovisual recordings of the plenary sitting and public meetings of committees and delegations; conservation and management of the photo library. It manages databases relating to M.P.s and parliamentary work with a view to informing M.P.s and the public and manages a Parliamentary Documentation Centre, open to the public, which communicates, on site, parliamentary documents and documents of the Library relating to the work of the National Assembly and its history, as well as, under the conditions provided for by the General Instruction of the *Bureau*, archival documents.

Its responsibilities are detailed in a specific file entitled "The Division of Archives and Parliamentary History".

File n°32

THE LIBRARY AND VISITS UNIT

Key Points

The library of the National Assembly was set up in 1796 and has been in its present premises, decorated by Eugène Delacroix, since 1835. With its 600,000 volumes and its historical collection which was mainly built up during the French Revolution and the Empire, it is one of the finest libraries in France. For almost two centuries, it has been specialized in the legal, economic, political and social fields and today it represents a modern research and consultation tool accessible to M.P.s, their assistants, staff of the National Assembly and to researchers. Since 2012, the library has also been in charge of the distribution of parliamentary documents. Since 2021 it also deals with the hosting of the general public who attend the plenary sittings of the Assembly or visit the *Palais Bourbon*.

The Library and Visits Unit has been developing over recent years a variety of policies to highlight the historical heritage of the National. Certain of these activities are carried out in partnership, notably with the National Library of France (BNF) with which, since 2009, the library of the National Assembly has created an “associated pole”.

Since 2021, the Library and Visits Unit is part of the Communication and Heritage Enhancement Department

I. – THE DECORATION: A MASTERPIECE OF ROMANTIC ART

The library of the National Assembly was set up in 1796 (the Law of Ventôse 14, Year IV - March 4, 1796) and moved only to its current site in 1835.

The building was constructed between 1833 and 1835 in the former courtyard of the outbuildings of the *Palais Bourbon*. The architect, Jules de Joly, designed the great nave (42 metres long, 10 metres wide and 15 metres high) to house 70,000 volumes, i.e. 20,000 more than the library then possessed.

The decoration of the ceiling was entrusted to Eugène Delacroix, who arranged the subjects of the five domes according to the library classification in use at the time. For each dome, a single theme brought together, in four pendentives, the most famous men in the disciplines reflected: in the centre, legislation; on each side, philosophy and theology; at each end, science and poetry. At the northern and southern ends, there are two half-domes which place war (“Attila, followed by his hordes, trampling Italy and the Arts”) in opposition to peace (“Orpheus Policing the Yet Barbarian Greeks and Teaching them the Arts of Peace”).

It took Delacroix and his pupils eight years (1839-47) to conceive of and execute this extraordinary project.

Thus, this place of study and research is also, thanks to the genius of the artist, one of the most beautiful examples of romantic art. "*Nothing more magnificent was painted in the French school of mural painting*" wrote Charles Blanc, the great art historian in 1881.

II. – THE COLLECTION: FROM THE SHOWCASE OF THE CONNOISSEUR TO THE LEGISLATIVE LIBRARY

When it was set up, the library inherited 12,000 books which had been brought together by the Committee of Public Instruction of the Convention. They came from "literary stores" created after the sequestering of goods belonging to the clergy and to *émigrés*. It was from these same stores that the first official librarian, Armand Gaston Camus, appointed in 1796 M.P. for Paris, President of the Constituent Assembly, then President of the Council of Five Hundred, would draw in order to build up the collection until the end of the Consulate (1804). Bringing together an encyclopaedic mind and a passion for books, he attempted to wed, in his own words, "*the pleasure of the eyes to that of the mind*".

His successor, the former Benedictine monk, Pierre-Paul Druon, also conceived of the library as both a means of documentation and a showcase of rare and precious pieces. By buying at public auctions, he added two exceptional documents to the old collection: the manuscript of the trial of Joan of Arc and the *Codex Borbonicus* or Aztec calendar dating from the beginning of the XVIth century.

From 1830 on, times changed. As the parliamentary system became stronger, the library, which was now situated close to the Chamber, had to become a working tool adapted to the needs of the legislator. In accordance with the instructions given by public authorities, the library managers had to make available for the M.P.s almost everything that was published, at least by French printers, in the legal, economic, social and political fields.

This rule has operated since then as far as the acquisition of books and periodicals is concerned. The technical nature of the library has had the upper hand over the love of books. However, nothing can stop the old collection from being enhanced by rare documents when they are part of political and parliamentary history. This is the reason why more recently the collections have been enriched by manuscripts by Robespierre, Lamartine, Jaurès or Léon Blum without forgetting those which parliamentarians themselves leave to the library.

The Library is keen to emphasize the value of its ancient heritage, particularly by means of digitization and through exhibitions. The tercentenary of the birth of Rousseau in 2012 was, for example, the occasion to organize an exhibition named "Rousseau and the Revolution" in order to highlight the exceptional manuscripts of the philosopher and the artefacts pertaining to the French Revolution which are held by the library in its strong-room. These manuscripts have been digitized as have other works from the collection belonging to the library. They can be accessed by the general public since they have been placed on-line on the internet site of the National Assembly

and on *Gallica*, the site of the National Library of France (BNF), thanks to a partnership established between the two institutions. More recently, in 2018, on the occasion of the commemoration of the hundredth anniversary of the end of the First World War and the armistice of 1918, an exhibition *Un Tigre au Palais-Bourbon* was dedicated to Georges Clemenceau, and, in 2019, a major exhibition *La Révolution s'affiche,* made it possible to introduce the public to revolutionary posters from the Portiez-de-l'Oise collection.

III. – THE LIBRARY IN FIGURES

- 14,500 linear metres of underground shelving;
- 600,000 works;
- More than 4,000 periodicals of which 200 are still published (15 daily newspapers and 14 national and international magazines);
- 74 incunabula (published before 1500 A.D.);
- 3,000 manuscripts dating from the Middle Ages to today;
- More than 100,000 printed documents, half of which were published before 1800;
- All the collections of parliamentary debates and documents since 1789;
- Almost 2,000 original posters from the great moments of the revolutions: 1789, 1848, the Commune, May '68. The library houses a unique collection of revolutionary documents (the *Portiez de l'Oise* collection),
- A large iconographic collection of prints, paintings, photographs made up in particular of preparatory studies by Delacroix for his works in the *Palais Bourbon*, of Epinal prints and of various engravings concerning the history of the National Assembly;
- A collection of around 200 miscellaneous objects (busts, statuettes etc.) linked to parliamentary history as well as a coin collection with over 1,183 coins and medals.

To all these, must be added, access to numerous legal (*Dalloz, Francis Lefebvre, Lexis 360 Intelligence, les Éditions législatives* etc) economic (*Eurostat, INSEE,* OECD etc.) and press databases, to dictionaries and general documentation, most of which can be accessed via the intranet portal of the library.

IV. – THE LIBRARY - A MODERN TOOL FOR RESEARCH AND CONSULTATION

The library is intended for use by M.P.s but is also open to their assistants (up to three per M.P.), the secretaries of political groups as well as the staff of the National Assembly. Senators, French MEPs and former members of the parliamentary assemblies also have access.

Scholars carrying out research requiring the consultation of works not to be found in any other library can have an access authorization. This authorization is valid for one month and is renewable. It is granted by the Director of the Communication and Heritage Enhancement Department upon the delegation of the Secretary General of the Assembly and of the Presidency.

All the works are listed in the computer catalogue, Flora, which can be consulted from computers linked to the Intranet network but also, thanks to the Extranet, from M.P.s constituencies. They also figure on the collective catalogue of France (CCFr) which is accessible by internet.

Since finishing the digitization of the catalogue at the end of 2015, the library has undertaken a huge operation to make an inventory of all its collections. This operation of stock-taking and down-sizing provides the opportunity to assess its collections and to consolidate and update them.

The works are made available exclusively for readers who request them either on site or on-line. .

The only people who can borrow books are:

- M.P.s;
- Senators and French MEPs;
- Former members of the parliamentary assemblies, the Consultative Assembly or the Constituent Assemblies;
- Members of staff of the National Assembly;
- The assistants paid by political groups.
- Current M.P.s may also grant power of attorney to one of their assistants to borrow books on their behalf and under their responsibility.

Visitors consulting works of the Centre for Parliamentary Documentation (CDP), which is run by the Archives and Parliamentary History Unit, may have access to works of the library pertaining to parliamentary history and law. These works may be consulted on the premises of the Centre and may not be borrowed.

Loans are limited to:

- 6 volumes per person;
- A time limit of two months. However, recent works concerning current affairs, and literature are lent for one month at the most;

The following cannot be borrowed but may be consulted on site:

- Newspapers and reviews;
- Rare books;

- Books on direct access;

- Books published more than fifty years ago.

Since 2012, the Library Unit has been in charge of making available “parliamentary documents” (Government and Member’s bills, related reports) whose printing and distribution are essential for the correct functioning of parliamentary proceedings.

V. – VISITS OF THE *PALAIS BOURBON*

Since 2021, the Library and Visits Unit has also been responsible for welcoming the general public who come to attend the plenary sittings of the Assembly (at the invitation of an M.P.) or to visit the *Palais-Bourbon*. Around forty porters are responsible for checking the entry of the general public into the premises of the National Assembly, monitoring access to the so-called “sacred perimeter” rooms (those located near the Chamber), and of ensuring the good behaviour of the general public who attend the sitting in the galleries of the Chamber. These members of staff also carry out guided tours.

These visits are carried out at the invitation of the M.P.s, who reserve them in advance; groups have a maximum of 50 people. They take place from Monday to Saturday, with 20 to 25 visits per day.

In an effort to open up the National Assembly, individual visits have been introduced since 2022 to allow the general public to discover the *Palais Bourbon* alongside groups invited by M.P.s. Individual visits are free, by guided group or audio guided, and open subject to availability.

At the reception, after the inspection procedures, each group is taken for a visit lasting one and a half hours, generally preceded by a presentation film. The visit allows the public to discover the main workplaces of MPs. The porters in charge of visits receive training which covers both the heritage aspect of the visit circuit and the role and functioning of the Assembly. Audio guides in French, English, Spanish and German are also available to visitors, especially when the visits are not guided.

At the end of their discovery of the Palais-Bourbon, visitors can find souvenirs as well as works on the Assembly or written by the M.P.s either at the Assembly newspaper stand, located in the *Palais Bourbon*, on the visit route, or at the Assembly “*Boutique*”, located in the immediate vicinity of the Assembly.

File n°33

THE ARCHIVES AND PARLIAMENTARY HISTORY UNIT

Key Points

The tasks of the Archives and Parlimentary History Unit include, in addition to the management of the archives of the National Assembly, the provision of information to the general public on parliamentary proceedings dating back to the Revolution. To this aim the Archives Unit manages a Centre for Parliamentary Documentation, publishes the biographies of former M.P.s and has also launched various initiatives aimed at encouraging and developing university research on parliamentary law and history.

The Archives Unit has been developing over recent years a policy of highlighting the historical heritage of the National Assembly and has launched a digitization programme of parliamentary debates. Certain of these activities have been carried out in partnership, notably with the National Archives.

The Archives and Parliamentary History Unit has been part of the Communication and Heritage Enhancement Department.

The management of parliamentary archives is an institutional mission which goes back to the origins of Parliament. From the creation of the Constituent Assembly, Armand Gaston Camus, M.P. for Paris and deputy to the Dean of the Third Estate was elected on August 14, 1789 to be the archivist of the Assembly. Until year VIII of the revolutionary calendar, the archives of the National Assembly were indeed the National Archives.

The tasks of the Archives and Parliamentary History Unit include managing the archive collection of the National Assembly as well as welcoming and providing information to those wishing to obtain details of parliamentary history and of former parliamentary proceedings. In addition, the unit is involved in a digitization and outreach programme aiming to highlight old documents and has, for several years now, implemented initiatives to encourage and develop research in parliamentary law and history.

I. – MANAGING THE ARCHIVES OF THE NATIONAL ASSEMBLY

The original and traditional task of the Archives Unit is the collecting, depositing and maintenance of all the archives of the National Assembly as well as highlighting and communicating these documents.

The Archives Unit, first of all, plays an advisory and training role as regards the other departments of the Assembly. It provides them with the methods and tools necessary to help the daily management of the documents they produce, whether they

be paper-based or electronic, with an eye to their eventual archiving. To do this the department liaises with the “archives” correspondent in each department. Then the unit files the collections which have been deposited by the departments and draws up inventories for research purposes.

The archivists of the National Assembly also deal with the conservation of more than four linear kilometres of documents. They are responsible for communicating them to the departments and the researchers who request them, according to the rule in force. A real policy of highlighting this heritage has also been undertaken for several years now (publications, exhibitions, digitization of archived documents etc.).

Since 1920, the National Assembly has maintained a policy of providing documents to the National Archives. It is thus that all the legislative documents prior to 1997 have been transferred to the National Archives. These documents include the minutes of committees and the administrative archives, some of which go as far back as the XIXth century.

The archives sent to the National Archives remain available for the Archives Unit for consultation purposes.

II. – COMMUNICATING TO THE GENERAL PUBLIC INFORMATION ON PARLIAMENTARY PROCEEDINGS DATING FROM THE REVOLUTION BUT ALSO ON CONTEMPORARY ONES

The Archives Unit provides assistance to parliamentarians, to the departments of the National Assembly and to people from the outside wishing to consult (private individuals but also historians as well as people belonging to administration and the legal profession, researchers, students) who need to refer to parliamentary documents and the department’s collections for their professional activities or their research work.

It receives numerous requests every day which are more and more often made by electronic mail. The most frequent requests concern preparatory work on legislative provisions, debates at the Assembly in a particular area, or access to a specific speech by an M.P. during a particular period or on a specific subject, or biographical details on M.P.s. This list is far from exhaustive.

The unit also has, on its premises, a Parliamentary Documentation Centre, open to the public, which is used by around 700 people every year. In this room it is possible to consult printed parliamentary documents (Government or Members' bills, reports etc.), official reports of plenary sittings, as well as a series of other documents such as lists of M.P.s, compilations of election platforms etc. The unit also has certain parliamentary archives which are available to the public. From among the archives kept at the National Assembly, outside of those already published, it is possible to freely consult, in accordance with the rules set down by the *Bureau* of the National Assembly, written documents over twenty-five years old (subject to exceptions for certain types of document such as those dealing with national defence or containing personal details for example for which the period of release may be longer).

The Archives Unit also ensures the conservation, management and delivery of audiovisual recordings of the plenary sitting and public meetings of committees and delegations. As such, it includes a team of civil servants responsible for managing the online images of the debates of the Assembly (Gilda). This team indexes and edits images of the plenary sitting and of the committee meetings and missions broadcast on the Internet, allowing easy access to the debates and making it possible to download the sequences selected by internet users. It thus supplies the video portal of the National Assembly website. It is also responsible for digitizing the old video collection. It responds to requests for extracts and the reproduction of all of these audiovisual recordings.

In addition, numerous archive documents and historical files have been placed on-line on the internet site of the National Assembly for example after events and commemorations, so as to allow access to as many people as possible. Thus, in order to highlight the specific role of the Parliament during the Great War, the former Library and Archives Department of the National Assembly, in collaboration with that of the Senate, undertook for the national and international commemorations of 2014, the placing on-line of the minutes of the plenary sittings and of the parliamentary standing committees meetings, parliamentary agendas and reports and of certain other archived documents which had, up to then, only been seen by a few rare specialists.

The Archives Unit also contributes to the exhibitions and commemorations regularly organized at the *Palais-Bourbon*. The resources of the National Assembly photo library, also managed by the Archives Unit, can notably contribute to these events. The division ensures the cataloguing, management of rights and provision of the photos constituting the photo library.

III. – COMPILING AND PUBLISHING INFORMATION ON THE BIOGRAPHY OF FORMER M.P.S

The Archives Unit writes up biographical notes on former M.P.s which are to be published in the Dictionary of French Parliamentarians and published on-line on the internet site of the National Assembly. This work is carried out in collaboration with the Senate for parliamentarians who have been both M.P.s and Senators.

In order to facilitate research on former M.P.s, the unit has set up a biographical database going back to the revolution of 1789. It covers nearly 17,000 M.P.s. Certain information from this database is available for consultation on the internet site of the National Assembly: civil status of the M.P., dates of his term(s) and a biographical note.

IV. – PRODUCING FOR EACH M.P. A FILE COMPILING HIS PARTICIPATION IN PROCEEDINGS OF THE NATIONAL ASSEMBLY IN PLENARY SITTING

As part of its information brief on parliamentary proceedings, the Archives Unit has set up, with the assistance of the Information Systems Department and the Reports Department, an automatic procedure for the use of the databases concerning parliamentary activity so as to present for each M.P., a file collecting all of his speeches during the plenary sitting.

This file also lists his positions on each of the various bodies of the Assembly and outside the Assembly, as well as the Member's bills, draft motions or reports he has tabled and the oral questions he has asked.

The file is published on the internet site of the National Assembly within the individual file appearing for each M.P.

The Archives Unit is also currently carrying out an inventory of the archive collections of parliamentarians located in departmental archives. The information thus gathered will enrich the individual files of the M.P.s.

V. – ENCOURAGING AND SUPPORTING RESEARCH INTO PARLIAMENTARY HISTORY AND LAW

In order to encourage and develop research in the fields of parliamentary law and history the Archives Unit organizes the National Assembly thesis prizes. The National Assembly thus awards every year, two prizes for doctoral theses on the subject either of parliamentary law or the history of the French Parliament since the Revolution.

The aim is to encourage and promote research in history, law or political science, in areas of interest to the French Parliament.

This award takes the form of a publishing grant intended to facilitate the publication of the thesis.

File n° 34

RELATIONS WITH THE PRESS

Key Points

The Digital Communication and Press Unit is in charge of "relations with the press" at the National Assembly.

It thus manages the reception of journalists, mans the secretariat of the committee in charge of granting permanent press accreditation, grants temporary press accreditations and is in charge of authorizing all requests for filming or reporting.

Its second mission is to inform journalists of the work of the National Assembly. To perform this task, it publishes a weekly "Assembly Calendar", technical files on the bills being debated (called "Focus"), and factual press communiqués which provide information concerning the committee, missions or commission meetings open to the press, or concerning the holding of press conferences or various events taking place at the *Palais Bourbon*.

Within the Digital Communication and Press Unit, certain civil servants follow the proceedings of particular bodies and provide the journalists with information concerning their work in progress.

In addition, in order to facilitate the work of the media, the National Assembly provides them with special office space and with pictures of the parliamentary proceedings.

The institutional "press relations" of the National Assembly are handled by the Digital Communication and Press Unit. This unit is part of the Communication and Heritage Enhancement Department. The "press" team of this unit has a dual task: on the one hand, the reception and accreditation of journalists and, on the other hand, the provision of information to the press concerning parliamentary work.

It thus acts as a complement to other 'press relations' services of a more political nature, which could be provided by other sources within the National Assembly, in particular the Presidency and the political groups.

I. – RECEPTION AND ACCREDITATION OF JOURNALISTS

The press office carries out the reception of journalists and audiovisual teams wishing to enter the *Palais Bourbon* and grants the authorization of access to the premises of the National Assembly. The Digital Communication and Press Unit also manages permanent press accreditations and requests for reporting and filming.

1. – Reception

Journalists are received by the Press Office which is situated near the entrance reserved for the press (*33, quai d'Orsay*). By going there or by contacting the Office by telephone or electronic mail, journalists are provided with all the information they require:

- Information concerning the agenda of the National Assembly as well as meetings of committees, missions and delegations;

- Information on press conferences and other meetings open to the press;

- Detailed information concerning parliamentary procedure, the content of bills which have debated, the status of M.P.s, all obtained, when necessary, from the relevant departments, through the parliamentary civil servants of the Digital Communication and Press Unit.

2. – Accreditations

In order to gain access within the *Palais Bourbon* to the places where they can meet and interview M.P.s and current ministers, as well as to the spaces which are reserved to them (press room, press galleries in the Chamber, press conference rooms), journalists must hold an accreditation which is provided to them by the National Assembly.

They may also have access, with accreditation, within the limit of the number of seats available, to the meeting rooms in which proceedings which are open to the press take place (they may not then carry out interviews) and to press conferences occur.

If they have a prior appointment with an M.P. they may also be allowed to go to his/her office or to an office reserved by the M.P. for this purpose.

a. One-off accreditations

The press office issues, upon request, accreditations to journalists who wish to temporarily access the premises of the Assembly, it being specified that conferences and receptions and private events organized by M.P.s, political groups or the Presidency are not covered by the press office but depend on the organizer.

These accreditations are issued to professional journalists, holders of a valid press card issued by the CCIJP (Commission for the Identity Cards of Professional Journalists) or a valid correspondent's press card issued by the Ministry of Foreign Affairs.

At the *Palais Bourbon,* subject to the provisions expressly provided for in the press releases sent, the Digital Communication and Press Unit also accredits non-permanent employees of a press organization upon presentation of a dated and signed certificate from the management of the editorial staff of a press organ recognized by the CPPAP (Joint Commission for Publications and Press Agencies), accompanied by their valid national identity card or passport.

The accreditations thus issued can be obtained directly by going to the press office, except when the Digital Communication and Press Unit, or the Presidency in the case of events relating to it, has announced by means of a press release the need for prior accreditation.

Upon prior authorization and under the conditions set by the Digital Communication and Press Unit, trainee journalists or journalism students and, more generally, trainees and students in the image and sound professions, may be issued with an accreditation. Other people, including observation interns within the editorial staff, are within the remit of the Digital Communication and Press Unit.

The access authorizations issued require their beneficiaries to respect a certain number of rules, which can only be waived after prior authorization.

In particular: in the galleries of the Chamber, journalists are subject to the same rules as the general public (in particular this concerns behaviour and exits from the galleries during adjournments); journalists can only circulate in the spaces for which they have been accredited, as well as in the corridors and areas which lead directly to them; only current M.P.sand ministers may be interviewed and only in the spaces reserved for this purpose (the rooms where meetings of the bodies of the Assembly open to the press and the corridors and surrounding areas are therefore excluded). Specific rules also apply for taking images (see I.3).

The Digital Communication and Press Unit reserves the right to withdraw the accreditations issued in the event that the access limits and rules set are waived without prior agreement.

b. Permanent accreditations

Media which regularly cover parliamentary proceedings can be permanently accredited. This accreditation is granted by a committee whose secretariat is manned by the Digital Communication and Press Unit and which is composed, in accordance with article 29 of the General Rules of the *Bureau* of the National Assembly, of M.P.s (the Chair of the *Bureau* Delegation in Charge of Communication and the Press, *Questeurs*) and representatives of the press: representatives of the Association of Parliamentary Journalists, of the French Press, of the French press agencies, of the foreign press and of the Anglo-American Press Association.

This commission examines new requests for accreditation made by the media. Its decisions are based on the following criteria:

- The commission grants permanent accreditation to media organizations and not to individual journalists;

- Accreditation is granted, taking into account the requirements of pluralist coverage, to those media whose publication is regular and whose circulation and broadcasting is wide and whose journalists (who must all possess a press card) regularly follow the proceedings of the National Assembly;

- For foreign press, media accreditation usually depends on their prior recognition by the Foreign Press Association or the Anglo-American Press

Association and the journalists liable to be accredited by the Ministry of Foreign Affairs.

Once accepted, a permanent accreditation is valid for an unlimited period. Every year, the Digital Communication and Press Unit asks each accredited medium to provide a list of journalists which its editorial board wishes to see accredited and subsequently provides them with an access pass to the National Assembly for one calendar year.

The commission may also withdraw its accreditation from a newspaper or other medium but this procedure is rarely used (and generally only when a newspaper or other medium no longer fulfils the criteria of accreditation).

Except when the principle of compulsory prior accreditation has been set by the Digital Communication and Press Unit, in particular for certain events, journalists with permanent accreditation can access all spaces open to the press and all meeting rooms of the Assembly bodies open to the press without formality, with the exception of the galleries of the Chamber open to photographers and cameras, for whom a specific authorization and badge are always required. Journalists nevertheless remain subject to the same rules as journalists accredited on an *ad hoc* basis.

3. – Images and authorizations for filming and reporting

Photographers and television crews must be accredited.

They can access the National Assembly without undergoing other specific procedures except for producing the documents necessary to obtain an accreditation from the Digital Communication and Press Unit (see I.2)

When the people do not belong to the staff of a particular newspaper or other medium and cannot therefore avail of the advantages of “official” journalists, the request for accreditation must be made in advance, and at least 72 hours in advance in the event of a first request, since the Digital Communication and Press Unit must first decide on its validity, (this is the case, for example, for a certain number of programmes broadcast by television channels made by production companies).

Within the National Assembly, photography and filming are authorized in certain spaces only and within the following limits:

- in the press conference room and spaces open to the press (*Salle des Pas Perdus, Salle des Quatre Colonnes* and *Jardin des Quatre Colonnes*), it is emphasized that only M.P.s and ministers in office can be interviewed and that the taking of images cannot have the exclusive or main purpose of photographing or filming other people present in these spaces;

- in the office of a Member of Parliament or in an office or room that he has reserved for this purpose within the limits set by the Member and, where applicable, by te chairt of the committee whose room is used;

- they are authorized for a few minutes in the Chamber during a plenary sitting in order to photograph or film the debates from specific areas or at

the start of a committee meeting, subject to the agreement of the chair of this committee (such images, however, are not authorized in corridors and surrounding areas unless specific arrangements have been made by the Digital Communication and Press Unit

II. – INFORMING JOURNALISTS

The Digital Communication and Press Unit has a procedure for informing journalists precisely and quickly on the work of the National Assembly and on the institution in general. This procedure is twofold: on the one hand, through publications, on the other hand, through specialized information provided by civil servants specifically in charge of press relations.

1. – Publications

a. The future calendar

Each week the Digital Communication and Press Unit publishes, in electronic form, the "Assembly Calendar" which brings together in a single document, the internet links to the agenda of the Assembly's sittings, the meetings of committees, missions and delegations and information concerning meetings open to the press, as well as events organized by the National Assembly.

This calendar is transmitted, first of all, to the press agencies which use it to build up their own weekly and daily timetables. It is also transmitted to any journalist who makes such a request to the Digital Communication and Press Unit. It is also published on the National Assembly's internet site in the press section.

b. Following committee work: Focus Files

A "Focus File" is a technical file on a (Government or Member's) bill which is published on-line immediately following its examination by the relevant committee and before it goes before the public sitting. It contains, in addition to a reminder of the main provisions of the bill, links to relevant public internet sites, as well as the main amendments to it by the committee.

The "Focus File" is addressed by electronic mail to journalists registered on a specific list. It is simultaneously included in legislative files on the internet site of the National Assembly.

c. Factual press communiqués

On the contrary of press communiqués which are published by M.P.s or parliamentary groups, whose objective is to publicize positions or commentaries on current political affairs, the press communiqués of the Digital Communication and Press Unit are purely factual and informative. They are essentially given over to parliamentary work and, for the large majority, either announce the opening to the press of meetings of committees, missions and delegations or the holding of press conferences by M.P.s with positions within the National Assembly (chair of a body of the National Assembly, *rapporteur*, spokesperson of a group on a bill etc.). The Digital

Communication and Press Unit publishes communiqués of a similar nature concerning events organized by the National Assembly (National Heritage Days for example), as well as certain other activities which take place there (symposiums, exhibitions, the final of the FDA).

The communiqués are distributed by the Digital Communication and Press Unit both within the National Assembly and outside. They are sent first of all to the press agencies working in the *Palais Bourbon* as well as to the parliamentary television channel (*LCP-Assemblée Nationale*). They are also posted in the press rooms. Other journalists, however, receive them by electronic mail.

The Digital Communication and Press Unit keeps and updates distribution lists in a variety of different specializations; politics, economics, the social field, international questions etc. These lists can be permanent and concern a very broad field or they can be temporary and have a very precise goal thus targeting those interested in a very specific piece of parliamentary work. Other lists may concern very different areas such as the list of 'photo agencies' which is used to contact them when events may be covered from a visual point of view or the list of local press contacts, used when the provincial media might be interested in a particular issue. In order to keep these lists up-to-date, the Press Unit has a subscription to press contact databases.

In addition, the communiqués published by the Digital Communication and Press Unit are simultaneously placed on-line on the internet site of the National Assembly, in the Press section. They are also available as RSS feeds to be taken up by other internet sites.

2. – Specialized partners

One of the main briefs of the Digital Communication and Press Unit is to report on meetings of committees, missions and delegations whether they are or not open to the press. In order to do this the civil servants of the "press" team are divided up into fields of competence which cover the various remits of the different standing committees. They have been present during the work of these bodies and are thus able to provide journalists with assistance in searching for very specialized information, especially when one takes into account the diversity and the extreme complexity of some bills as well as of the work in the area of monitoring and assessment.

The remits of the standing committees and of the other parliamentary bodies (European Affairs Committee, Women's Rights Delegation, Delegation for Overseas France, Assessment and Monitoring Commission, commissions of inquiry, fact-finding missions set up by the Conference of Presidents) are covered by five civil servants.

Thanks to such a mechanism, journalists can obtain a quick and reliable report of certain meetings to which they do not have access. In fact, the civil servants of the Digital Communication and Press Unit are immediately available at the end of meetings to provide the media with information concerning the debates which have taken place and the amendments which have been examined as well as to answer any questions and to transmit documents meant for distribution (reports, amendments etc.). Afterwards and throughout the period of the parliamentary procedure and the subsequent implementation of a bill, these same civil servants are available to provide

journalists, be they general reporters or more specialized, with the necessary information.

III. – MATERIAL FACILITIES

In keeping with the constitutional duty of maintaining the public nature of parliamentary debates, the press is very much at home in the National Assembly. Thus it is provided with its own offices on the premises. In addition, the press is granted specific technical facilities concerning the recording and broadcasting of parliamentary proceedings either in plenary sitting or in committee meetings in or interviews and television link-ups.

1. – Special offices reserved for the press

Journalists work in different rooms and offices within the *Palais Bourbon* all of which are close to the Chamber. On the first floor, the Empire Room provides a splendid backdrop for the parliamentary journalists but is also used for meetings and interviews of the Association of Parliamentary Journalists. Above the Empire Room, on the second and third floors the press has other offices for work.

In addition, there are radio booths equipped to receive sound from the plenary sitting and linked to the radio stations in order to broadcast live or after editing. Finally, a press conference room is available for M.P.s to present their parliamentary work. It can be reached via the *Salle des Quatre Colonnes*.

2. – Providing televised broadcasts of parliamentary proceedings

All plenary sittings and most meetings of committees, missions and delegations open to the press, are filmed by the services of the National Assembly.

These pictures are then broadcast on the internal television channel which is available in each M.P.'s office. They are also made available to *LCP-Assembléé nationale*, the Parliamentary Channel (which only broadcasts some of them) and to other television channels for their news or current affairs programmes. To do this, a fibre-optic link carries the pictures from the National Assembly directly to the control rooms of the main French television channels. These pictures, which have no copyright, may also be rebroadcast by other channels, either live or at a later time.

File n°35

THE PARLIAMENTARY TELEVISION CHANNEL (LCP-ASSEMBLÉE NATIONALE AND PUBLIC SÉNAT)

Key Points

The Parliamentary Television Channel was set up by the Law of December 30, 1999 and broadcasts programmes made by two companies: *La Chaîne Parlementaire- Assemblée Nationale* and *Public Sénat*.

In accordance with the principle of the separation of powers, these two companies are not subject to the Authority for the Regulation of Audiovisual and Digital Communication (Arcom). Their respective chairs are appointed by the *Bureau* of each Assembly.

They enjoy total editorial independence and broadcast programmes 24/24 hours. These programmes are mainly made up of parliamentary proceedings, studio panel shows and report-type magazine broadcasts as well as news bulletins.

I. – ESTABLISHED BY LAW

The Parliamentary Channel was set up by the Law of December 30, 1999 and was born out of a long-standing and deep desire on the part of the National Assembly and the Senate to contribute to the development of the presentation of parliamentary proceedings on television. The Parliamentary Channel began broadcasting in spring 2000, taking the place of a programme which had been retransmitting 'raw' parliamentary debates since 1993.

According to the terms of the law, the Parliamentary Channel "*fulfils a public service mission aiming at informing and increasing the knowledge of citizens in the sphere of public life, by means of parliamentary, educational and civic programmes*".

II. – ONE FREQUENCY FOR TWO CHANNELS

The law provides that the frequency given over to the broadcasting of the Parliamentary Channel must include, in equal airtime, the programmes made by two companies: *La Chaîne Parlementaire-Assemblée Nationale* and *Public Sénat*. Thus, in fact, there are really two parliamentary channels.

These two programme companies are linked to the National Assembly for one and to the Senate for the other, by a covenant which provides, in particular, for the grants by which they are funded. They are companies in private law whose capital is entirely in the hands of the assembly to which they are linked.

The law grants these two companies a status which gives them an editorial independence guaranteed by their chairmen (appointed for three years by the *Bureaux* of the assemblies upon a proposal of their President) and their boards of directors (which are made up, in particular, of representatives of each political group in Parliament).

In accordance with the constitutional principle of the separation of powers, these two companies are not subject to the Authority the Regulation of Audiovisual and Digital Communication (Arcom) body for broadcasting (The High Council for Audiovisual Matters). Similarly, although they receive public funding, they do not come under the jurisdiction of the Court of Accounts, on account of the principle of autonomy (and in particular financial autonomy) of the assemblies. Thus the companies are under the authority of the *Bureau* of each of the assemblies and these are the bodies which monitor that the regulations which apply to thematic television channels and to the respect of the impartiality of programming are maintained. During election campaigns the *Bureau* of the National Assembly applies the same rules concerning broadcasting time to *LCP-Assemblée nationale* as Arcom sets for channels which fall within its remit.

III. – A VARIETY OF PROGRAMMES

The Parliamentary Channel has been available since March 31, 2005 by Hertzian reception on the free digital terrestrial television multi-channel package (channel 13) and is broadcast since April 5, 2016 in high definition with better picture and sound quality.

It is also broadcast on the entire cable and satellite network and is available on broadband and fibre connections as providers are legally bound to offer these channels free of charge to all subscribers. Its programming which is divided between *LCP-Assemblée nationale* and *Public Sénat* is broadcast 24/24 hours, seven days a week.

Each of the two channels also broadcasts its own programming via its internet site www.lcpan.fr for *LCP-Assemblée nationale* and www.publicsenat.fr for *Public Sénat*. These two sets of programmes are available on separate channels by means of the main multi-channel television packages on broadband or fibre.

In addition to their technical and administrative structure which is similar to any television company, *LCP-Assemblée nationale* and *Public Sénat* both have editorial teams of around thirty journalists and benefit from the technical facilities (studio, control room etc.) in the National Assembly and the Senate.

The programmes of the two channels are broadcast in alternation within the daily programme scheduling of the Parliamentary Channel. Each company makes its programming choices entirely independently of both the other company and the assembly with which it is linked. The channels do broadcast parliamentary committee or plenary sitting debates either live or at a later time, but the majority of their broadcasts are studio panel shows or report-type magazine programmes, as well as general news bulletins.

In addition, the law prohibits the broadcasting of advertising or tele-shopping programmes.

File n°36

THE INTERNET SITE OF THE NATIONAL ASSEMBLY

Key Points

The internet site of the National Assembly www.assemblee-nationale.fr offers on-line the entire range of parliamentary proceedings (Government and Member's bills, motions, reports, minutes of the debates in plenary sitting and in standing committees, parliamentary questions, European and international activities, etc.) as well as live or pre-recorded videos of the plenary sitting or of committee proceedings or of information missions. It also presents an individual biographical file on each M.P. which also includes his/her parliamentary activities.

The home page which is updated in real time presents a selection of the highlights of the week and informs the internet user of the most recent decisions taken by the National Assembly

The site also includes general information pages on parliamentary law and on the organization and operation of the institution, as well as on the history and the heritage of the *Palais Bourbon* and the *Hôtel de Lassay.*

It also offers the possibility of subscribing free of charge to alert feeds, to a personalized follow-up by e-mail and to an up-to-date electronic weekly newsletter.

Institutional films and a virtual visit complete the menu which also includes a section aimed at younger people.

Every month on average, almost 900,000 internet users consult the site of the National Assembly.

The site and its videos may be consulted, in an adapted version, using multifunctional mobile phones (www.assemblee.mobi).

I. – PUBLICATION OF PARLIAMENTARY PROCEEDINGS

1. – Public debates

From the home page of the site, the internet user may access the agendas, calendars and minutes of the debates of the National Assembly and of its committees, delegations and fact-finding missions as well as the results and the analysis of the public and formal ballots. The provisional minutes of a plenary sitting are placed on-line during the sitting and the official minutes are online on the same or the following day.

The live videos of the plenary sitting and of the committee meetings open to the press are accessible from the home page and can be viewed on mobile telephones.

Videos of the plenary sitting can be consulted and downloaded for free either live or pre-recorded through the video portal; after 1 year, these videos are available simply upon request.

2. – Legislation

All parliamentary documents (Government bills, Members' bills, legislative reports, minutes, results of votes, tabled and adopted amendments and bills passed etc.) are accessible in full on the internet site.

The integral legislative files, for each bill tabled, retrace, in an exhaustive manner, all the steps of the procedure and make available all the associated parliamentary documents. After the definitive passing of the law, the file presents, if the case applies, the state of publication of the implementation decrees and the assessment reports on the law which have been carried out by the parliamentary missions.

3. – Monitoring the Government

The site publishes on-line the information reports of the standing committees, of the delegations, of the fact-finding missions and of the commissions of inquiry, as well as those of the Parliamentary Office for Scientific and Technological Assessment and of the Commission for Assessment and Monitoring of Public Policies.

In addition, all questions asked by M.P.s along with their ministerial replies are available on the site.

II. – NOTES ON AND PHOTOGRAPHS OF M.P.S

The notes on and photographs of M.P.s are placed on line and archived under each term of Parliament. Each file on the site relates the biography, terms and contact details of the M.P. and presents his/her parliamentary work: Members' bills, motions, reports, speeches during the plenary sitting and committee meetings, videos, positions on public ballots, questions asked to the Government with the answers which were provided, and, if need be, the written contributions tabled on bills included on the order paper.

III. – EUROPEAN AND INTERNATIONAL ACTIVITIES OF THE NATIONAL ASSEMBLY

The Constitution has provided the Parliament with a mission to monitor European legislative procedure. Thus the site of the National Assembly publishes the work, minutes and information reports of the European Affairs Committee which follows current European issues, the procedures for the drawing-up of European law, as well as the draft resolutions adopted by the National Assembly on bills emanating from European Union bodies.

In addition, the international activities of the National Assembly which are included on the on-line agendas, lead to the publication of numerous documents on the site. These include reports, proceedings of symposiums or speeches.

IV. – ARCHIVES OF PARLIAMENTARY PROCEEDINGS

The website dedicated specifically to the archives of the National Assembly provides access to the *Journaux Officiels*, “Debates” of the IIIrd and IVth Republics as well as the two constituent assemblies of 1945-1946.

It also allows the consultation of all the plenary sitting reports, all the written questions as well as all the public ballots since the beginning of the Vth Republic. Likewise, the legislative files since 1986, have been digitized, and are online.

In addition, the amendments on the bills examined since 2002 can now be consulted.

V. – EVENTS AT THE *PALAIS BOURBON*

Events or exhibitions which take place at the National Assembly are announced and illustrated on the site which provides them with a special page: “*Événements*” (events).

VI. – OTHER INFORMATION

1. – Portal to other sites

The home page of the internet site of the National Assembly grants access to the site of the parliamentary channel (LCP-National Assembly), to the site dedicated to the Presidency of the National Assembly as well as to the interactive Children’s Parliament site. The latter allows those classes who participate to be part of this operation all year long.

2. – General Information

The role, the working and the powers of the National Assembly are described in the section, "*Rôle et pouvoirs de l'Assemblée*" ("Role and Powers of the National Assembly") where numerous thematic files are presented.

Other sections deal with practical information allowing citizens to be informed on the details of how to visit the National Assembly, the conditions for the recruitment of the staff of the Assembly or to discover and to buy on-line the products on sale at the *Boutique de l'Assemblée*.

VII. – TECHNICAL PRESENTATION

The conception, editorial control and maintenance of the site are carried out by the digital communication team in the Communication and Heritage Enhancement Department and by the Information Systems Department of the National Assembly.

The updating of the pages published is carried out almost always in real time, as soon as the information is provided by the different databases of the information system.

The on-line information on the site of the National Assembly is public. The reproduction of the contents of the site pages may be authorized, particularly for publishers and those transmitting public data, by prior written request, and on the condition of mentioning the source, not infringing intellectual property rights and respecting the integrity of the documents reproduced. In no case may this information be used for commercial or advertising reasons.

File n°37

SECURITY AT THE NATIONAL ASSEMBLY

Key Points

The security of the National Assembly falls under the authority of its President. He counts on certain staff of the Assembly, on a detachment of the Republican Guard and on a detachment of the Paris Fire Brigade, to ensure it.

Specific security measures are applied in the vicinity of the Chamber.

The responsibility for the upholding of law and order in the area surrounding the *Palais Bourbon* falls upon the Minister of the Interior and, by delegation, on the Paris Police Prefect (Police Chief).

I. – GENERAL ARRANGEMENTS

According to article 3 of ordinance n° 58-1100 of November 17, 1958 concerning the functioning of the parliamentary assemblies, "*the presidents of the parliamentary assemblies are responsible for overseeing the internal and external security of the assemblies over which they preside.*

"They may, in so doing, call upon all armed force or any authority they may deem necessary. This call may be addressed directly to any officer or public servant and the latter are obliged to answer it immediately or face the penalties set down by the law".

"*The presidents of the parliamentary assemblies may delegate such a power of summons to all or one of the Questeurs.*"

This ordinance thus provides that the President of the National Assembly is responsible for both the internal and external security and safety of the Assembly. In so doing he has a general and permanent power of decision.

In order to carry out his/her responsibilities in the security field, the President of the National Assembly has at his/her disposal, staff in charge of security, military forces provided by the National Gendarmerie supported by the Republican Guard and a group of firemen seconded from the Fire Brigade of the City of Paris

1. – The General Administration and Security Department

Placed under the authority of either the Secretary General of the *Questure*, the General Administration and Security Department ensures, through the security officers of the Palace, human surveillance of the site 24 hours a day, 7 days a week. It issues access authorizations to staff, guests and for vehicles. It also participates in the development and implementation of security plans and liaises with the military command.

2. – The military Command

A permanent detachment of Gendarmes from the Republican Guard, under the command of a Colonel of the Gendarmerie, who is the military commander of the *Palais Bourbon,* is at the disposal of the President of the National Assembly.

The military commander is appointed by order of the President of the National Assembly and is thus directly under his/her command in the exercise of this position. He is assisted by a second-in-command and a military staff.

It should be noted that amongst other tasks, he is the overseer of the armed forces within the National Assembly and is responsible for military surveillance, protection, defence and intervention. He has authority over the permanent detachment and the services provided by the Republican Guard to whom he gives orders. He is in charge of liaising with the civilian and military authorities in charge of law and order in matters concerning the external security of the *Palais Bourbon*. Along with the Secretary General of the *Questure*, he draws up the security plans. He is responsible for the execution of the military ceremonies and takes all measures to ensure the protection of the authorities invited by the President of the National Assembly. In addition, he fulfils the role of military advisor to the President of the National Assembly.

The military detachment carries out, when necessary, internal security operations including, in particular, bomb detection, or the detection of toxic substances. To this end, the military commander can call on all necessary means from the relevant services.

3. – The police officers

Two police officers, of the rank of chief inspector, are also at the disposal and under the authority of the President of the National Assembly who appoints them. Their main task is to liaise with the national police force, in particular, to carry out the prior background check on the people who have been authorized to access the site. They also ensure that those attending the plenary sittings do not disturb the proceedings.

4. – The detachment of fire-fighters

This detachment is made up of around twenty fire-fighters under the authority of an officer who also acts as a fire-prevention advisor to the Director General of Administrative Services. The detachment mans two security command rooms which oversee all fire prevention measures.

In addition to this operational monitoring carried out 24 hours a day, 7 days a week, the detachment staff carry out victim rescue missions and other personal assistance or property protection operations.

II. – MEASURES CONCERNING THE SECURITY OF THE CHAMBER

A special security cordon has been set up around the Chamber and extends to the floors below and above. The galleries are under particular surveillance. Military sniffer-dog teams periodically check the basement as well as the Chamber itself. Explosive detection checks are carried out on all materials which enter this cordon and similar checks are systematically made during the daily cleaning of the Chamber. The stocking of material or equipment is severely restricted in this area and is particularly supervised.

The number of identity passes granting permanent access to the Chamber is limited to the strict minimum and anyone belonging to an outside company may only enter with the permission of the department responsible for the room's maintenance and if accompanied by an authorized public servant.

III. – THE AREA SURROUNDING THE NATIONAL ASSEMBLY

As regards matters concerning external security, no President of the National Assembly has, as yet, used all the powers provided for by the ordinance of 1958.

The responsibility for the maintenance of law and order outside the limits of the National Assembly is in the hands of the Minister of the Interior and thus, by delegation, in those of the Prefect of Police of the City of Paris. This principle was not changed when the National Assembly bought several buildings as annexes to the *Palais Bourbon*, the historic seat of the National Assembly. Thus the authority of the Prefect still applies today in the streets which separate these buildings from the *Palais Bourbon* itself.

Nonetheless, the President of the National Assembly still has the power to directly call upon, at any time, the Prefect of Police and his departments in order to take the necessary measures to ensure the external security of the *Palais Bourbon* or to keep its entrances accessible.

In accordance with articles L. 211-1 and L. 211-4 of the Code of Internal Security, any demonstrations which take place in Paris must receive the

authorization of the Prefect of Police. A prior statement must be completed detailing their assembly points and their route. Failure to abide by these provisions is punishable by article 431-9 of the Criminal Code.

Generally speaking, demonstrations are confined to certain broad Parisian avenues and are prohibited in the vicinity of the buildings of the National Assembly and in particular, in the streets leading to the entrances of the *Palais Bourbon*.

However certain smaller gatherings may be authorized on the *Place Edouard Herriot*. Several representatives of such demonstrators may even, upon request, be allowed to meet with M.P.s or political group secretaries (each such delegation is made up of five people at the most).

File n°38

THE REPRESENTATIVES OF INTEREST GROUPS

Key points

In order to clarify the relations between M.P.s and the representatives of public or private interests, the *Bureau* has adopted transparency and ethical rules which could be applied to the activities of lobbies at the National Assembly. The aim is both to establish the role that they play in providing information to M.P.s and to ensure that their activity conforms to a few simple rules of good conduct.

The representatives of interest groups are a way for lawmakers to keep themselves informed on how the law is applied and on how it can be improved. This information is, by its very nature, biased as it is based on defending a specific objective. However, it is up to the parliamentarian to analyze all the data which he receives and to compare it with other sources in order to ascertain its truthfulness and coherence. The activity of the representatives of interest groups is also useful in that it allows the public decision-maker to have a greater awareness of the expectations of civil society.

So as to better understand the activities of the representatives of interest groups at the National Assembly, the *Bureau*, in 2009, created a public register on which they could enrol. This register was significantly changed following the decisions of the *Bureau* in February and June 2013. Subsequently, the Law n°2016-1691 of December 9, 2016, concerning transparency, the fight against corruption and for the modernization of economic life, provided the High Authority for Transparency in Public Life (HATVP) with the task of setting up a national digital directory of the representatives of interest groups. The register of the National Assembly has thus been replaced by this register.

The aim of the list is to better know the various parties who come into contact, in one way or another, with parliamentarians carrying out their duties.

The *Bureau* of the National Assembly has set down the conditions regulating this representation of interest groups within the National Assembly and has highlighted three requirements:

- The obligation of transparency (which requires the representatives of interest groups to make known the people for whom they work and in whose interest they act);

- The obligation of making information public (to allow all citizens to know the conditions in which the contacts between their representatives and the representatives of interest groups take place);

- The obligation of ethical conduct, i.e. the requirement to submit the activities of the representatives of interest groups to a series of rights and duties.

These principles were formalized in a code of conduct, adopted on June 26, 2013, then modified on July 13, 2016 and January 20, 2021, the text of which appears below

The conditions for the access of the representatives of interest groups to the premises of the National Assembly were strictly limited during the XIVth term of Parliament. In the past, they could take advantage of cards which allowed them to freely move around in the National Assembly, now they have to have a specific card, if they are enrolled on the register of the HATVP, which allows them to avoid identity checks but limits their possibility of moving around freely to the very places concerned by the reason of their visit.

Enrolment on the list of the representatives of interest groups provides one with the right, in counterbalance, to easier access to the National Assembly upon the presentation of a specific identity card which is provided to those enrolled on the list.

In addition, enrolment on the list is mentioned when the representatives of interest groups are interviewed in the framework of parliamentary proceedings. Such a mention allows parliamentarians and citizens to be informed of the fact that the people being interviewed have signed up to the obligations regarding transparency and ethical standards in their contacts with the representatives of the Nation. The reports, opinions and other documents which are tabled by a committee, a delegation, an office, or by any other body of the National Assembly must include, in an annex, the entire list of the hearings held by the *rapporteur* in the framework of his parliamentary work. If no hearing has been carried out, then the report must explicitly mention this. The annex must make a difference between the hearings carried out with the representatives of interest groups enrolled on the register and other hearings.

The National Assembly may make certain of its premises available for colloquia or seminars. The organization of the latter is governed by a certain number of rules. The availability of the premises, especially for external bodies, implies filling out a form and an option for reservation, which must be agreed upon and accepted by the M.P. who wishes to reserve the room. This must also be signed by his group chair and the decision is dependent upon the college of *Questeurs.* It is, in addition, required of the organizers to provide an availability package and the reimbursement of the technical expenses which might be included and thus paid for.

Rules of good conduct take into account the organization of such colloquia at the National Assembly. Thus, taking the floor in such colloquia can, in no way, whatsoever, be based on a financial participation.

The code of conduct also provides that the representatives of interest groups indicate to MPs the value of any gifts they send them and contains a sanction system in the event of breach of the code.

Code of Conduct Applicable to Representatives of Interest Groups adopted by the *Bureau* on June 26, 2013 and modified July 13, 2016

The representatives of interest groups shall agree to the obligations defined by the *Bureau* and set down in this current code.

1. Representatives of interest groups, within the meaning of this code, are the persons referred to in article 18-2 of Law N°. 2013-907 of October 11, 2013 relating to the transparency of public life, who enter into communication with an M.P., with a member of staff of the President, an M.P.'s assistant or an assistant of a parliamentary group, or with a civil servant or contract worker of the services of the National Assembly.
2. Representatives of interest groups must carry out their activity with probity and integrity. They are obliged to:

- Declare their identity, the name of the body for whom they work and the interests or entities which they represent in their relations with M.P.s and their assistants, with members of staff of the President, with parliamentary groups and their staff, as well as with civil servants or contract workers of the services of the National Assembly;
- Refrain from any incitement towards these people to violate their ethical rules;
- Refrain from any approach to these people with a view to obtaining information or decisions by fraudulent means;
- Refrain from obtaining or attempting to obtain information or decisions by deliberately communicating erroneous information to these persons or by resorting to manoeuvres intended to deceive them;
- Refrain from using, for commercial or advertising purposes, information obtained from M.P.s or their assistants, staff of the President, parliamentary groups or their staff, or civil servants or contract workers of the services of the National Assembly;
- Respect all of the rules contained in the present code in their direct relations with M.P.s or their assistants, staff of the President, parliamentary groups, or civil servants or contract workers of the services of the National Assembly

3. The representatives of interest groups must follow the rules of access to, and movement in, the premises of the National Assembly. They must clearly wear their identity pass. They have access to such premises only in the framework of the specific mission which brings them to the National Assembly. They may not, in any circumstance, have access to other premises outside of those concerned by their specific reasons for obtaining an identity pass in the first place.

4. The representatives of interest groups must comply with the regulations applicable to data protection. They are required, in accordance with the law, to give MPs access, as quickly as possible, to the data concerning them which these representatives have gathered in the context of their activity.

5. It is strictly prohibited for them to pay any form of remuneration to the assistants of an M.P., of a parliamentary group or to a member of staff of the President, in the carrying out of their activity of representing an interest group.
6. It is strictly prohibited for them to sell or to exchange against any form of compensation, parliamentary documents as well as any other document of the National Assembly.
7. It is strictly prohibited for them to use headed notepaper or the logo of the National Assembly or to use the adjective “parliamentary” to describe any of the events they organize or the structures which they set up.
8. Information provided to M.P.s by the representatives of interest groups must be available without discrimination to all M.P.s whatever their political tendencies.
9. This information must not include elements which are purposefully incorrect so as to mislead M.P.s
10. All trading or advertising is strictly prohibited for the representatives of interest groups on the premises of the National Assembly. It is also forbidden for them to use the premises of the National Assembly for any events linked to the promotion of interests.
11. The representatives of interest groups must clearly mention the names of the entities which finance the events and structures to which the parliamentarians participate; they must systematically inform parliamentarians in writing of the value of the invitations, gifts and other advantages which are addressed to them when these imply a mandatory declaration in application of the Code of Ethics for M.P.s., in order to allow M.P.s to completely comply with this code.
12. The representatives of interest groups must systematically inform parliamentarians in writing of the value of the invitations, gifts and other advantages which are addressed to their assistants when these imply a mandatory declaration in application of the Code of Ethics for M.P.s.
13. Speeches made during symposiums organized at the National Assembly by the representatives of interest groups, or by any other body external to the National Assembly, may not be financially remunerated in any way.
14. In the event of a request from the Commissioner for Ethics of the National Assembly for the communication of information or a document necessary for the exercise of his/her mission, in the event of formal notice sent by the President of the National Assembly following a breach of this code, formulated in application of article 80-5 of the Rules of Procedure of the National Assembly, or in the event of a request for information made by the President, the representatives of interest groups are required to respond as soon as possible, and at the latest within fifteen clear days from the date of reception of this request or formal notice.

15. Without prejudice to the formal notice referred to in article 80-5 of the Rules of Procedure of the National Assembly, the President may prohibit access to the premises of the Assembly to representatives of interest groups

in the event of a breach, presumed or stated, to this code. The President may make this decision public.

IV – The Operation of the National Assembly

File n°39

THE RHYTHM OF SESSIONS AND SITTINGS

Key Points

Time at the French Parliament is measured in three different categories: the parliamentary term, which, unless there is a dissolution, lasts five years, the session and the sitting.
Session refers to the period of the year when the Parliament meets to deliberate in plenary sitting. Since the constitutional reform of August 4, 1995, a single nine-month session has replaced the previous rhythm of two three-month sessions which had been in operation from 1958.
The rhythm of sessions – ordinary, extraordinary and sessions as of right – is laid down by the Constitution, which also determines the maximum number of days of sitting to be held during the different types of session.
However, the assemblies themselves decide the weeks of sitting, as well as the days and the timetable.

I. – THE RHYTHM OF SESSIONS

According to article 28 of the 1958 Constitution, (in its revised version since the constitutional amendment of 1995), Parliament shall convene as of right in one ordinary session. Upon the request of the Prime Minister or of a majority of members of the National Assembly, it may be convened in extraordinary session, which is opened and closed by decree of the President of the Republic (articles 29 and 30 of the Constitution). In addition, exceptional circumstances may occur during the recess and require the holding of sittings of the National Assembly and of the Senate (e.g. the implementation of emergency powers according to article 16 of the Constitution or the gathering to listen to a message from the President of the Republic). The National Assembly is also convened, as of right, after the general elections following a dissolution.

Outside of these periods, which are specifically set down by the Constitution, the assemblies may not hold plenary sittings and may not pass any laws. However nothing bars their internal bodies, in particular the standing committees, from meeting in order to prepare the legislative work for the following session or to carry out their job of monitoring the Government.

1. – Ordinary session

a. The origins of the Constitutional Revision of 1995

In its previous version, the 1958 Constitution made provision for two ordinary sessions of about three months each: the first in the autumn, lasting ninety days from October 2 and the second in the spring, lasting ninety days from April 2. The two were separated by parliamentary recesses. The opening of the ordinary session in April was the reference point which marked the beginning of the new term of Parliament, except in the case of dissolution ("*The powers of the National Assembly expire upon the opening of the fifth ordinary session in April following its election*").

By instituting a single nine-month session, the 1995 constitutional revision had a double objective:

- To strengthen the importance of the parliamentary assemblies within the institutions, by allowing them to carry out their monitoring role over Government and also over the institutions of the European Union, in a more continuous fashion;

- To adapt the rhythm of the meetings of Parliament to the requirements of the legislative work. From 1958, the number of days of sitting of the National Assembly had continued to increase almost systematically (from 90 between 1959 and 1970, it had reached 100 by 1971 and was more than 150 in 1982). The narrowness of the time limits imposed by the Constitution had led to the implementation of compensatory measures or practices. The number of night sittings and especially extraordinary sessions had increased substantially (between 1958 and 1995, Parliament was summoned 60 times for sessions which were becoming less and less 'extraordinary'. Of these 60 extraordinary sessions, 59 were convened upon the request of the Prime Minister).

b. The Single Session

The Congress, gathered at Versailles on July 31, 1995, adopted the following text: "Parliament shall sit as of right in one ordinary session which shall start on the first working day of October and shall end on the last working day of June".

Nevertheless, in order to avoid the situation where the move to the single session might increase the trend towards 'legislative inflation' which had been denounced by the parliamentarians themselves, but also by such institutions as the Conseil d'État, or the Constitutional Council, the 1995 constitutional revision placed a limit of 120 on the number of days of sitting during which each assembly could meet in the normal course of a session. The holding of additional days of sitting may however be decided by the Prime Minister, after consultation with the President of the relevant assembly, or by a majority of the members of each assembly. The limit of 120 days was exceeded for the first time during the 2008-09 parliamentary session and has been several times since, notably during each of the ordinary sessions of the XVth term of Parliament with the exception of the last.

The length of the ordinary session is not affected by the expiry of the powers of the National Assembly, whether this be upon the reaching of the end of its normal

term on “the third Tuesday in June of the fifth year following its election” (article L.O. 121 of the electoral code), or upon its dissolution by the President of the Republic in accordance with article 12 of the Constitution. The closing of a session, either ordinary or extraordinary, and the limit on the number of days of sitting should not prevent Parliament and in particular the National Assembly, from carrying out the most essential of its prerogatives. This is why article 51 of the Constitution makes provision for this closing to be postponed or for additional sittings to be held by right, to allow the National Assembly to make Government accountability an issue of confidence.

Likewise in accordance with article 26 of the Constitution, the National Assembly and the Senate must be able to continue their proceedings beyond the 120-day sitting limit, in order to decide upon the suspension of the detention, of the subjection to custodial or semi-custodial measures, or of the prosecution, of one of their members.

2. – Extraordinary sessions

Parliament shall convene in extraordinary session, at the request of the Prime Minister or of the majority of the members of the National Assembly, to consider a specific agenda (article 29, paragraph one, of the Constitution). Extraordinary sessions shall be opened and closed by decree of the President of the Republic (article 30).

Where an extraordinary session is held at the request of the majority of M.P.s, the decree closing it shall take effect once Parliament has dealt with the agenda for which it was convened, or twelve days after the opening of the session, whichever shall be the earlier.

Institutional practice has in fact made the right to convene Parliament in extraordinary session a discretionary power of the President of the Republic. The President is not required to follow the proposal of the Prime Minister or of the majority of M.P.s. In practice, since the beginning of the Fifth Republic, only one extraordinary session has been called at the request of a majority of M.P.s: the session from 14-16 March 1979, which dealt with two draft resolutions calling for the setting-up of commissions of inquiry on the employment situation and the conditions concerning public information.

Only the Prime Minister may request a new session before the end of the month following the decree closing an extraordinary session.

In practice, both the National Assembly and the Senate are convened but it has happened in the past that the agenda of the extraordinary session has only concerned one of the two assemblies.

The introduction of the single session system has not brought an end to the increase in the number of extraordinary sessions. Thus, during the XIVth and XVth terms of Parliament, extraordinary sessions were systematically held at the request of the Prime Minister, in July and September.

3. – Sessions as of right

Parliament is also convened, as of right, outside of the annual session and if it is not already in session, in three specific circumstances laid down by the Constitution:

- Article 16 makes provision for the convening, as of right, of the two assemblies when the President of the Republic decides to have recourse to the emergency powers which the said article grants him;

- Article 18 makes provision for the two assemblies to be specially convened, out of session, in order to listen to the reading of a message from the President of the Republic;

- Article 12 makes provision for the convening of the national assembly, newly elected after a dissolution, on the second thursday following its election. should it so convene outside the period prescribed for the ordinary session, a session (during which the two assemblies may meet) shall be called by right for a fifteen-day period. if this first meeting is held less than fifteen days after the end of the ordinary session, the latter is extended accordingly by a session as of right**.**

II. – RULES CONCERNING THE RHYTHM AND LENGTH OF PLENARY SITTINGS

When the National Assembly is convened and in particular during the ordinary session, it is not always in sitting. In fact it sits according to a calendar organized by the week, by the day of sitting and by the sitting. Certain sittings are given over to a specific agenda.

The organization of the plenary sittings in the National Assembly attempts to fulfil several objectives which are not always easily reconcilable:

- To make provision for the time necessary for the examination of the items on the agenda whilst respecting the constitutional limit of 120 days of sitting per ordinary session;

- To avoid having the plenary sittings interfere with the meetings of other bodies of the National Assembly and in particular with meetings of political groups, and committees;

- To allow M.P.s to carry out, in the best conditions possible, their other activities and, in particular, those linked to the work they must carry out in their constituency.

The diversity of these objectives and the variation in the time constraints which they lead to, means that the organization of the “parliamentary week” is as much based on custom or the agreement of the various actors concerned (the President of the National Assembly, the Government, the political groups of the governing majority and of the opposition) as it is on the application, to the letter, of the texts which regulate this field.

The new wording of article 48 of the Constitution, subsequent to the constitutional revision of July 23, 2008, changed the rules concerning the setting of the

agenda. It is now stated that the agenda "*shall be determined by each House*". Beyond the Government bills whose examination takes priority (the Finance Bill and the Social Security Financing Bill in particular but, to a lesser extent, bills transmitted by the other Assembly at least six weeks previously), the Government has control of the agenda for two weeks out of four and the Parliament has control over the other two, with one of these two weeks being set aside in priority, and in the order set by each assembly, to the monitoring of Government action and to the assessment of public policies. Furthermore, one day per month is to be given over to an agenda set by each assembly upon the initiative of the opposition and the minority groups in the said assembly.

The same article 48 states that at least one sitting per week shall be given over, in priority, to questions from members of Parliament and to answers by the Government, including during the extraordinary sessions, since the constitutional reform of 2009. In accordance with article 133 of the Rules of Procedure, the Conference of Presidents sets the sitting(s) for Government question time. During the ordinary sessions, traditionally two such sittings are held: one at the beginning of the sittings on Tuesday and Wednesday afternoons.

This organization was modified by the Conference of Presidents of July 23, 2019, which decided to devote a single weekly two-hour sitting to them, on Tuesday afternoon. During extraordinary sessions, the practice has always been to schedule only one question sitting with the Government per week.

Apart from this, article 28 of the Constitution allows the assemblies to determine their own weeks of sitting. In practice, it is more a case for them to determine the weeks they will not sit (during holiday periods or election campaigns for example). The article then states that the days and the hours of sittings shall be determined by the Rules of Procedure of each assembly.

On this basis, the Rules of Procedure of the National Assembly provide that the Assembly will sit each week on Tuesday mornings, afternoons and evenings, Wednesday afternoons and evenings, as well as Thursday mornings, afternoons and evenings. Wednesday mornings are given over to committee work. The times of sittings are the following: 9.30a.m.-1p.m., 3p.m.-8p.m. and 9.30p.m.-12.00p.m.

In order to maintain the necessary flexibility of the system, the Rules of Procedure also establish the procedures which can modify these rules, whilst, at the same time, respecting the limit set down in the second paragraph of article 28 of the Constitution: additional sittings may be held upon the proposal of the Conference of Presidents or, by right, upon the request of the government so it it may implement its priority right to include certain bills on the order paper: the finance bills or those governing the financing of social security, bills which have been transmitted by the Senate at least six weeks previously, bills concerning a state of crisis and requests for the extension of military operations abroad.

In the same way, the National Assembly may decide to depart from the timetable set down by the Rules of Procedure, either upon a proposal of the Conference of Presidents (on a specific agenda) or upon a proposal of the relevant committee or of a group chair or of the Government to continue the debate which is being held. In this latter case, the Assembly is consulted by the President without a

debate. The extension of a night sitting beyond midnight is only allowed in order to finish a discussion in progress.

These possibilities of departing from the normal time procedure are particularly used during the period when the National Assembly is examining the finance bill (approximately from mid-October to mid-November) when sittings are regularly held on Mondays and Fridays, in addition to the three days provided for in the Rules of Procedure, without it being excluded that they can also take place on Saturday and Sunday, if necessary.

File n°40

THE SETTING OF THE AGENDA AND THE CONFERENCE OF PRESIDENTS

Key Points

The original wording of the 1958 Constitution gave the Government sole control of the priority agenda of the assemblies.
The constitutional reform of July 23, 2008, henceforth allows for the sharing of the agenda between the Government and Parliament.
In practice, the agenda is set by the Conference of Presidents.

I. – THE AGENDA IS SHARED BETWEEN THE GOVERNMENT AND PARLIAMENT

In its original wording, article 48 of the Constitution provided that the agenda of the assemblies included, as a priority and in the order that the Government set, the discussion of bills tabled by the Government and Members' bills which it, the Government, had accepted. With the exception of sittings given over, at least once a week, to Government question time and, once a month, to a priority agenda set by each assembly, article 48 provided for a priority Government agenda which could take up all the time available in plenary sitting.

The new wording of article 48 consequent to the Constitutional Act of July 23, 2008, states that the agenda shall be set by each assembly and introduces a sharing of the agenda between the Government and Parliament.

The agenda is determined by the Conference of Presidents (see III below) in sequences of four weeks and must follow the priorities laid down in article 48 of the Constitution.

So as to enable the Executive to implement the legislative reforms which it considers essential within a reasonable time limit, a part of the agenda, two weeks of sitting out of four, are given over to the exclusive initiative of the Government. According to the Constitution, the Government may decide the bills (including Members' bills) which it wishes to see included on the agenda for these two weeks and it may set the order in which they will be considered. Neither the Conference of Presidents nor the Assembly may have a say on this chosen order.

As well as having the right to set this part of the agenda, the Government is also free to change it. A letter addressed to the President of the National Assembly or even, although this is much rarer, a simple statement made in plenary sitting by a member of the Government, suffice to change the order of the bills included on the agenda, to withdraw a bill or even, in exceptional circumstances, to table a bill which has not previously been planned.

The Conference of Presidents itself sets the agenda for the two remaining weeks upon the proposal of the group and committee chairs. One week concerns the monitoring of Government action and the assessment of public policies whilst the other to the consideration of bills (referred to as the "Assembly Week"). The order of business which is drawn up is published in the *Journal officiel* and on the website of the National Assembly.

II. – EXCEPTIONS TO THE PRINCIPLE

1. – Government priority is maintained for certain bills

The third paragraph of article 48 of the Constitution does provide for the priority inclusion on the agenda of certain bills upon the request of the Government and outside of the weeks which are in any case given over to Government business.

Finance bills and social security financing bills may thus be given priority inclusion on the agenda, including during the weeks usually reserved for monitoring or the so-called "Assembly" weeks. This priority can be explained by the fact that such bills are essential to the implementation of Government policy and their examination is subject to very strict time constraints which are imposed by the Constitution (see articles 47 and 47-1 of the Constitution).

Government and Members' bills which have been passed by the other assembly and which were transmitted at least six weeks previously, Government bills concerning a state of crisis and requests for authorization, by virtue of article 35 of the Constitution, concerning an intervention of the armed forces abroad for a period of more than four months or a declaration of war, may be given priority inclusion on the weeks normally set aside for the Assembly's agenda (but not during the monitoring weeks).

Insofar as the first paragraph of article 48 of the Rules of Procedure henceforth bestows a general principle of competence on the Conference of Presidents, the Government informs the Conference of Presidents, at the latest, the day before it meets, before including bills on the agenda.

2. – Respect of the time limits laid down by the Constitution

The constitutional revision of 2008 significantly modified article 42 of the Constitution by stating that the examination of a Government or member's bill in plenary sitting shall concern the text drawn up by the committees. So as to allow

a reasonable time span to the committees in order to examine the bills submitted to them, a minimal limit has been set by the Constitution between the tabling and the discussion in plenary sitting.

Thus the discussion on first reading of a Government or Member's bill cannot take place before the first assembly where it was tabled until the end of a six-week period after its tabling. In the case of a bill which has been transmitted by the other assembly, this period is reduced to four weeks as of the date of transmission. This does not apply to finance bills, social security financing bills and bills pertaining to a state of crisis, nor when the accelerated procedure has been applied (article 45 of the Constitution).

In accordance with paragraph 2 of article 46 of the Constitution, the same time limits apply to institutional acts unless the accelerated procedure has been implemented. In this case, a period of fifteen days must elapse between the introduction of a bill of an institutional nature and its debate in the assembly where it was tabled.

The discussion of censure motions (articles 49, paragraphs 2 and 3 of the Constitution) must take place, at the latest, the third day of sitting following the end of the constitutional limit of forty-eight hours after the tabling of the motion. This date is set by the Conference of Presidents. Furthermore, article 51 of the Constitution states that "*the closing of the ordinary session or the extraordinary sessions shall be automatically postponed, in order to permit the application of article 49 if the case arises*". For the same reasons, additional sittings are of right.

3. – Questions to the Government

Article 48, paragraph 6 of the Constitution, states that "during at least one sitting per week, including during the extraordinary sittings provided for in article 29, priority shall be given to questions from Members of Parliament and to answers from the Government".

In practice question time is divided between questions to the Government and oral questions without debate.

These Government question time sittings take place, since 2019, once a week at the National Assembly: on Tuesday afternoons, between 3pm and 5pm.

Oral questions without debate mainly take place on Tuesday mornings during the week reserved for the monitoring of Government action and the assessment of public policies.

4. – The reserved agenda for opposition and minority groups

The recognition of the rights of opposition and minority groups which is provided by article 51-1 of the Constitution, is the direct result of the constitutional

revision of July 23, 2008. Article 48, paragraph 5, of the Constitution, states that: "*One day of sitting per month shall be given over to an agenda determined by each House upon the initiative of the opposition groups in the relevant House, as well as upon that of the minority groups*".

Whilst groups belonging to the opposition could have, according to the old Rules of Procedure, seven sittings with parliamentary initiative per session, the opposition and minority groups now have twenty-seven such sittings per session (i.e. three sittings for each of their days).

The Conference of Presidents determines the agenda of this day on the basis of bills proposed for inclusion by the opposition or minority groups.

III. – THE CONFERENCE OF PRESIDENTS

The Conference of Presidents is the competent body as regards the preparation of the organization of the work of the National Assembly in plenary sitting. It is convened by the President of the National Assembly once a week, usually on a Tuesday, or more often if necessary.

1. – Composition

The Conference of Presidents is made up, apart from the President, of the six vice-presidents, the eight chairs of the standing committees, the General *Rapporteurs* of the Social Affairs Committee and of the Finance Committee, the Chair of the European Affairs Committee and the chairs of the political groups. The chairs of *ad-hoc* committees are also invited to attend.

The Government is represented by one of its members, usually the Minister in Charge of Relations with the Parliament. This person transmits to the Conference of Presidents the plans of the Government for the sittings weeks during which it has priority.

2. – Role

The new wording of article 48 of the Constitution lays down the principle of the setting of the agenda by the assembly. It is the task of the Conference of Presidents to determine the order of business laid down by the Constitution.

First of all, the Government informs the Conference of Presidents of its overall plans concerning the timetable of the session. Thus the Minister in Charge of Relations with Parliament transmits to the Conference of Presidents, before the opening of the session or after the appointment of the Government, the weeks which the Government plans to reserve during the session for the consideration of bills and debates which it requests to be included on the agenda.

The Conference of Presidents also lays down, for the whole session, the timetable of monthly sittings given over in priority to an agenda set by the opposition or minority groups (article 48, paragraph 5 of the Constitution). The sittings are divided up, at the beginning of each session, between the opposition groups and the minority groups according to their number of members with each group having control over the agenda of at least three sittings per ordinary session.

Based on these priorities, the Conference of Presidents draws up the overall provisional timetable for the ordinary session and it is then posted up and published. Modifications may be made during the year, for example if the Government wishes to intervene during certain weeks.

The agenda is then drawn up by the Conference of Presidents for each four-week sequence. On account of the constitutional priority which is given to Government in the setting of the agenda (paragraphs 2 and 3 of article 48 of the Constitution), the Conference of Presidents does not decide on the order of business which is transmitted to it concerning the two weeks reserved for the Government nor on the bills which are the Government priority. Nonetheless, even for this part of the agenda, the meeting of the Conference of Presidents can be the forum for an exchange of views which might lead the Government, in addition to the prior consultations which it has already had, to change certain of the plans it had previously set out.

In regards to the two other weeks, the Conference of Presidents has broad leeway in setting the agenda.

Group and committee chairs may make proposals for inclusion on the agenda of the “Assembly’s Week”: their proposals must be addressed to the President of the National Assembly, at the latest four days before the Conference meets. As regards the weeks of monitoring, each opposition or minority group has the right to include one debate without a vote or one question sitting dealing primarily with the conclusions of a report by a commission of inquiry or a fact-finding mission, on an information or assessment report mentioned in articles 145-7, 145-8 or 146, paragraph 3 of the Rules of Procedure, or those of an assessment report or follow-up report set down in application of article 146-3.

The Conference of Presidents organizes the general discussion of the texts included on the agenda, by allocating to each group the speaking time of five to ten minutes according to the nature of the bills whatever the context (governmental or parliamentary initiative) of the bills in question. In exceptional circumstances, the Conference may accept to override the time period on a specific bill, especially if it politically very important. It also decides upon, when necessary, the organization of debates included on the order paper.

In addition, in accordance with article 45 of the Constitution, the Conference of Presidents of the two assemblies may decide jointly to oppose the implementation of the accelerated procedure.

The Rules of Procedure also consider the following within the remit of the Conference of Presidents:

- Organizing the sittings of oral questions, whether it be the oral questions without debate or the weekly sitting of questions to the Government;

- Expressing its opinion on the conformity of the documents summarizing the impact study associated with a bill, to the presentation conditions laid down by the institutional law relating to the application of article 39 of the Constitution;

- Setting the maximum length of time for the overall consideration of a bill (set time limit);

- Drawing up the conditions and the length of the discussion on the annual finance bill. This deals both with the first part of this discussion and with the second part when the budgetary missions are examined;

- Deciding that the consideration of a bill will be subject to the simplified examination procedure or to the examination in committee procedure;

- Deciding that there will be a formal vote (preceded by explanations of group votes) or a postponed vote by public ballot, on important bills and setting the dates of such votes in advance;

- Setting the day for the examination of censure motions and organizing their discussion.

File n°41

THE MINISTER IN CHARGE OF RELATIONS WITH THE PARLIAMENT

Key Points

The Ministry in Charge of Relations with the Parliament was created during the Fourth Republic and was institutionalized during the Fifth Republic. It is the Government body responsible for the facilitation of relations between the executive and the legislative power. This ministerial department, which has no administrative structure of its own and is essentially made up of its own staff of advisors, participates in the organization of governmental work and plays a central role in the setting of Parliament's agenda.

The position of Minister in Charge of Relations with the Parliament was born in the aftermath of the Second World War and appeared in various Governments of the Fourth Republic. It became however essential for the operation of the institutions of the Fifth Republic, especially within the framework of the notion of "rationalized parliamentarism". Although the Government had witnessed, since 1958, a substantial increase in its powers to intervene in the legislative process, it appeared necessary that one of its members, having the rank of Minister, as it is the case since 2018, or of Secretary of State, should not only ensure Government coordination concerning work in this field but should also play the role of mediator between the ministers and the parliamentarians and in particular those who are members of the ruling majority.

I. – THE MINISTER IN CHARGE OF RELATIONS WITH THE PARLIAMENT PLAYS AN IMPORTANT ROLE IN THE IMPLEMENTATION OF GOVERNMENTAL POLICY

1. – He/She coordinates the legislative programme of the Government

The implementation of governmental policy is carried out mainly through the passing of laws. The setting of the legislative agenda of the assemblies is partly in the hands of the Minister in Charge of Relations with the Parliament who must take into account at the same time the desires of the ministers, the progress of the bills he presents and the workload of the

Parliament. Thus, he/she must be aware of the progress of the bills proposed by his colleagues in the Government and of the wishes of the agenda set down by the assemblies.

So as to be aware of the consequences of the different governmental bills and the technical or political problems which might arise during parliamentary debates, he/she is represented at the inter-ministerial meetings which take place in order to harmonize the positions of the various ministries.

He/she also takes part in the arbitration meetings which select the Government or Members' bills liable to be included on the agendas of the assemblies and which decide on the calendar for the examination of these bills.

He/she is included in the drawing-up of the legislative part in the Council of Ministers and this enables him to set a priority calendar for the bills and to propose their inclusion on the agendas of one or other of the assemblies.

2. – He/she plays a role of political mediation between parliament and Government

Generally speaking, the Minister in Charge of Relations with the Parliament must facilitate relations between ministers and parliamentarians. Notably he/she must foresee the possibility of difficulties arising between the Government and the governing majority.

In order to do this, he/she participates in meetings of the political groups which make up the ruling majority and gives them information concerning governmental policy. This allows him/her to alert colleagues to the reactions of the political groups and to the positions of M.P.s. Traditionally he/she also attends the meetings of the main leaders of the ruling majority groups.

II. – THE MINISTER IN CHARGE OF RELATIONS WITH THE PARLIAMENT IS INVOLVED IN THE PLANNING OF PARLIAMENTARY WORK AND ENSURES THE AVAILABILITY OF MINISTERS TO ANSWER QUESTIONS RAISED BY PARLIAMENT

1. – He/she contributes to the drawing-up of the agenda

The Minister in Charge of Relations with the Parliament attends, during the sessions, the meetings of the Conference of Presidents which take place in each of the assemblies (every week at the National Assembly and every three weeks on average at the Senate) and which, under the chairmanship of the President of the assembly concerned, bring together the vice-presidents, the

chairs of the standing committees, the chairs of current *ad-hoc* committees when they exist, the General *Rapporteurs* of the Social Affairs Committee and of the Finance Committee, the Chair of the European Affairs Committee and the chairs of the political groups in order to set the agenda of the Assembly.

Before the constitutional revision of July 23, 2008, the Government, in accordance with article 48 of the Constitution, had almost complete control over the agenda of the assemblies. Since the adoption of this revision, it shares this role with the assemblies. Only two out of four weeks of sittings are given over in priority to bills and to debates which the Government has requested to be included on the agenda. The two remaining weeks are given over to an agenda set down by the two assemblies on a proposal of the Conference of Presidents. One of these weeks is reserved for the monitoring of Government action. It should nonetheless be stressed that the Government may have certain types of bill included on the agenda with priority. These include finance bills and social security financing bills.

Before the opening of the session, the Minister in Charge of Relations with the Parliament gives an indication to the Conference of Presidents of the National Assembly, of the weeks which the Government intends to use for the tabling of its bills.

At the opening of the session and, at the latest, on the following March 1, he/she informs the Conference of Presidents of the matters for which he/she plans to request inclusion on the agenda and of the period envisaged.

The day before the Conference of Presidents, the Minister in Charge of Relations with the Parliament transmits, by letter addressed to the President of the Assembly, the Government's requests for priority inclusion on the agenda of the weeks set aside for its bills. During the Conference of Presidents, he/she ensures the synchronization between the inclusion of the bills and the debates on the agenda during the weeks set aside for parliamentary initiative and the timetables of the relevant ministers.

The Government may, at any time, request changes to the agenda of the assemblies in accordance with the powers provided to it by article 48 of the Constitution i.e. concerning the weeks set aside for the Government and the bills it can include with priority by a letter of revision or by a statement in plenary sitting. In such a case, Parliament is usually informed by a letter from the Minister in Charge of Relations with the Parliament and the Conference of Presidents may be convened if necessary. In certain cases, the change to the agenda may merely be announced in a statement coming from a minister present on the Government bench. The latter however speaks in the name of the

Government and with the agreement of the Minister in Charge of Relations with the Parliament.

2. – He/she ensures the permanent availability of the Government to answer Parliament's questions

During the legislative debates, he ensures that there is a permanent governmental presence in the sitting and makes sure that the relevant ministers are present during the debates which concern them.

He/she plays the same role in the various debates organized particularly during the weeks given over to the monitoring and the assessment of public policies.

During oral question sittings he/she collects the parliamentarians' questions and organizes the Government's means of reply.

He/she also makes sure, in collaboration with the General Secretariat of the Government and the Prime Minister's staff, that the ministers reply within the time limits to the written questions asked by M.P.s.

3. – He/She follows the debates

The Minister in Charge of Relations with the Parliament is very much present during the sittings of the assemblies. It can happen that he/she replaces their absent colleagues, notably during question time.

He/she ensures, notably through assistants, who are present during all discussions, the correct running of the debates. It is also his/her task to advise members of the Government on the parliamentary procedure and the attitude to adopt in one circumstance or another. On account of his/her knowledge of parliamentary procedure and parliamentary life, he/she is called to play a leading role in the implementation of the instruments of rationalized parliamentarianism (application of the accelerated procedure, forced votes, second deliberations, confidence votes on bills, etc.).

File n°42

THE GENERAL SECRETARIAT OF THE GOVERNMENT

Key Points

The General Secretariat of the Government was created in 1935 and is a light administrative body (it numbers about one hundred civil servants). It is under the authority of the Prime Minister and is headed by the Secretary General of the Government.
Its task is to ensure the correct functioning and the legality of Government action. As such it is a key contact for the departments of the National Assembly.

I. – THE GENERAL SECRETARIAT OF THE GOVERNMENT: THE ADMINISTRATIVE BODY IN CHARGE OF ENSURING THE CORRECT FUNCTIONING OF GOVERNMENT AND THE LEGALITY OF GOVERNMENTAL ACTION

The missions of the General Secretariat of the Government (SGG) are fourfold:

- The organization of governmental work and the respect of procedures,
- Providing legal advice to the Government,
- The continuity of governmental action in the case of the formation of a new Government,
- Monitoring the services of the Prime Minister.

1. – The organization of governmental work

The General Secretariat of the Government is involved at all stages in the development of Government decisions.

First of all, it convenes the inter-ministerial meetings and draws up the minutes which it files and distributes. In this way, the General Secretariat of the Government fulfils the role of “the Clerk of the Republic”.

It is also responsible for the transmission of the most important texts (laws, ordinances etc.) to the consultative formations of the *Conseil d'État,* for putting forward the Government's point of view and for ensuring the coherence of the speeches of the various ministers as well as for following the development of the debates. A representative of the General Secretariat of the Government attends the deliberations of the *Conseil d'État* so as to ensure the coherence of the speeches of the representatives of the ministries. The General Secretariat of the Government pays particular attention to the legal positions taken by the *Conseil d'État* so as to avoid subsequent censure of the text, either through an appeal against a decree by the litigation formations of the *Conseil d'État* itself or through an appeal against a law by the Constitutional Council.

The General Secretariat of the Government is also responsible for the secretariat of the Council of Ministers and prepares its agenda and the files for the questions which are included on the agenda. It also records the decisions taken.

2. – Legal advice to the Government

The General Secretariat of the Government has a role as legal adviser to the Prime Minister's and the other ministers' staff.

The members of the General Secretariat of the Government and in particular the '*chargés de mission'* examine the legality and the formality of the texts.

The General Secretariat of the Government may be consulted by ministers or their staff on certain legal questions when they wish to have the opinion of a body with a 'horizontal expertise'.

It coordinates the prior assessment work on bills and regulatory instruments.

In collaboration with the ministries concerned, the General Secretariat of the Government defends before the *Conseil d'État* the decrees which have been the subject of an appeal. It also ensures a 'constitutional oversight', at all stages of the procedure, on the problems of constitutionality which are raised by a text and writes up observations in the name of the Government in the case of a referral to the Constitutional Council.

In addition, the General Secretariat of the Government ensures the publication in the *Journal officiel* of legislative and regulatory documents, as well as the distribution of a legal guide intended to improve the drafting quality of such documents.

3. – The specific remit of the General Secretariat of the Government upon the formation of a new Government

The General Secretariat of the Government is a permanent administrative body and thus its members are not replaced when the Prime Minister leaves his position.

It is in fact the duty of the General Secretariat of the Government "to guide" the new Government upon its arrival in office. The General Secretariat of the Government is the guarantor of the continuity of governmental action despite political changes.

It prepares the decrees of attribution and of delegation which define the remit of each member of Government. It distributes the logistical means (buildings, offices etc.) to the new ministerial teams and it provides them with all the necessary information (on the progress of such and such reform, on the procedures of Government work).

4. – Monitoring the services of the Prime Minister

The General Secretary of the Government also directs all of the services under the authority of the Prime Minister and attempts to play a key role in the area of the modernization of the administration.

II. – THE GENERAL SECRETARIAT OF THE GOVERNMENT: A KEY CONTACT FOR THE DEPARTMENTS OF THE NATIONAL ASSEMBLY

The General Secretariat of the Government plays a major role in parliamentary life by ensuring the publication and the transmission to the assemblies of information concerning the organization of sessions and sittings (decrees convening extraordinary sessions, requests for the extension of military operations abroad beyond four months etc.). It has a central position in the legislative process and is a key contact for the Parliament in the carrying-out of numerous tasks which represent quite a substantial share of parliamentary work.

1. – The General Secretariat of the Government plays a discreet but indispensable role in the legislative procedure

The General Secretariat of the Government, in collaboration with the Minister or Secretary of State in Charge of Relations with the Parliament and the minister responsible for defending a bill before Parliament, ensures the preparation of the decree presenting the bill and follows the legislative procedure. It is notably the job of the General Secretariat of the Government to "physically" bring the bill to the "table" of the parliamentary assemblies. In a similar fashion, he is involved at every stage of the parliamentary "shuttle" (the to and fro movement of a bill between the two chambers) to ensure the transmission of bills passed by the assemblies.

In addition, according to article 115 of the Rules of Procedure of the National Assembly, when a Government or Member's bill which has been passed by the Senate, is then passed by the National Assembly without modification, the President of the National Assembly "*shall transmit the final instrument to the President of the Republic for promulgation through the Secretariat-General of the Government*". It is thus the duty of the General Secretariat of the Government to gather the signatures required by the Constitution and to ensure the publication of the text in the *Journal officiel*. In the case of referral to the Constitutional Council, the General Secretariat of the Government plays an important role as it is responsible for presenting Government observations concerning the appeal against the bill which has been passed.

Similarly after the passing of a law, the General Secretariat of the Government ensures that the application decrees, i.e. those necessary for the settling of all the details which the law could not deal with, are enforced in a reasonable time limit and draws up a report on them to the Prime Minister.

2. – The general secretariat of the government: a key contact for parliament

Its position as a "secretariat" for governmental work and its role regarding the respect for procedures makes the General Secretariat of the Government a real crossroads for the relations between Government and the National Assembly in the carrying-out of numerous tasks and operations which make up parliamentary work.

The General Secretariat of the Government is particularly involved in the procedure regarding written questions. In this area, it centralizes the replies of the different ministries, monitors their content and transmits them to the assemblies for publication in the *Journal officiel*. This centralization role also applies for the transmission to Parliament of the reports which are provided for by various bills. For example, an administration cannot, by itself, send a report provided for by law, to Parliament. It must pass through the General Secretariat of the Government which checks on the legality of the report and transmits it to the Table Office of the relevant assembly which can then table it.

The General Secretariat of the Government also supervises the correct composition of extra-parliamentary bodies i.e. those on which M.P.s and Senators sit by virtue of certain legal provisions. The representatives of Parliament are appointed to such bodies by the President of each chamber.

The appointment of parliamentarians to missions, in accordance with article L.O. 144 of the Electoral Code, also passes through the General Secretariat of the Government which ensures that the appointment decree for such missions are published and informs the assembly in which the said appointee sits.

Finally, the same procedure applies for consultation requests on certain appointments envisaged by the Executive. In fact, article 13 of the Constitution,

states that for certain posts and positions important "*in the guaranteeing of the rights and freedoms or the economic and social life of the Nation, the power of appointment vested in the President of the Republic shall be exercised after public consultation with the relevant standing committee in each House*". The Institutional Law n° 2010-837 of July 23, 2010, draws up the list of such posts amongst which figure in particular the chairmen of various independent administrative authorities and public companies. This procedure implies a referral by the Prime Minister which, in practice, passes through the General Secretariat of the Government.

File n°43

THE RULES OF PROCEDURE OF THE NATIONAL ASSEMBLY

Key Points

The Rules of Procedure of the National Assembly constitute its "internal law".

The provisions of the Rules of Procedure do not have a constitutional status, although some of them apply constitutional obligations. The Rules of Procedure must comply with the Constitution, with the institutional acts concerning their application and with the Ordinance of November 17, 1958 on the working of the parliamentary assemblies.

The Rules of Procedure, which were adopted and are liable to modification by a motion of the National Assembly, organize the internal working of the National Assembly, lay down the procedures concerning deliberation and determine the disciplinary measures applicable to its members.

It is the responsibility of the President of the National Assembly to have the Rules of Procedure respected and to do so he particularly relies on "precedent". During the plenary sitting M.P.s may call upon the provisions of the Rules of Procedure through the use of "points of order".

The Rules of Procedure of the National Assembly were adopted on June 3, 1959 and were recognized as compliant with the Constitution by a decision of the Constitutional Council on July 24, 1959. They constitute one of the key sources of parliamentary law, although their importance was nonetheless reduced in 1958. The mode of adoption and modification of the Rules of Procedure, the content and the way in which they are applied, all display important characteristics which are vital to the understanding of the position and role of Parliament in the institutions of the Fifth republic.

I. – THE RULES OF PROCEDURE OF THE NATIONAL ASSEMBLY, A SOURCE OF PARLIAMENTARY LAW

In his treatise on political, electoral and parliamentary law, Eugène Pierre wrote: "Outwardly, the Rules of Procedure merely represent the internal law of the assemblies, a collection of instructions designed to apply a methodological approach to the running of a meeting where many contradictory aspirations meet and clash. In reality, they are a formidable weapon in the hands of the parties. The Rules of Procedure often have more influence than the Constitution itself on the course of public matters". This statement, which was made during the Third

Republic, continued to be valid during the Fourth Republic but could no longer be made today. This is due to the fact that the Constituent of 1958 sought to protect itself from the excesses of parliamentarianism observed during the preceding regimes.

Thus, though the Rules of Procedure remain one of the sources of parliamentary law whose legal nature should be detailed, it is nonetheless a source which is limited and monitored.

1. – The legal nature of the Rules of Procedure of the National Assembly

As Paul Bastid emphasized in 1954, “the Rules of Procedure are the internal laws of each chamber, laid down by themselves. The Chamber in establishing its Rules of Procedure acts not as a branch of the legislative power but as an autonomous corporation possessing the power of organization and wielding disciplinary authority over its members”.

The Rules of Procedure are part of the legal category of measures of an internal nature, i.e. the validity of the rules it lays down is limited to their internal application.

As regards the position of the Rules of Procedure in the hierarchy of legal norms, the Constitutional Council has continued to judge that the provisions of the Rules of Procedure of the assemblies do not have a constitutional status. This means notably that the simple lack of regard for the Rules of Procedure could not, in itself, be cited in support of an appeal to the Constitutional Council.

Certain provisions of the Rules of Procedure however represent constitutional obligations and could as such not be ignored without calling into question the legality of the legislative procedure. In addition, the Constitution refers directly to the Rules of Procedure of the assemblies. This has been the case, since the constitutional revision of July 23, 2008, of articles 44 (the right of amendment may be used in plenary sitting or in committee under the conditions set down by the Rules of Procedure of the assemblies, according to the framework determined by an Institutional Act), 51-1 (the Rules of Procedure of each House shall determine the rights of the parliamentary groups: they shall recognize that opposition groups in the House concerned, as well as minority groups, have specific rights), and 51-2 (the conditions for the setting-up of commissions of inquiry are determined by the Rules of Procedure of each assembly).

2. – A highly regulated and monitored source

According to article 61 of the Constitution, the Rules of Procedure of the parliamentary assemblies must be compliant with the Constitution.

The obligatory and preliminary monitoring by the Constitutional Council marks a break with French constitutional tradition which, in accordance with the principle of the autonomy of the parliamentary assemblies, provided the assemblies with exclusive jurisdiction over their own Rules of Procedure. Michel Debré accepts this change in his memoirs: "*The monitoring of the Rules of Procedure of the assemblies is a vital measure...my experience allowed me to notice to what extent the Rules of Procedure add to the Constitution and in a way which is often detrimental for governmental authority and for the value of legislative work".* It was for this reason he wrote that "*a final precaution was taken. The Rules of Procedure of the parliamentary assemblies, before their implementation, will be submitted to the Constitutional Council which will thus have the power to strike out the articles which are contrary to fundamental law and its spirit".*

Henceforth, as Jean Gicquel writes, "*the assemblies are no longer masters of their own households*".

The texts which regulate the Rules of Procedure of the assemblies are both numerous and important as regards their contents.

The Constitutional Council thus decided that this requirement of compliance should be extended to the provisions of institutional acts concerning Parliament which were passed in application of the Constitution. In fact, the vast majority of such laws were decided upon by edict in the four months following the promulgation of the Constitution. They are innumerable and concern such important fields as the length of the powers of each assembly, the number of their members, their allowances, the conditions of eligibility and ineligibility as well as incompatibility, the conditions for the election of those replacing M.P.s in the case of a seat being made vacant, the regulation of proxy voting or the vote on the finance bill or of that governing the financing of social security. The Institutional Law of April 15, 2009, concerning the application of articles 34-1, 39 and 44 of the Constitution, deals, amongst other things, with provisions relating to the procedure on impact studies and the conditions for the tabling and the examination of resolutions and amendments.

The Constitutional Council also decided that the Ordinance of November 17, 1958 concerning the working of the parliamentary assemblies, which has a simple legislative status, took primacy over the Rules of Procedure of the assemblies. This clarification is significant, as this text, in addition to the traditional provisions concerning the premises provided to the parliamentary assemblies, their financial autonomy or their civil liability, contains other rules concerning, for example, commissions of inquiry, parliamentary petitions and delegations or, since 2009, the consultation of the *Conseil d'État* on a Member's bill.

The main lines of jurisprudence of the Constitutional Council were set down as early as the decisions concerning the definitive Rules of Procedure of the assemblies in the spring of 1959. As regards the extent of this monitoring, Pierre Avril and Jean Gicquel underline in their manual of parliamentary law that,

"*the jurisprudence of the Constitutional Council considers that the provisions of the Rules of Procedure which apply a constitutional rule must strictly respect the letter of that rule, without adding or subtracting anything, whilst those which are not, strictly speaking, in the field of constitutional provisions, must simply not enter into conflict with them*."

II. – MODES OF ADOPTION AND MODIFICATION OF THE RULES OF PROCEDURE OF THE NATIONAL ASSEMBLY

In this particular field, the initiative is strictly in the hands of the M.P.s in keeping with the principle of the autonomy of the parliamentary assemblies. In concrete terms, this means the tabling of a motion for resolution, which, to be admissible, must, according to article 82 of the Rules of Procedure of the National Assembly, "*formulate internal measures or decisions which, since they have to do with the operation and discipline of the Assembly, are entirely within its jurisdiction*".

The procedure of examination of such a motion is the same as that applicable to Members' bills on first reading. Once it has been tabled, the motion for resolution is examined by the Law Committee and adopted in plenary sitting.

The provisions of articles 34, 40 and 41 of the Constitution (financial inadmissibility and respect of matters for statute) are not applicable to such motions.

Since coming into force (which required three decisions of the Constitutional Council between May and July 1959), the Rules of Procedure of the National Assembly have been modified thirty-two times.

Among these modifications, have been, during the XIth term of Parliament, that of January 26, 1994 which aimed at improving legislative work by giving greater importance to the role of the standing committees, through the reduction of the role of the plenary sitting and the strengthening of the monitoring procedures. Also deserving mention is that of October 10, 1995 which implemented the consequences of the constitutional revision of August 1995 and that of October 3, 1996 which introduced clarifications regarding the laws governing the financing of the social security system and the monitoring powers of committees.

During the XIIth term of Parliament, the resolution of March 26, 2003 should be mentioned. It allowed the Conference of Presidents, upon the proposal of the President of the National Assembly, to set up fact-finding missions and recognized the opposition's right to hold the position of *rapporteur* or chair of a commission of inquiry set up on its own initiative.

The change of February 12, 2004 which provided for the presentation of a report on the implementation of laws six months after their entry on the statute book or on the application of the recommendations of committees of inquiry six

months after the publication of their reports was also important. So too was that of June 7, 2006 which limited the length of time for the introduction of procedural motions and set the time limit for the tabling of amendments at 5pm the preceding day.

Most of the modifications of the Rules of Procedure deal only with a few articles. Only eight motions have modified more than ten articles. These figures should be considered in the light of the changes carried out through the motion adopted, during the XIIIth term of Parliament, on May 27, 2009. Nearly one hundred and fifty articles were modified, introduced or repealed at this time. This reform, which had had no equivalent for over fifty years, implemented the Constitutional Act of July 23, 2008 and brought all the Rules of Procedure of the National Assembly up-to-date.

During the XIVth term of Parliament, the Motion of September 17, 2014 provided that political groups come together in the form of an association. The Motion of November 28, 2014, notably set down the universalization of the public nature of committee meetings, the establishment and the strengthening of the ethical obligations of M.P.s, the creation of the position of General *Rapporteur* of the Social Affairs Committee, as well as the improvement of the organization of sittings and the increasing of the rights of opposition and minority groups, in particular by means of a renewal in the mechanisms concerning the implementation of the “right to a turn”.

During the XVth term of Parliament, in addition to the resolution of October 11, 2017 limited to the method of election of members of the *Bureau* of the National Assembly, that of June 4, 2019 modified 52 articles of the Rules of Procedure and inserted nine new ones. In particular, it established the procedure known as legislation in committee, clarified the way in which the admissibility of amendments is checked, reformed procedural motions, increased the number of questions to the Government posed by opposition groups, allowed the group which exercises its “right to a turn” for the setting up of a commission of inquiry or a fact-finding mission to choose between the function of chair or *rapporteur*, improved the right of petition of citizens and reinforced the ethical obligations of M.P.s as well as the role of the Commissioner for Ethics.

III. – THE CONTENT OF THE RULES OF PROCEDURE OF THE NATIONAL ASSEMBLY

Generally speaking, the Rules of Procedure of parliamentary assemblies are meant to organize the internal working of the assemblies, to set out the procedures of deliberation and to determine the disciplinary rules which apply to their members.

The Rules of Procedure of the National Assembly contain 216 articles set out in four sections.

Title 1 concerns the organization and the working of the National Assembly and contains provisions dealing with the *Bureau*, the Office of the President, the political groups, the committees, appointments, the Conference of Presidents, the agenda, the holding of plenary sittings, the methods of voting and discipline.

Title 2 deals with the legislative procedure and looks successively at the ordinary legislative procedure, the legislative procedure to be applied to constitutional revisions, to finance bills and to bills governing the financing of the social security system (whose discussion in plenary sitting still deals with the Government text or with the text transmitted by the other assembly) as well as special legislative procedures (referendum motions, consultations concerning overseas territories, motions dealing with membership of the European Union, institutional acts, international treaties and agreements, declarations of war and military interventions abroad).

Title 3 focuses on parliamentary monitoring and describes the information, assessment and supervision procedures (Government statements, questions, motions in accordance with article 34-1 of the Constitution, commissions of inquiry, budgetary monitoring, the commission of assessment and monitoring of public policies, European affairs), motions of confidence concerning Government accountability and the criminal liability of the President of the Republic and members of Government (the High Court of Justice and the Court of Justice of the Republic).

Title 4 brings together miscellaneous provisions.

In accordance with its own articles 14 and 17, the Rules of Procedure of the National Assembly are specified and completed by the General Instruction of the *Bureau.*

IV. – THE APPLICATION OF THE RULES OF PROCEDURE OF THE NATIONAL ASSEMBLY

The President of the National Assembly applies the provisions of the Rules of Procedure. As Eugène Pierre explained in his aforementioned work, "*it is the duty of the President of the National Assembly to interpret the texts and to apply them to the various situations which might arise*". In doing so, he often makes reference to previous practices ("precedent"). The M.P.s may, at any moment, call for the respect of the Rules of Procedure by asking a point of order.

1. – Precedent

It can happen that during a plenary sitting, certain problems linked to the Rules of Procedure may arise. In this case, the President refers to a precedent in order to see how such a problem was dealt with in the past. The Table Office keeps an up-to-date record of such precedents. Reference to a precedent may

be useful in avoiding having to improvise decisions in the heat of the action, but it is not obligatory. In fact, even if the precedent enables the definition of a well-established 'jurisprudence' in a particular case, the President is not obliged to follow it. He maintains, in all cases, total liberty of decision.

It should however be stated that, in practice, precedents play an important role in the application of the provisions of the Rules of Procedure.

2. – Points of order

The M.P.s may, at any time, make a point of order; they have two minutes to do this. They are given the floor either immediately or at the end of the speech taking place. These requests have priority over the main issue and can lead to a suspension of the discussion.

Points of order must concern the Rules of Procedure or the running of the sitting. They may not call the set agenda into question. MPs must invoke the provision whose alleged disregard justifies a point of order. If these rules are not respected the President may deprive the speaker of the right to speak.

Points of order are regulated by article 58 of the Rules of Procedure. It may happen that the President replies by stating that he will refer the matter to the *Bureau* or to the Conference of Presidents. In practice, points of order are often used to make reference to an event without any clear link to the discussion or in order to slow down a discussion. They can then appear to be a means of filibustering. They are in fact, a right which the President and vice-presidents must handle with much dexterity.

In the framework of the set time limit procedure, which is based on the overall allocation of a maximum speaking time to each of the political groups, the time spent on points of order is counted when the President considers that such points clearly have no link with the Rules of Procedure or the running of the sitting. Nonetheless in its decision of June 25, 2009, the Constitutional Council judges that "*whilst the setting of time limits for the consideration of a bill in plenary sitting allows for the counting of the time spent particularly on requests for the adjournment of the sitting and on points of order, M.P.s may not be deprived of any possibility of calling upon the provisions of the Rules of Procedure so as to ask for the application of constitutional provisions".*

A – LEGISLATIVE WORK

File n°44

THE LAW: EXPRESSION OF THE LEGISLATIVE POWER OF PARLIAMENT

Key Points

The law is the expression of the general will.
The prerogative of initiating laws belongs to the Prime Minister and to parliamentarians.
In addition to the so-called "ordinary" laws, there are other categories of laws provided for by the Constitution. Specific rules and procedures apply to each of these categories.
All laws, except referendum laws, are passed by Parliament.
An enabling law may allow the Government to have temporary recourse to ordinances, in the area which is usually reserved to the legislative process.

I. – "ORDINARY" LAWS

"*The law is a commandment*", said Portalis, one of the authors of the Civil code.

A more institutional approach defines the law as a prescriptive text passed by Parliament, promulgated by the President of the Republic, if need be after a decision of the Constitutional Council, which sets rules and fundamental principles in the areas listed in article 34 of the Constitution. A law may also be passed by referendum, according to the rules laid down in article 11 of the Constitution. The prerogative of initiating laws belongs to the Prime Minister and to parliamentarians.

In all cases, as article 6 of the Declaration of the Rights of Man and the Citizen of 1789 states, the law is the expression of the general will.

The Constitutional Council, after having repeated the terms of article 6 of the 1789 Declaration, itself considered, from 2004 on, that "*the purpose of the law is to set down rules and it must therefore have a prescriptive scope*"[1].

[1]. *This principle was once again underlined in ruling 2018-766 DC of June 21, 2012 concerning the law on the election of members of the European Parliament: "According to article 6 of the Declaration of 1789, 'the Law is the expression of the general will'.*

In addition to the so-called “ordinary laws”, there are other categories of law provided for by the Constitution. Specific rules and procedures apply to each of these categories.

II. – SPECIFIC LAWS PASSED BY PARLIAMENT

1. – Constitutional Laws

Constitutional laws amend the Constitution according to the procedure set down in article 89 of the Constitution.

The initiative to amend the Constitution belongs to the President of the Republic, upon a proposal by the Prime Minister, as well as to M.P.s and Senators. The constitutional bill must be adopted in identical terms by the two assemblies. The revision becomes definitive once it has been approved by referendum. Nonetheless, if it is a Government sponsored bill, the President of the Republic may decide not to put it to a referendum but to the Parliament convened in Congress which must approve it by a majority of three fifths of the votes cast.

The area of constitutional revision has a double limitation. It is limited in:

- Time. No amendment procedure may be commenced or continued if the integrity of the territory is jeopardized or in the case of an interim presidency;

- Its field of application. Constitutional laws may not call into question the republican form of government.

2. – Institutional acts

Institutional acts set down the rules of organization and running of public authorities in the cases provided for in the Constitution.

Government and Members’ bills attempting to modify institutional acts or dealing with a matter upon which the Constitution has bestowed an institutional nature must contain in their title a direct reference to their nature. They may not contain provisions of any other nature.

The Constitutional Council decided that an institutional law “*may only deal with areas and subjects set down in a list by the Constitution*” (decision n° 87-234 DC of January 7, 1988) and stated further that “*in the text of an institutional act, the inclusion of provisions which are not of such a nature could distort the scope of such an act*” (decision n° 2005-519 DC of July 29, 2005).

“It stems from this article, as from all the other instruments with a constitutional value, that notwithstanding specific provisions laid down by the Constitution, the purpose of the law is to set down rules and it must therefore have a prescriptive scope”.

Nonetheless when non-institutional provisions are included in an institutional act, the Constitutional Council only “relegates” them i.e. downgrades them by giving them the value of “ordinary” laws (which means that they can be modified using the procedure which is applicable to ordinary laws).

Government and members’ institutional bills are submitted to a specific adoption procedure:

- Like ordinary laws they may only be examined by the first assembly in which they have been first tabled after a six-week limit has expired following their tabling. Nonetheless, in the case of the implementation of the accelerated procedure, there is a specific fifteen-day limit which is not the case for other laws;

- No amendment may be made nor article added to them which introduces provisions which are not of an institutional nature;

- In the case of a disagreement between the assemblies, the institutional act may only be passed on final reading by the National Assembly with the absolute majority of its members in favour;

- Institutional acts concerning the Senate must be passed in identical terms by the two assemblies. In 2009, the Constitutional Council limited the scope of the idea of institutional acts which “concerned the Senate” to the provisions which directly or specifically affected the Senate. An act does not “concern” the Senate when both of the assemblies are concerned by the same provisions;

- An institutional act may only be promulgated after a statement by the Constitutional Council of its conformity to the Constitution.

3. – Finance acts

There are four types of finance acts.

- The finance act of the year (often called the “initial” finance law) which every year lays down the resources, the expenditure and the amount of the state budget surplus or deficit;

- The “corrected” finance act, the aim of which is mainly to adjust the forecasts for resources for the current year or to modify expenditure and its distribution;

- The end-of-management finance act, created by Institutional Law n°2021-1836 of December 21, 2021 relating to the modernization of public finance management, which aims to perpetuate the practice of supplementary end-of-year budgets. This law cannot include any tax measure;

- The law relating to the results of management and approving the accounts for the year which notes the financial results of the past year. The title of this so-called “settlement” law was modified by the aforementioned institutional law of December 21, 2021 in order to emphasize the importance of the work related to the assessment of public policies during its examination.

In accordance with article 39 of the Constitution, finance bills are presented first to the National Assembly. The Constitutional Council decided that the same would apply to amendments which, in this particular case, include new measures (decisions n° 76-73 DC of December 28, 1976 and n° 2006-544 of December 14, 2006).

The finance law for the year is passed in two distinct parts; first of all that concerning resources and the general balance and then that dealing with expenditure and measures having no effect on the balance. The finance bill is submitted for a single reading in each assembly before the Government can convene the meeting of a joint committee in charge of suggesting a text on the provisions remaining in discussion.

The Parliament has a time limit of 70 days to announce its decision (40 days for first reading at the National Assembly and 15 or 20 days for first reading at the Senate). If Parliament has not reached a decision within this limit, then the provisions of the bill may be enforced by ordinance.

4. – SOCIAL SECURITY FINANCING ACTS

The social security financing acts are a category of laws introduced by the constitutional revision of February 22, 1996. They determine the general conditions of the financial balance of the social security and, by taking into account the forecast for its revenue, set the objectives for its spending. They also determine the main direction of health and social security policy and forecast, for each category, the revenue of all the basic obligatory schemes whose expenditure objectives are set for each branch.

The social security financing bills are examined every year in the autumn, according to similar rules of procedure as those applicable to the finance bills. They are first tabled in the National Assembly and the same applies to amendments which, in this case, include new measures. Parliament has a limit of 50 days in which to reach a decision (20 days for first reading at the National Assembly and 15 days for first reading at the Senate). If Parliament has not reached a decision within this 50-day limit, then the provisions of the bill may be enforced by ordinance.

The social security financing bills had, up to 2022, four parts: the first corresponds to the settlement law, the second to the “corrected” financing law for the current year, the third brings together all the revenue for the coming year and the fourth, all the expenditure.

This four-part structure will nevertheless disappear, with Institutional Law n°. 2022-354 of March 14, 2022 relating to social security financing laws having created a new category of social security financing law modelled on the laws relating to the results of management and approving the accounts for the year: the law approving social security accounts (LACSS), the filing of which must take place no later than June 1 of each year and which sets out the provisions previously appearing in the first part of the social security financing law, relating to the closed financial year. The first approval law will be examined during the year 2023, to close the accounts for the 2022 financial year. As for the social security financing law for 2024, it will only include three parts.

In addition, supplementary "corrected" financing laws may, during the year, modify the provisions of the social security financing laws for the particular year. The use of such laws is nonetheless very limited: in twenty-five years, only two "corrected" financing laws have been passed by Parliament (in 2011 and 2014).

5. – Programming laws

Programming laws (which replace laws which were formerly called "programme" laws since the constitutional act of July 23, 2008) determine the objectives of the action of the State in a precise area (national education, research, military spending etc.) for a period of several years (often five) as well as the financial means it intends investing.

However, the corresponding credits can only be provided by a finance act passed for each budgetary year. The programming laws thus do not have a prescriptive or an obligatory nature from a financial point of view. However plans approved of by Parliament which set down long term objectives may receive financial commitments from the State, although this procedure on planning laws has fallen into abeyance (the last law of this type was that of July 10, 1989 which approved the tenth plan).

Finally, since the constitutional revision of July 23, 2008, programming laws define the multi-annual orientations of public finances. A public finance programming law was thus passed in January 2018[1], to set the budgetary guidelines for the years 2018 to 2022.

6. – Laws authorizing the ratification of treaties

Treaties and agreements which are legally ratified or approved have, as of their publication, a superior authority to that of laws, provided of course that each agreement or treaty is applied by the other party.

[1] *Law n° 2018-32 of January 22 – the public finance programming law for 2018-2022.*

The treaties and agreements, dealing with the fields listed in article 53 of the Constitution, can only be ratified by the President of the Republic after a vote authorizing him to do so. Such treaties include peace treaties, trade treaties, treaties or agreements concerning the organization of international affairs, those involving State finances, those which modify provisions which are a matter for statute, those concerning the status of persons and those dealing with the transfer, exchange or addition of territory.

During the examination by the assemblies of the ratification bill, the articles contained in the treaties or the agreements submitted for ratification are not voted upon. No amendment may be tabled on the text of a treaty. The National Assembly may only vote in favour of or against the ratification of the bill.

If the Constitutional Council, having received a referral by the President of the Republic, the Prime Minister, the President of either assembly or by sixty M.P.s or sixty Senators, declares that an international commitment includes a clause running contrary to the Constitution, the authorization to ratify or approve that international commitment can only be passed after a revision of the Constitution.

III. – LAWS NOT PASSED BY PARLIAMENT: REFERENDUM LAWS

Article 11 of the Constitution does not use the term “referendum laws” but it does make provision that in certain fields a Government bill be put to referendum, i.e. to all voters. As they are passed by universal suffrage, referendum laws are not subject to the monitoring of their constitutionality (decision of the Constitutional Council of November 6, 1962).

The bill to be put to referendum must deal with the organization of public authorities, with reforms relating to the economic, social or environmental policy of the Nation and the public services involved, or provide for authorization to ratify a treaty that, although not contrary to the Constitution, would affect the functioning of the institutions.

The decision to hold a referendum is taken by the President of the Republic, upon a proposal of the Prime Minister during a parliamentary session or upon a joint proposal by the two assemblies. In practice Parliament has never used its right to initiate a referendum. As for Government, its proposal has, more often than not, been purely a matter of form as the real initiative comes from the President of the Republic.

The Constitutional Law of July 23, 2008 modified article 11 of the Constitution so as to introduce the aforementioned reference to bills dealing with the environmental policy of the Nation but also in order to set down a new means of calling a referendum. Henceforth, a referendum may now be held on the initiative of one fifth of the members of Parliament, supported by one tenth of the voters enrolled on the electoral register. This initiative takes the form of a Member’s bill but cannot have as its objective the repeal of a legislative provision

which has been promulgated less than a year previously. If this Member's bill has not been examined at least once by the two assemblies within a time limit of six months as of the decision of the Constitutional Council declaring that it has indeed received the support of at least one tenth of the voters, the President of the Republic shall submit it to a referendum.

In addition to the procedure provided for by article 89 of the Constitution, General de Gaulle had recourse to the referendum law procedure in order to revise the Constitution so as to introduce the election of the President of the Republic by universal suffrage (Constitutional Act of November 6, 1962).

IV. – THE SPECIAL CASE OF ENABLING ACTS

In accordance with article 38 of the Constitution, the Government may request the Parliament for the authorization to take measures by ordinance that are normally a matter for statute. The authorization is granted by a law which sets the time limit for such a situation, as well as its purpose and the areas in which the Government intends to take measures.

The ordinances are taken in Council of Ministers, after consultation with the *Conseil d'État*. They may only be ratified in explicit terms. They come into force as soon as they are published but they lapse if a ratification bill is not tabled before the Parliament before the date set by the enabling act. At the end of the time limit mentioned in the enabling law passed by Parliament, the ordinances may only be modified by the law for matters falling within its ambit of statute.

File n°45

THE LEGISLATIVE FIELD

Key Points

The 1958 Constitution made a distinction between a legislative field and a regulatory field was a new concept at the time.
Article 34 of the Constitution which defines the legislative field however leaves quite a broad scope for that particular area.
In addition, the jurisprudence of the Constitutional Council and institutional practice have enabled the legislative field to be progressively broadened

I. – THE DEFINITION OF THE LEGISLATIVE FIELD

During the Third and Fourth Republics, the law was defined in a formal way: it was an act passed by Parliament according to the legislative procedure and promulgated by the President of the Republic. The legislative field (matters for statute) had no boundaries. A law could deal with any subject and could even be applied to an individual case. A legislative act could only be modified by another legislative act.

The regulatory power of Government was essentially a power to implement the laws. There was no difference in field between the "law" and "regulation", only a difference in form: the law was an act passed by Parliament and regulations came from the executive. The absolute supremacy of the law, as an expression of the will of the Nation, was conveyed by the inadmissibility of any appeal against the law before a court.

In 1958, the framers of the Constitution of the Fifth Republic wished to protect the very field of Government action and to remove from the legislative field many questions which were more rightly matters for administration or the everyday management of public affairs. In his memoirs, Michel Debré had no doubt that these provisions witnessed "*the birth of a high-quality form of parliamentarianism*". He explained this in front of the *Conseil d'État*: "*From the point of view of principles the definition is normal and it is indeed the confusion between law, regulation and even individual measures which is absurd*".

The Constitution of the Fifth Republic defines the legislative field. Article 34 distinguishes matters for which Parliament sets rules and those for which it determines the fundamental principles.

Until 2008, the “law” or “statutes” set the rules concerning:

- Civic rights and the fundamental guarantees granted to citizens for the exercise of their public liberties; the obligations imposed for the purposes of national defence upon citizens in respect of their persons and their property;

- Nationality, the status and legal capacity of persons, matrimonial regimes, inheritance and gifts;

- The definition of serious crimes and other major offences and the penalties applicable to them; criminal procedure; amnesty; the establishment of new classes of courts and tribunals and the regulations governing the members of the judiciary;

- The base, rates and methods of collection of taxes of all types; the issue of currency;

- The electoral systems of parliamentary assemblies and local assemblies;

- The creation of categories of public establishments;

- The fundamental guarantees granted to civil and military personnel employed by the State;

- The nationalization of enterprises and transfers of ownership in enterprises from the public to the private sector.

- The “law” or “statutes” set the fundamental principles of:

- The general organization of national defence;

- The self-government of territorial units, their powers and their resources;

- Education;

- The preservation of the environment (introduced by the Constitutional Law of March 1, 2005);

- The regime governing ownership, rights *in rem* and civil and commercial obligations;

- Labour law, trade-union law and social security.

The preservation of the environment was added to the list of fundamental principles by article 34 of the Constitutional Law of March 1, 2005 relating to the Environmental Charter.

Article 34 also stated that “*Finance Acts shall determine the resources and obligations of the State in the manner and with the reservations specified in*

an institutional Act", and, since the Constitutional Law n°96-138 of February 22, 1996 that "*social security financing Acts shall determine the general conditions for the financial balance of social security and, in the light of their revenue forecasts, shall determine expenditure targets*". Programme Acts were provided with the role of determining the objectives of the economic and social action of the State.

II. – THE EXTENSION OF THE LEGISLATIVE FIELD

The legislative field has its limits and yet is quite broad. It has gradually been widened on account of the double effect of the liberal jurisprudence of the Constitutional Council and the desire of the framers of the constitutional reform of 2008.

The jurisprudence of the Constitutional Council has led to the *de facto* extension of the legislative field.

The Constitutional Council recalled that the field set down by article 34 was not exhaustive; other articles of the Constitution and indeed its preamble also lay down legislative matters (declaration of war, state of siege, the authorization of the ratification of certain treaties, the provisions of articles 72-74 concerning territorial units). The Charter for the Environment which refers to the "law" (in particular in articles 3, 4 and 7) also broadens the field of the legislator.

In addition, the Constitutional Council prevents the legislator from abandoning or neglecting his own field:

- By stating that the legislator cannot take away the legal guarantee of a rule, a principle or an objective with a constitutional value (decision n° 85-185 DC of January 18, 1985);

- By considering that the legislator cannot rely on regulation to clarify certain provisions that the Constitution imposes on him to define himself. Thus, through the penalty of "negative incompetence" the Constitutional Council has ensured for quite some time that the law does include certain characteristics.

This is especially the case since the Constitutional Council does not allow for the intervention of the legislative field in the regulatory: in an important decision (n° 82-143 DC) on July 30, 1982 it decided that "*through articles 34 and 37, paragraph one, the Constitution had not intended to declare the unconstitutionality of a provision of a regulatory nature contained in a law, but had wished to recognize that beside the field reserved for legislative instruments there was a separate field in which the regulatory authority had competence, and to provide the Government, through the implementation of the specific procedures of articles 37, paragraph 2 and 41, with the power to ensure the protection of the regulatory field from the possibility of encroachment by the legislative field*".

On their side, the framers of the constitutional reform finally decided to extend the scope of the legislative field in July 2008.

Thus, article one of the Constitution henceforth permits the law to promote equal access by women and men not only to elective offices and posts but also to positions of professional and social responsibility.

Article 4 provides that the law shall guarantee the expression of diverse opinions and the equitable participation of political parties and groups in the democratic life of the Nation.

In accordance with article 51-2 the law shall determine the rules of organization and operation of committees of inquiry.

The following have been added to article 34:

- The freedom, diversity and the independence of the media;
- The system for electing representative bodies of French nationals living abroad;
- The conditions for holding elective offices and positions for the members of the deliberative assemblies of the territorial communities;
- The multiannual guidelines for public finances.

The legislative field was extended at the same time to the setting-up of new procedures. Thus, the following fall within the scope of the legislator:

- Appointments to the posts or positions, concerning which, on account of their importance in the guaranteeing of the rights and freedoms or the economic and social life of the Nation, the power of appointment vested in the President of the Republic shall be exercised after public consultation with the relevant standing committee in each assembly (article 13 of the Constitution);
- The composition, organization and working of the independent commission in charge of giving an opinion on the bills defining the constituencies for the election of Members of the National Assembly or modifying the distribution of the seats of Members of the National Assembly or of Senators (article 25).

III. – THE PROTECTION OF THE LEGISLATIVE AND REGULATORY FIELDS RESPECTIVELY

The definition of the legislative field goes hand in hand with the recognition of an autonomous regulatory power and with provisions which allow the protection of the limits which have been so-defined between the remit of the legislator and the rest.

1. – The regulatory field

That which does not fall within the legislative field, falls within the regulatory field. Article 37 is thus an extension of article 34: it defines the regulatory field within which the Government may make decrees, i.e. everything which is not specifically listed in the legislative field.

Article 37 opens up a broad field of action to the regulatory power, not only as regards the application of the law but also in matters which are in principle excluded from the legislative field. This is why a distinction is drawn between the regulatory power dealing with the application of laws and the "autonomous" regulatory power which is defined by exclusion from matters which are for statute as listed in article 34. For example: civil procedure falls exclusively within the regulatory field, as well as the rules concerning fines, for which it is not possible to make provision for custodial measures.

2. – Inadmissibility (article 41 of the Constitution)

Article 41 of the Constitution allows the Government, as well as, since the Constitutional Act of July 23, 2008, the President of the relevant assembly, to object, during the legislative procedure, to Members' bills and to amendments which do not fall within the legislative field, on the grounds of inadmissibility.

This procedure which was frequently used at the beginning of the Vth Republic has been very sparsely implemented since 1980. Inadmissibility was, for example, raised by the Government during a debate on the bill concerning territorial development in 1994. During the consideration of a bill concerning the regulation of postal activities in 2005, the President of the National Assembly declared inadmissible, upon the request of the Government, 14 587 amendments during first reading and 101 during second reading.

In the case of a disagreement between the Government and the President of the relevant assembly the matter is referred to the Constitutional Council which delivers a judgment within eight days.

This procedure has been rarely used since the beginning of the Vth Republic. Only 11 decisions concerning such admissibility have been taken by the Constitutional Council since 1958.

3. – The procedure of "delegalisation" (article 37, paragraph 2 of the Constitution)

When a law has been passed in an area falling within the field of regulation, a procedure of "delegalisation" can be implemented to enable the Government to modify its provisions. This procedure avoids systematically having to return to Parliament to modify texts which are of a statutory origin but of a regulatory nature.

The procedure begins with a referral of the matter to the Constitutional Council, which, if it recognizes the regulatory nature of the text, will authorize its modification by decree. Texts of a legislative nature dating from before 1958 can be directly modified by decree after consultation of the *Conseil d'État*.

In the vast majority of the decisions handed down by the Constitutional Council, it has acceded to the request of the Prime Minister and has allowed the "delegalisation" of the provisions which were submitted to it: between 1958 and 2022, referrals were made to the Constitutional Council 297 times with a request for declassification and it declared the provisions before it of a completely regulatory nature in 225 cases (75.7%), of a partially regulatory nature in 60 cases (20.2%) and of a legislative nature in only 12 cases (4.1%).

File n°46

THE LEGISLATIVE PROCEDURE

Key Points

The legislative procedure has three main phases: the tabling of a bill, its examination by Parliament and its promulgation by the President of the Republic (after a possible referral to the Constitutional Council for the examination of its conformity with the Constitution).
The overriding spirit behind it is the search for consensus between the two assemblies:
– The bill follows a to-and-fro movement between the National Assembly and the Senate, during which the only articles which remain in discussion are those which have not been passed in identical terms by the two assemblies: this is referred to as "the shuttle";
– If the shuttle does not lead to the passing of a common text by the two assemblies or if it takes too much time, the Government can decide to resort to an arbitration procedure by convening a joint committee made up of seven M.P.s and seven Senators. In the case of Members' bills, the presidents of the two assemblies may also convene such a committee. These joint committees are entrusted with the task of drawing up a compromise bill which the Government can submit to the two assemblies.
If the arbitration procedure fails, the Government will generally use the possibility it has of giving the final say to the National Assembly.
The moment it is passed, the bill is transmitted to the General Secretariat of the Government which presents it to the President of the Republic for signature and promulgation. However the promulgation can be delayed if the bill is referred to the Constitutional Council for it to check its conformity to the Constitution (it can even be stopped, if the Constitutional Council declares it unconstitutional), or if, under exceptional circumstances, the President of the Republic requests a new deliberation.

I. – THE TABLING OF THE BILL

The prerogative of initiating laws belongs to the Prime Minister and to M.P.s and Senators. Bills initiated by the Prime Minister are called "*projets de loi*" or Government bills, whilst those initiated by parliamentarians are referred to as "*propositions de loi*" or Members' bills.

Before being examined, each bill is tabled. This requires following a number of prior formalities:

- For Government bills, tabling is preceded by consultation of the *Conseil d'État* for its opinion. In this case the *Conseil d'État* acts as an adviser to the Government and not as an administrative court. This is followed by deliberation in the Council of Ministers;

- Members' bills may be tabled by one or several M.P.s or one or several Senators, on the condition that their adoption does not have the consequence of either a diminution of public resources or the creation or increase of an item of public expenditure (article 40 of the Constitution): the *Bureau* of each assembly has the responsibility of checking the financial admissibility of Members' bills. Since the constitutional revision of 2008, paragraphs of article 39 of the Constitution enables the President of either assembly to submit a member's bill to the *Conseil d'Etat* for opinion unless the author opposes this procedure.

Finance bills and social security financing bills must be first tabled in the National Assembly. On the contrary, bills which deal principally with the organization of territorial units are, first of all, introduced in the Senate (article 39, paragraph 2 of the Constitution). Outside of these cases, the examination of a bill can begin in either of the two assemblies.

Following its tabling, which requires official public notice, each bill is printed and sent for examination to a standing committee or an *ad hoc* committee.

The Government and Members' bills are divided into two parts:

- The presentation of the case, in which the arguments of the bill's author are put forward with the support of modifications and any new legislative provisions envisaged;

- The main body, drawn up in article form with each article clearly and successively numbered. This is the prescriptive section and will be the only part submitted for examination by the two assemblies. The object of each article is either to remove or modify a provision of a law already in force or to enact a new legislative provision.

Since the constitutional revision of July 23, 2008, Government bills must follow certain conditions concerning presentation which were laid down in an institutional act dating from April 15, 2009. When they are tabled, such bills must be accompanied by an impact study which sets out the desired objectives, presents the motives for the introduction of new legislation, describes the current state of the law in the relevant field, situates the bill in the context of European law, assesses the economic, financial, social and environmental consequences of the bill, as well as examining the application measures envisaged along with their consequences. If the Conference of Presidents of the assembly before which the bill has been presented decides that, within a ten-day period dating

from the tabling of the bill, the conditions concerning presentation have not been respected, then the bill cannot be included on the agenda. In the case of disagreement between the Conference of Presidents and the Government, the matter may be referred to the Constitutional Council by the Prime Minister or the president of the relevant assembly. The Constitutional Council makes a ruling within eight days.

II. – THE SHUTTLE

Each Government or Members' bill is examined successively by the two assemblies of Parliament with the view to passing an identical text. A bill passed in identical terms by the two assemblies is definitive: it constitutes the letter of the law.

The procedure which leads to the definitive adoption of a bill consists of a to-and-fro movement between the two assemblies (hence the term "shuttle"). Each assembly is called upon to examine and possibly to modify the bill adopted by the other. At each stage only the articles over which there is divergence remain in discussion. The shuttle comes to an end when one of the two assemblies passes the bill without modification and with all its articles, as it has been previously passed by the other assembly. Each examination by an assembly is called a "reading".

1. – Examination in first reading

Examination in first reading of a bill tabled before an assembly includes several stages: examination by a committee, inclusion on the agenda and finally, discussion in plenary sitting at the end of which the bill will be transmitted to the other assembly. This transmission of the bill to the other assembly initiates the shuttle.

The procedure which is described hereafter is that followed by the National Assembly. This procedure is mostly the same at the Senate although there are some differences, not always small ones, in the procedures of the two assemblies.

a. Examination in Committee

Once a bill has been tabled it is sent for examination to a committee. Except in the case of the setting-up of an *ad-hoc* committee, i.e. a committee specially created for the examination of a particular Government or Member's bill, this examination is carried out by one of the eight standing committees of the National Assembly (seven in the Senate).

The referral of the bill to one or another of the standing committees is carried out by the President of the National Assembly according to their respective remits as they are laid down in the Rules of Procedure of the National

Assembly. One or several other standing committees may refer the matter to themselves for consultation.

The committee to which the text is referred (called the lead committee) appoints from amongst its members a *rapporteur*, who is responsible for presenting, on its behalf, a report which will be printed, distributed and made available on-line. One of the main tasks of the *rapporteur* is to interview the representatives of the various organizations (trade unions, associations etc) concerned by the bill of which he is in charge.

Since 2019 and barring exceptions (constitutional, finance or social security financing bills), the opinions delivered by the opinion committees are annexed to the report of the committee responsible.

It has also been accepted since 2019 that the lead committee can take the initiative of seeking the opinion of another standing committee on part of a text submitted to it. The practice is that, in this case commonly referred to as "delegation of articles", the lead committee then takes up the amendments presented by the committee asked for opinion, so that these are integrated into the text which will serve as a basis for discussion in plenary sitting.

On the basis of the last paragraph of article 39 of the Constitution in the wording subsequent to Constitutional Law of July 23, 2008 and of article 4 *bis* of the Ordinance of November 17, 1958 concerning the functioning of the parliamentary assemblies, the President of an assembly may now submit a member's bill to the *Conseil d'Etat* before its examination in committee unless the author disagrees.

The committee may carry out preliminary hearings before the consideration of the bill. The rules applying to this consideration, whether it be its organization or the admissibility of amendments, are similar to those concerning the plenary sitting. The Government has the automatic right to be represented during the proceedings of the committee. At the end of such proceedings the lead committee adopts a report which presents its conclusions. Since the constitutional revision of July 23, 2008, the discussion in plenary sitting is carried out, except in the cases of constitutional bills, finance bills and social security financing bills, on the text which has been adopted in committee and not on the text which was originally tabled or transmitted. Thus, the committee may:

- Propose a new text which includes the M.P.s' or Government amendments which the committee has accepted;

- Adopt the text in its original version;

- Reject the text.

If the committee presents no text at all, the discussion in plenary sitting will be carried out on the original text.

b. Inclusion on the Agenda

In order to be discussed in plenary sitting, a Government or Member's bill must be included on the agenda of the assembly.

Since the constitutional revision of July 23, 2008, the Constitution provides for a minimum time period of six weeks between the tabling of a bill and its consideration in plenary sitting (four weeks for bills transmitted by the other assembly). These limits are not applied to finance bills, to social security financing bills or to bills concerning states of crisis. They are not applied either if the Government decides to implement the accelerated procedure (in this case a minimum period of fifteen days is maintained only for Government or Members' institutional bills) or the two Conferences of Presidents have not jointly opposed such a procedure.

Since the 2008 revision, the Constitution has introduced a sharing of the agenda which is set by each assembly:

- Two weeks out of four are given over to a priority agenda set by the Government. According to this priority, the Government decides upon the list of bills it wishes to see included on the agenda and determines the order in which they will be discussed, as well as the date of their consideration. So as to ensure a smooth planning of the business, the Government gives prior warning to the assemblies and in particular to their standing committees;

- One week out of four is given over in priority to monitoring Government action and to public policy assessment;

- One week out of four is given over to a legislative agenda set by each assembly;

- One day per month is devoted to an agenda reserved for opposition and minority group initiatives.

According to the Constitution certain bills will always have priority. The Government can thus have finance bills and social security financing bills included on the agenda during the "assembly" or the monitoring weeks. It can also include bills transmitted by the other assembly more than six weeks previously and bills relating to states of crisis during the "assembly" weeks.

In addition, practice has shown that the respective areas of the monitoring and the "assembly" weeks are not totally reserved: the majority group may request the inclusion of Government bills and may even ask for the holding of a debate during the Assembly's legislative week and in the other direction, the slots available during the monitoring weeks are sometimes used for a legislative agenda.

c. Examination in Plenary Sitting

The discussion in plenary sitting takes place in two phases: the general examination phase and the detailed examination phase. The Conference of Presidents may organize either the general examination phase or the entire discussion.

- The general examination phase

The general examination phase is essentially a presentation phase. The chairman of the sitting, after having called the bill on the agenda, gives the floor to the Government which is usually represented by the minister concerned by the discussion and, in the case of the delegation of articles to the *rapporteur* of the committee fro then to the *rapporteur* of the committee asked for opinion. For the discussion on first reading of members' bills, the floor is, first of all given to the *rapporteur*. Since 2019, unless otherwise decided by the Conference of Presidents, the duration of the *rapporteur's* speech cannot exceed ten minutes.

During this phase of the examination, a preliminary rejection motion may also be introduced, whose adoption, which is very unusual, leads to the rejection of the bill before the detailed examination of the bill has even begun. Motions of referral to committee and to adjourn were removed by the 2019 revision of the Rules

Since this same revision, the principle that the Conference of Presidents organizes the general discussion on a bill, setting an overall time limit for the discussion, divided then between the political groups according to their membership, has been dropped.

It now allocates, depending on the texts, speaking time of five or ten minutes to each group. A Member who does not belong to any group may speak for a duration which is always equal to five minutes. The Conference of Presidents retains the possibility of allocating a different duration and number of speakers for a specific text.

The M.P.s are enrolled for the general discussion by the chairman of their political group and the order of speaking is decided upon by the President of the National Assembly. An alternation between the political groups is respected.

- The detailed examination phase

The detailed examination phase consists of the discussion of the bill article by article.

- **The examination of the articles.**

Amendments may be introduced by all the participants in the debate: the Government, the lead committee and M.P.s acting in a personal capacity. For the smooth running of the debates, the amendments, with the exception of those presented by Government or the lead committee, must be tabled, unless the Conference of Presidents decides otherwise, at the latest, by 5pm on the third working day preceding the beginning of the consideration of the bill in plenary sitting (specific limits apply to the discussion of finance bills). With the exception of Government amendments, all amendments must fall within, just as Members' bills, the conditions of financial admissibility. They must also respect the provisions of article 41 of the Constitution, i.e. fall within the ambit of statute and not be contrary to a delegation of power given to the Government in accordance with article 38. Every amendment may be admissible on first reading provided that it has a link, even an indirect one, with the bill under consideration.

The chair of the sitting calls the articles in their numbered order, except in exceptional circumstances when some articles may be deferred or have priority. The discussion deals with each article and with all the amendments concerning it. The M.P.s may enrol, first of all, for two minutes, in the discussion of an article, subject to a maximum of one speaker per group and one speaker not belonging to any group.

The floor is given to the author of the amendment, then to the *rapporteur* of the lead committee and if the need arises, (or to the *rapporteur* of the consultative committee, if there has been a "delegation of articles"), as well as to the minister, so that they may give their opinion, and finally to two speakers, of whom at least one must oppose the amendment.

The Rules of Procedure authorize the chair of the sitting to give the floor to only one speaker per group to defend a series of identical amendments, the Constitutional Council having however considered that this limitation could only be implemented "to prevent improper use by M.P.s of the same group, of speaking time on the amendments of which they are the authors". The duration of these speeches other than those of the Government cannot exceed two minutes.

After these speeches, the chair of the sitting calls the amendments.

The order of calling the amendments is of great importance in the running of the debate, if only because the adoption of one solution automatically entails the elimination of other counter solutions. The basic principles of the discussion of amendments leads to the notion of moving from the general to the specific: the suppression of an article is called before the suppression of a paragraph, the suppression of a paragraph is called before that of a sentence included in that paragraph etc. When several amendments deal with the same part of a text, they are called according to how far they differ from the original text. The amendments are discussed and then voted upon one by one following the order ensuing from these principles.

Since 2019, MPs have had the possibility of submitting written contributions to express their opinion on a text included on the order paper, on one of its articles or on an amendment. The written contributions, which are of a personal nature, are appended to the report of the debates. The maximum number of written contributions that can be submitted per session by each Member is decided by the Conference of Presidents (it is currently set at five).

- **Votes.**

After the discussion of the last amendment presented on an article, the assembly votes on this article, which may have been modified, and the discussion of the bill continues in the same way, article by article, until the final one.

At the end of the examination of the articles, a second deliberation on all or part of the bill may be held. This second deliberation is held of right upon the request of the Government or the committee. The chairman of the sitting then puts the whole of the bill, which may be modified by the amendments previously adopted, to a vote. This final vote may be preceded by an explanation of vote, which is granted to one speaker per group for five minutes.

Votes are normally held by show of hands. In the case of doubt concerning a result by show of hands, the chairman of the sitting requires a sitting or standing vote. In either case there is no detail given in the official report of the debate on the way the MPs present have voted. This is not the case for public ballots, which can be requested by the Government, the chairman or the *rapporteur* of the committee, the chairmen of political groups or their representatives as well as by the chairman of the sitting. For certain important bills, the Conference of Presidents itself decides on a public ballot, setting its date at a time when all M.P.s might be present. This type of ballot is called a “solemn” or formal vote. Since 2019, the Conference of Presidents has had the possibility of dissociating the explanations of vote – which then take place at the end of the examination of the articles – from the vote by public ballot on the entire text, (which generally takes place on Tuesdays, after Government Question Time.

- **“Set Time Limit for Debate”.**

Since the reform of the Rules of Procedure of the National Assembly of May 27, 2009, the Conference of Presidents may also decide, under certain conditions, on the application of a “set time limit for debate” on bills. This possibility was introduced by the Institutional Law of April 15, 2009 on the basis of article 44 of the Constitution in its wording subsequent to the constitutional revision of July 23, 2008.

This involves the setting of a maximum time limit for the consideration of a whole bill with 60% of the time allotted to the opposition groups. This allocation is then divided up between the opposition groups proportionally according to their size. The rest of the time is divided up in the same way between the other groups. Non-aligned members have a specific speaking time.

All speeches made by M.P.s are counted in the time allotted to their group with the exception of those of the chairs of groups (who each have an individual time of one hour), of the *rapporteurs* on the provisions which concern them. The chairs of groups have the possibility of ceding half of their speaking time to an M.P. in their group who has been designated for the entire reading of the bill.

The chairs of groups may automatically request (and obtain) that a minimum time limit be given over to a bill considered according to this procedure and once per session they may obtain an extraordinary extension of this time limit within a maximum time period. These minimum and maximum time limits have been respectively set at twenty and forty hours by the Conference of Presidents which, at any moment, may increase the limit planned for the consideration of a bill if it considers that such a limit is insufficient.

A group chair may also automatically obtain, once during the twelve months following the start of an ordinary session, an extension of the time allocated to his/her group alone (based on the current 40-hour scale).

When the “set time limit for debate” procedure is applied, the length of the general discussion is not limited and depends upon the length of time which the different groups wish to devote to it. The speaking time on each article, just as that for the defence of each amendment, is not limited either, except for M.P.s who do not belong to any group, whose speeches may not exceed five minutes. However, when a group has used up its allotted time, its members will no longer be granted leave to speak and its amendments are put to a vote without debate.

Additional time is allowed to each group and to non-aligned members, upon the request of a group chairman or to his/her delegate, when the Government or a lead committee table an amendment after the expiry of the limits applicable to M.P.s. This additional time may only be used concerning the article or additional article to which the late amendment refers.

When the “set time limit for debate” procedure is applied, all the M.P.s who so wish, have two minutes at the end of the examination of the articles, to give a personal explanation of their vote and this time is not deducted from the overall time of their group.

If the chairman of a group is opposed to it, the “set time limit for debate” procedure cannot be applied when the discussion of a bill on first reading occurs less than six weeks after its tabling or four weeks after its transmission.

2. – Transmission and successive readings

The bill, once adopted by the first assembly to which it was referred, is transmitted without delay to the other assembly which, in turn, examines it, on first reading, according to the same method: examination in committee, inclusion on the agenda, discussion in plenary sitting.

If the second assembly adopts all the articles of the bill without modification, then the bill is passed definitively.

If this is not the case, then the shuttle between the two assemblies carries on. As of the second reading, the articles which have been previously adopted in identical terms by the two assemblies are no longer voted upon: the shuttle no longer deals with such articles now referred to as “in conformity”. The only articles which remain in discussion are those upon which the two assemblies have not reached agreement on a common text. After the first reading, the rule of of the “*entonnoir”,* (“funnel”) is applied: amendments must have a direct link with a provision which is still under consideration and the only exceptions concern amendments dealing with the respect of the Constitution, those which are coordinated with bills being considered and those which correct a material mistake. The shuttle continues for a second, third, fourth reading or even more as long as all the articles have not been adopted in the same terms.

Nonetheless, the 1958 Constitution introduced an arbitration procedure which allows the Government to speed up the definitive vote on a bill by interrupting the normal course of the shuttle.

III. – RECOURSE TO THE ARBITRATION PROCEDURE: THE JOINT COMMITTEE

This arbitration procedure, after two readings of a bill in the two assemblies (or a single reading if the Government has announced in advance the implementation of the accelerated procedure), consists in convening a meeting of a committee with seven M.P.s and seven Senators (plus an equal number of substitutes) from which we get the name ‘joint committee’ (CMP).

The political make-up of these CMPs must reflect the composition of the assemblies. Since 2019, the Rules of Procedure of the National Assembly provide that the designation of representatives in joint committees “must ensure, provided that the group which has the greatest number of incumbent seats retains at least one substitute seat, that each group has at least one full or substitute seat.

In practice, during the XVth term of Parliament of the National Assembly, the ruling majority always benefited from five permanent positions (4 LaRem M.P.s; 1 MoDem M.P.) and the number of groups never allowed all of them to have at least one position. An alternation between the groups was therefore decided by the Conference of Presidents. In the Senate, the membership of the CMPs is not fixed but always reflects a balance of four Senators from the majority party in the Senate and three from the opposition. This applies both to the appointed members and to their substitutes.

This committee appoints its *Bureau*. The chairman of the joint committee is traditionally the chairman of the lead committee of the assembly where the joint committee meetings are held. The deputy-chairman is traditionally the chairman

of the lead committee in the other assembly. The *Bureau* is also made up of two *rapporteurs*, one M.P. and one Senator, who are in charge of making a report on the committee's work to their respective assemblies. Generally speaking, these positions are held by the *rapporteurs* of the two lead committees.

During this meeting, the members of the joint committee attempt to find a compromise text for all the articles which are still in discussion. They can decide to maintain the version previously adopted by one or the other of the two assemblies or to draw up, for certain articles, a new version in order to reach a settlement.

There are no rules set down concerning the running of the debates in joint committee (the articles may or may not be called in their numerical order).

Votes are rare (if there has to be a vote on a provision, consensus, by definition, has not been reached) and are usually by show of hands. Substitutes vote only to maintain parity between the two Chambers.

The work of this joint committee is set down in a report. If the members of the committee draw up and pass a compromise text, then, this text is reproduced in the report. If this is not the case, then the report sets down the reasons why arbitration was not successful.

At this stage there are various avenues which can be followed in the procedure of the adoption of the bill, each with different consequences.

1. – The joint committee reaches agreement on a compromise text

The Government may submit this bill for the approval of the first assembly, then the other. It may, in particular if the compromise text does not suit it, not require the two assemblies to make a decision on the bill. In this case, the shuttle begins again at the stage where it was interrupted and must continue until the bill is passed in identical terms by the two assemblies.

The discussion in plenary sitting on the conclusions of the joint committee report begins with a presentation by the *rapporteur* of the joint committee, followed by Government speeches, if necessary by a defence of the preliminary rejection motion and then by speakers enrolled in the general discussion. The discussion of the articles only deals with the discussion and vote on the amendments. During this reading, only Government amendments or those accepted by the Government can be tabled. The National Assembly then votes on the entire bill in the version drawn up by the joint committee which has possibly been modified by the amendments.

If each assembly passes the entire Government or members' bill in the version drawn up by the joint committee which has possibly been modified by the same amendments, then the arbitration procedure is a success and the bill is definitive.

2. – The failure of the arbitration procedure: the National Assembly has the final say

If the compromise text is rejected by one or the other of the assemblies or if the amendments to the joint committee text are adopted by one assembly but not by the other, then the arbitration procedure has failed. A failure can also come about if the joint committee does not reach a compromise text. In these different cases, the Government has the possibility of granting the final say to the National Assembly.

This procedure has three stages which take place in the following order: a new reading by the National Assembly, a new reading by the Senate and the definitive reading by the National Assembly.

During the new reading, the National Assembly deliberates on the final bill adopted before the beginning of the arbitration procedure. This means that in the case of a bill tabled on first reading in the Senate, the National Assembly re-examines the bill which it passed in the end. This bill is examined in committee and is discussed following the normal procedure. The bill passed by the National Assembly is transmitted to the Senate which also examines it following the normal procedure. If the Senate adopts it without modification, then the bill is definitively passed. If not, it is transmitted to the National Assembly for a definitive reading. During the definitive reading, the National Assembly deliberates within very strict limits. It makes its decision upon a proposal of the committee, either on the bill drawn up by the joint committee, if there has been one, or on the bill which it adopted itself during the new reading. In this particular case, it may only adopt amendments which were adopted by the Senate, in committee or in plenary, during its new reading.

IV. – SPECIFIC ADOPTION PROCEDURES

1. – The simplified examination procedure

The National Assembly has only a limited time for its plenary sittings. However Parliament is often called upon to deal with bills which certainly require the attention of the legislator, but which often are of a more technical than political nature.

It is, first of all, for the consideration of such bills, as well as for the bills authorizing the ratification of a treaty or the approval of an international agreement, that the National Assembly possesses a simplified examination procedure. When this procedure is implemented there is no general discussion. Only articles on which amendments are tabled are put to the vote. There are no speeches on articles and for each amendment the only speakers permitted to take the floor, in addition to the Government, are one of the authors, the chairman or the *rapporteur* of the lead committee and one speaker against. When there are no amendments, the entire bill is immediately put to the vote, without explanations of votes.

The implementation rules of this procedure guarantee the M.P.s' right to speak and in particular the right of the members of the opposition. In fact, although the procedure may be introduced by the Conference of Presidents upon the request of the President of the National Assembly, of the Government, of the chairman of the lead committee or of the chairman of a political group, a right to oppose the procedure is, at the same time, available to the same authorities (with the exception of the President of the National Assembly) right up until the eve of the discussion at 1p.m. If such a right is used, then the bill is examined according to the ordinary law procedure. Another guarantee is provided by the provision which states that the tabling by the Government of an amendment after the time limit for opposing the procedure has run out, automatically leads to the withdrawal of the bill from the agenda of the National Assembly. The bill may then be included on the agenda for the following sitting and will follow the ordinary law procedure.

This simplified examination procedure is always preceded by the consideration of the bill in committee.

2. – The legislation in committee procedure

The legislation in committee procedure was established by the reform of the 2019 Rules of Procedure. When it is introduced, the right of amendment of M.P.s and of the Government is only exercised in committee, which accordingly reduces the duration of the discussion in plenary sittings on texts or parts of texts considered more technical or consensual.

This procedure can be introduced on the proposal of the President of the National Assembly, the chair of the lead committee, a group chair or the Government, on all or part of a Government bill, a members' bill or a draft resolution, with the exception of constitutional bills, as well as finance bills and social security financing bills.

These same people, with the exception of the President of the National Assembly, can oppose the initiation of the legislation in committee procedure at two moment:

- no later than 48 hours after the meeting of the Conference of Presidents which decided to apply the procedure;

- at the end of the committee meeting and at the latest 48 hours after the bill adopted by it is made available.

The discussion in committee takes place, for the most part, according to ordinary rules. The only particularity lies in the possibility of examining a prior rejection motion at the committee stage. If such a motion is adopted, the text is rejected and then examined in plenary sitting according to the ordinary procedure.

On articles subject to a legislation in committee procedure, only amendments intended to ensure compliance with the Constitution, to coordinate with a text in the "shuttle" process or to correct a material error are admissible in

plenary sitting. The articles to which these amendments relate are neither called nor put to the vote. The Assembly only votes on the amendments.

When the legislation in committee procedure concerns all of the articles of a bill, there is no general discussion in plenary sitting. Only the Government, the *rapporteur* of the lead committee and, where applicable, its chair speak. Filing a prior rejection motion is possible. The Assembly decides on the text adopted in committee by a single vote, preceded by explanations of vote (one speaker per group for a duration of five minutes).

When the legislative procedure is "partial", i.e. it only concerns part of the articles of a bill, the discussion takes place under the conditions of ordinary law, all of the articles thus being the subject of the legislation in committee procedure and are put to the vote at the end.

3. – The "forced vote"

The forced vote, which is a procedure provided for in article 44, paragraph 3 of the Constitution, enables the Government to request one or the other assembly to make a decision in a sole vote on all or part of a text being discussed, keeping only the amendments proposed or accepted by it.

Government has broad leeway in the implementation of this procedure. It is free to choose the moment to announce its intention to use it. It also has the prerogative of defining the text to which the forced vote will apply: a part of the bill being discussed (one article or a group of articles) or the whole bill. It also decides upon the amendments which will be maintained.

The implementation of this procedure has the effect of eliminating a vote on the amendments and the articles which are subject to the forced vote. It does not enable the blocking of the discussion of all the articles and their corresponding amendments, including those not maintained by the Government.

4. – The Government makes the passing of a bill an issue of confidence

The Constitution (article 49, paragraph 3) allows the Prime Minister, after consultation in the Council of Ministers, to make the passing of a finance bill, a social security financing bill or once per session one other Government or Member's bill per session, an issue of confidence in the Government before the National Assembly. This procedure cannot be implemented before the Senate, as the Government is not directly accountable to that assembly.

As in the case of the forced vote, the Government is free to choose the moment when it makes the passing of a bill an issue of confidence and is free to choose the content of the bill on which it does so.

However, unlike for the forced vote, this procedure brings about the immediate suspension of the discussion of the bill in question.

From the moment that the procedure is introduced, a period of 24 hours begins during which M.P.s may table a censure motion.

A motion of censure is only admissible if it is signed by at least one tenth of the members of the National Assembly. If a motion of censure is tabled, its tabling is formally recorded. This motion is then discussed and voted upon in the time limits and under the conditions set by the Constitution and the Rules of Procedure of the National Assembly (the vote cannot be held within 48 hours of the tabling of the motion and the discussion must take place at the latest on the third day of sitting after this time limit expires). The motion is only carried if it obtains a majority of the votes of the members making up the National Assembly. Only M.P.s in favour of the motion actually take part in the vote.

If no censure motion is tabled in the 24-hour limit or if the motion is not carried, the bill on which the Government has called for confidence is considered passed. Such a procedure only applies to the reading during which it is implemented and thus has no effect on the process of the shuttle.

If the censure motion is carried, the Prime Minister must tender the resignation of his Government and, in addition, the bill on which confidence was called, is considered rejected. Such a situation has not occurred in the lifetime of the Fifth Republic.

V. – PROMULGATION OF THE LAW

1. – Promulgation

The definitive passing of a Government or Member's bill in principle brings the parliamentary phase of the legislative procedure to a close and usually leads to the promulgation of the law.

The definitive bill is transmitted to the General Secretariat of the Government which is, in particular, in charge of presenting it for signature to the President of the Republic. The President of the Republic has the power to promulgate laws (i.e. to give them their binding power). The President of the Republic has fifteen days to promulgate the law. The law is then published in the *Journal officiel* of the French Republic.

However, the promulgation of a law may be delayed or stopped in two cases: the monitoring of the constitutionality of the law and a new deliberation on the law.

2. – The effects of the monitoring of constitutionality

The Constitutional Council is, among other powers, responsible for the monitoring of the conformity to the Constitution of the laws passed by Parliament.

a. Referral to the Constitutional Council

This monitoring takes place automatically in the case of institutional laws, i.e. laws so defined by the Constitution and which deal with the implementation of constitutional provisions.

For the other, so-called ordinary laws, this monitoring only takes place upon the request of certain authorities: the President of the Republic, the Prime Minister, the President of the Senate, the President of the National Assembly and, since the constitutional revision of 1974, sixty M.P.s or sixty Senators.

The referral must take place during the time limit for promulgation and it suspends this time limit. Upon referral, the Constitutional Council has one month to pass its decision or eight days in urgent cases if the Government so requests. Its decisions are binding on all and there is no recourse to appeal.

b. The effects of decisions of the Constitutional Council

When the Constitutional Council declares a law in conformity to the Constitution, the law may then be promulgated.

On the contrary, a decision which declares an entire law contrary to the Constitution blocks its promulgation. The legislative procedure which has led to the passing of such a law is annulled and the only solution is to return to the beginning, unless the reason for non-conformity constitutes a decisive obstacle which would require, for example, a prior amendment to the Constitution itself.

The Constitutional Council may also decide that a law is partly in conformity to the Constitution. In such a case, the law may be promulgated with the exception of the articles, or parts of articles which are contrary to the Constitution.

3. – The new deliberation requested by the President of the Republic

Within a fifteen-day time limit of the passing of the law by Parliament, the President of the Republic may also request a new deliberation of the law, in particular to find a solution to a declaration of unconstitutionality.

This procedure, which has only been used three times since 1958, is introduced by a decree of the President of the Republic countersigned by the Prime Minister. The time limit for promulgation is suspended. An additional phase of the legislative procedure is then opened as Parliament will be requested to begin again, for the entire bill or part of it, the examination of the bill it has just passed. This additional phase follows the rules of the ordinary legislative

procedure previously described (tabling of the bill, shuttle and, if need be, arbitration procedure and finally definitive passing).

VI. – A SPECIFIC PROCEDURE: ORDINANCES

According to article 38 of the Constitution, "*in order to implement its programme, the Government may ask Parliament for authorization, for a limited period, to take measures by ordinance that are normally the preserve of statute law*".

Several conditions are necessary for this to apply:

- An enabling law must be first passed by Parliament according to the aforementioned legislative procedure. This enabling law may result from an article of a Government bill but on no account may it result from a Member's bill or from an amendment of parliamentary initiative;

- This enabling law must detail the legislative matters which could be the subject of ordinances;

- It must also set the time limit during which the Government may apply such ordinances;

- It must, in addition, detail the time limit provided to Government for the tabling before Parliament of its ratification bill.

Ordinances are discussed in the Council of Ministers but must be the subject of an opinion given by the Conseil d'État and must be countersigned by the Prime Minister and the relevant ministers as well as that of the President of the Republic.

If the Government provides no ratification bill upon the expiry of the set time limit, the ordinances become null and void.

When the Government has tabled a ratification bill, Parliament may ratify the ordinances and provide them with a legislative value or may not be called upon to debate them. In the latter case, the ordinances remain instruments of the regulatory authority.

The Constitutional Council considers, however, that the provisions of a non-ratified ordinance must be considered, at the expiration of the authorization period and in matters which fall within the legislative field, as legislative provisions according to the meaning of article 61- 1 of the Constitution, thus opening the way to their possible challenge by a priority question of constitutionality (decisions no. 2020-843 and 2020-851/852 QPC of May 28 and July 3, 2020).

Since the revision of July 23, 2008, the Constitution states that ordinances may only be ratified in explicit terms and thus this excludes "implicit

ratification" of ordinances which was a practice previously accepted by the Constitutional Council.

File n°47

GOVERNMENT'S RIGHT TO INITIATE LEGISLATION

Key Points

"*Projets de loi*" or Government bills go through, before their tabling in Parliament, an arbitration phase within the Government, obligatory consultation of the *Conseil d'État* and adoption in the Council of Ministers.
In certain cases, the opinion of other institutions may be required beforehand (the Economic, Social and Environmental Council in particular).

Although the right to initiate legislation is legally held by both parliamentarians and the Prime Minister, the vast majority of the laws passed in France have been for a long time initiated by Government. Even when the laws authorizing the ratification or acceptance of international commitments are excluded, the percentage of laws whose origin was in a Government bill hovered around the 80% mark up to and including the XIIth term of Parliament.

This fact, which is a reflection of the primacy of the executive in the institutions of the Fifth Republic, is not limited to France.

The introduction, through the constitutional reform of July 23, 2008, of a shared agenda which facilitates the passing of a greater number of Member's bills has contributed to modifying this situation. The share of Members' bills in the texts which were definitively passed, outside of conventions, has continued to increase, passing from more than 30% during the XIIIth term of Parliament to more than 45% during the XVth term of Parliament.

I. – THE DRAWING-UP OF A DRAFT BILL

1. – The arbitration phase

To begin with, the departments and the staff of the relevant minister draw up a draft bill which must meet with the approval of all the ministers concerned.

In order to do this, inter-ministerial meetings are held. These are chaired by a member of the Prime Minister's staff and are attended by representatives of the ministers concerned.

In the case of a disagreement, the Prime Minister makes a ruling. The secretariat of these meetings (from the invitations to attend to the distribution of

the minutes) is carried out by the General Secretariat of the Government. More than one thousand such meetings take place every year.

2. – The consultation phase

The Government may request the opinion of the Economic, Social and Environmental Council on a bill.

In addition, the advice of various institutions is required for certain specific bills by the Constitution or by the law. Some examples are:

- The opinion of the Economic, Social and Environmental Council on draft programming bills of an economic, social or environmental nature;

- The opinion of the territorial assemblies of overseas units with a special status, on bills concerning them;

- The opinion of the Committee on Local Finances on bills dealing with the resources of territorial units.

All such official consultations are reported in the impact study which accompanies the bill.

3. – Impact studies

In accordance with article 39 of the Constitution, after the constitutional reform of July 23, 2008, the presentation of bills tabled before the assemblies must meet the conditions laid down by an institutional law.

In addition, the Institutional Act of April 15, 2009[1], states that Government bills, upon their transmission to the *Conseil d'État,* shall be preceded by a presentation explaining their objectives and accompanied by an impact study. This impact study lays down in detail how the bill fits into European law and it sets down the mechanisms envisaged for its application, its economic, financial, social and environmental consequences, as well as its effect on public employment. It also explains the conditions which will apply to its implementation in the overseas territorial units.

Although the aforementioned procedure of preliminary assessment is the rule, the institutional law does make exceptions for bills of a very specific type. Certain bills, (constitutional bills, finance bills, social security financing bills, programming bills, bills concerning a state of crisis) are not subject to the rule concerning the presentation of an impact study. In fact, in the case of Government

[1] *Institutional Act n° 2009-403 of April 15, 2009, concerning the application of articles 34-1, 39 and 44 of the Constitution.*

finance and social security financing bills, there are specific provisions laid down in the institutional acts concerning them[1]

In addition, in the case of bills authorizing the ratification of a treaty as well as bills enabling the Government to enact ordinances, adapted assessments must be provided.

Article 39 of the Constitution provides the Conferences of Presidents of the assemblies with the possibility of opposing the inclusion on the agenda of a bill which does not comply with the conditions determined by the institutional law[2].

In the case of a disagreement between the Conference of Presidents of the relevant assembly and the Government, the Constitutional Council must make a decision.

4. – Examination of the bill by the *Conseil d'État*

a. The Procedure

The *Conseil d'État* is both the highest administrative court and the legal adviser to the Government. It is in this second role that it is automatically consulted by the Government on bills in accordance with article 39 of the Constitution.

The bill is transmitted to it by the General Secretariat of the Government. The *Conseil d'État* passes it on to one of its five administrative sections (Interior section, Finance Section, Public Works Section, Social Section and Administration Section) whose President appoints one or several *rapporteurs*.

Using the Government draft bill as a basis, the *rapporteur* draws up his own bill. It is this bill which is debated by the relevant section.

The *rapporteur's* bill is examined by the section in the presence of Government commissioners who are the representatives of the administration. The bill is first examined in its entirety and then article by article. The bill which emerges from this examination is, in turn, submitted to the general assembly of the *Conseil d'État* following the same procedure. It is then the task of the section *rapporteur* to defend the bill which emerged from the section stage, before the assembly.

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[1] *Articles 51 and 53 of the Institutional Act n°2001-692 of August 1, 2001 on finance laws, for the finance bills, and article L.O. 111-4 of the Social Security Code, for the laws on the financing of social security.*

[2]. *The Conference of Presidents has already been convened to ensure that an impact study associated to a Government bill is in conformity with the rules laid down by the institutional law. This was the case on April 27 and August 31, 2010 and September 30, 2013, respectively on the bill concerning immigration, on that dealing with retirement pension reform and on that guaranteeing the future and the fairness of the retirement scheme; the Conference of Presidents also made a decision on January 28, 2020 on the impact study attached to the institutional and ordinary bills concerning a universal retirement system.*

This examination leads to the adoption by the general assembly of a definitive bill which represents the 'opinion' the *Conseil d'État* gives to the Government. The general assembly may also reject the bill. This opinion, which is not binding on the Government, is reserved for its use only. Nonetheless, since March 2015, the opinions of the *Conseil d'État* are made public subsequent to the Council of Ministers which has debated them and are attached to the bill which is tabled in one of the two assembles, so as to enlighten the parliamentary debates and better inform citizens.

For the opinion of the *Conseil d'État* to enlighten the Government, it is necessary that all the questions posed by the bill which is in the end submitted to the Council of Ministers, be, first of all, examined by the *Conseil d'État.* If the Government introduces new provisions between the examination by the *Conseil d'État* and that by the Council of Ministers, without the prior consultation of the the *Conseil d'État* these provisions, once they have been passed by Parliament, will risk censure by the Constitutional Council for non-compliance with the consultation procedure provided for in article 39 of the Constitution (Constitutional Council, decision n° 2003-468 DC of April 3, 2003).

An emergency procedure may be implemented. In this case, the standing committee of the *Conseil d'État* examines the bill which has been submitted by the *rapporteur* without any prior examination in section. The use of this procedure is rarer.

b. The Field of Contribution

The examination of the bill by the *Conseil d'État*, deals with both content and form.

As regards the form, the *Conseil d'État* checks the structure of the bill, its compatibility with existing law and the respect of the rules of procedure.

As regards the content, the *Conseil d'État* examines the foreseeable effects of the bill in comparison with its aims.

Examination of the bill by the *Conseil d'État* limits the risk of a partial or complete annulment by the Constitutional Council if the bill is referred to it after the vote by Parliament. The *Conseil d'État* in fact examines the compatibility of the bill with the Constitution. It also checks that the bill meets the international conventions to which France is party as well as European Union law.

The Government is not bound by this opinion, but ignoring it has certain risks from the legal point of view.

II. – THE ADOPTION OF THE BILL BY THE COUNCIL OF MINISTERS AND ITS TABLING BEFORE ONE OF THE ASSEMBLIES

The draft bill which emerges from the *Conseil d'État* is examined by the Council of Ministers and then becomes a bill in the strict meaning of the term. Generally, the bill is no longer modified at this stage.

The bill is then tabled before one of the two assemblies, i.e. transmitted by the General Secretariat of the Government to the Table Office of the assembly concerned. In concrete terms, since 2008, this transmission is carried out electronically and the bill is sent using a communications module (Solex) which is shared by the two assemblies and the Secretariat General of the Government.

The choice of the assembly where the bill is tabled is free (except for finance bills and social security financing bills which must, first of all, be examined by the National Assembly and for bills whose main aim is the organization of the territorial units which go for consideration, in the first place, to the Senate).

The bill is made up of three elements:

- The presentation of the case which explains the reason for the bill and its aims. This may contain a short explanation of each article;

- The "main body" which is the part of the bill put to a vote before the assemblies. In the case of framework laws and programme laws, it is supplemented by explanatory annexes;

- The impact study.

The bill is accompanied by a presentation decree to Parliament which states the bodies which have deliberated on it, determines the assembly before which the bill will be first tabled and appoints the members of Government who will support the bill before the two assemblies. This decree is signed by the Prime Minister and countersigned by the ministers so appointed. At this stage the Government can no longer modify the bill except by a "corrective letter". This customary procedure which is not provided for in any law, takes the form of a letter from the Prime Minister, directly correcting the content of a bill which has been previously tabled. This "corrective letter" is transmitted, like the bill, to the *Conseil d'État*. It leads to the reworking of the bill which will serve as the basis for parliamentary discussion.

III. – THE RIGHT OF AMENDMENT

According to article 44 of the Constitution, the Government, as well as parliamentarians, have the right of amendment. This was an innovation introduced by the 1958 Constitution and is a corollary of the incompatibility of office of a member of Government and a parliamentarian.

The Government, like the lead committee, is exonerated from the tabling time limits which apply to the amendments made by members of the assemblies. However, in the case of tabling outside of the said time limits, such limits cannot be applied to amendments to articles on which the Government or the lead committee has brought at least one amendment or to those which are liable to be jointly discussed with amendments introducing additional articles tabled by the same authors. Such time limits do not apply however to the tabling of sub-amendments.

In addition, contrary to the right of amendment of a parliamentarian, the right of amendment held by Government is not submitted to article 40 of the Constitution concerning financial inadmissibility, which only deals with parliamentary initiatives.

However, the Government must respect the other conditions concerning the use of the right of amendment set down by the Institutional Act of April 15, 2009. These include a written presentation and a summary of the objectives. In addition, it must abide by the conditions of admissibility provided for in the institutional acts concerning finance and social security financing laws

Similarly, the President of one of the two assemblies could object to a Government bill on the grounds of article 41 of the Constitution. This provision aims at excluding from debate all subjects which are not matters for statute. In the case of a disagreement between the President of the relevant assembly and the Government, the Constitutional Council makes a decision.

A government amendment may also be declared inadmissible under Article 45 of the Constitution if it does not present a link, at least indirect upon first reading and direct at the later stages of the shuttle, with the text tabled or transmitted.

File n°48

PARLIAMENT'S RIGHT TO INITIATE LEGISLATION

Key Points

In legislative matters the right to initiate legislation may take two forms: the tabling of a complete bill (a Government bill, initiated, as its name suggests, by Government or a Members' bill, initiated by a parliamentarian) or the tabling of an amendment, i.e. a proposal for the modification of a provision in either of the aforementioned types of bill.

These two types of right to initiate legislation are shared by the Government and the members of the two assemblies. Nonetheless Parliament's right to initiate legislation is subject to certain restrictions laid down by the Constitution

The balance between Government and parliamentary initiative as regards the tabling of bills is weighted clearly against the latter. However the implementation of a shared agenda has slightly modified this situation as the proportion of bills with a parliamentary origin amongst the overall number of bills passed continued to increase since the XIIIth term of Parliament.

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I. – THE EXERCISE OF PARLIAMENT'S RIGHT TO INITIATE LEGISLATION

1. – Concurrent exercise

According to article 39, paragraph 1 of the Constitution, "*both the Prime Minister and Members of Parliament have the right to initiate legislation*". The Constitution lays down the principle of equality between the right of the Government and the right of Parliament to initiate legislation, even if other constitutional provisions set down restrictions which apply to bills that are initiated by Parliament.

The only exceptions to this equality of the right to initiate legislation are those bills for which the Government possesses, *de jure* or *de facto*, a monopoly on tabling. This is, first of all, the case for finances bills and social security financing bills in accordance, respectively with articles 47 and 47-1 of the Constitution. Article 38 of the Constitution states that only the Government may ask Parliament for the authorization to take ordinances for matters in the legislative field. This is also the case, by institutional logic, for laws authorizing

the ratification or the acceptance of international treaties or agreements mentioned in article 53 of the Constitution. Parliamentarians have the possibility of tabling amendments on all these texts within, for the last two categories, certain conditions.

The corollary of the right to initiate legislation, i.e. the right to withdraw legislation, is also open to the Government and to M.P.s. The methods of the application of this right are set down by article 84 of the Rules of Procedure of the National Assembly. The author, or if there are several, the first signatory of a Members' bill, may withdraw it at any moment, but only up to its adoption on first reading.

2. – The methods of application of Parliament's principle right to initiate legislation

a. The Form of a Members' Bill

A Member's bill has two main parts. The "presentation of the case" puts forward the arguments of the author to support the legislative modification or the new provisions which he proposes. The actual prescriptive part, referred to as the "main body" must be drafted in the form of articles.

As for the content of a Member's bill, it must correspond to the "legislative field", i.e. to the area of legal matters which require being covered by a law. Article 34 of the Constitution lists the matters which fall within this field but several other constitutional articles make provision for coverage by the law (in particular those which refer to institutional acts) or imply it (by setting down principles of a constitutional value whose implementation depends on the legislator).

b. The Conditions for the Application of Parliament's Right to Initiate Legislation

Although the financial admissibility of a Member's bill is checked when it is tabled, such bills are not, in principle, submitted to the *Conseil d'État*, as is the case for Government bills. The constitutional revision of July 23, 2008, nonetheless states that "*the President of either House may submit a Private Member's Bill tabled by a Member of the said House, before it is considered in committee, to the Conseil d'État for its opinion, unless the Member who tabled it disagrees*", (article 39 of the Constitution). Seven such opinions were handed down during the XIIIth term of Parliament, six during the XIVth term of Parliament, and seventeen during the XVth term of Parliament.

In addition, Parliament's right to initiate legislation belongs individually to each Member of Parliament. It is a prerogative which is normally carried out individually, in their respective assembly, by each M.P. and by each Senator. However, nothing prevents several M.P.s, several Senators or even the members of one or several political groups from coming together to table a Members' bill. In practice, the same legislative question is often dealt with, in more or less different terms, by several distinct Members' bills.

In all, during the XVth term of Parliament, more than 2,200 Members' bills were tabled at the National Assembly.

c. The Specific Case of Draft Resolutions ,

Resolutions are non-legislative instruments passed by a single parliamentary assembly. Seven different types of draft resolutions can be listed:

- Resolutions dealing with modifications in the Rules of Procedure ;
- Resolutions dealing with the setting-up of a commission of inquiry;
- Resolutions dealing with the suspension of proceedings against or the suspension of detention of a member of Parliament in accordance with article 26 of the Constitution;
- Resolutions dealing with the indictment of the President of the Republic before the High Court of Justice in accordance with articles 67 and 68 of the Constitution (these are the only draft resolutions which must be passed in identical terms by the two assemblies);
- European resolutions dealing with drafts of or proposals for acts of the European Communities and of the European Union submitted in accordance with article 88-4 of the Constitution as well as with any document issuing from a European Union Institution;
- European resolutions tabled in accordance with article 88-6 of the Constitution aimed at ensuring the respect by European institutions of the principle of subsidiarity;
- Resolutions tabled in accordance with article 34-1 of the Constitution which propose that the Assembly provides an opinion on a specific question. This new procedure was introduced by the constitutional revision of July 23, 2008.

The procedure for the passing of draft resolutions is identical within each of the two assemblies, to that applied to Members' bills, with the exception of draft European resolutions for which examination in plenary sitting is not systematic. A specific procedure is also applied to draft resolutions tabled in accordance with article 34-1 of the Constitution: the Government may, in particular, declare them inadmissible if it considers that their adoption or rejection would entail an issue of confidence or that they contain an injunction to it. In addition, they may not be sent to a committee and may not be amended.

d. Parliament's and Government's Right to Initiate Legislation: What Is the Balance?

The legislative procedure is more often initiated by Government than by Parliament, even though the latter has begun to do so more frequently since the introduction, in October 1995, of monthly sittings given over to a priority agenda

set by the National Assembly and, especially as of 2009, of an agenda shared between each assembly and the Executive.

Traditionally, 80% of the laws passed, outside of international conventions, had their origin in a Government bill, thus reflecting the weight of the Executive in the legislative process. With the introduction of a shared agenda, after the constitutional reform of July 23, 2008, the share of Members' bills in the texts which were definitively passed, outside of conventions, continued to increase overall: from 30% during the XIIIth term of Parliament to more than 40% during the XIVth .

In addition, even if the majority of laws remain Government sponsored, their very wording is subject to modification, which can be large or small, through parliamentary initiative: the right to make amendments, which has gradually become the main form of parliamentary initiative, a re-establishes a certain balance to which statistical analysis does not entirely do justice. Moreover, since March 2009 the discussion of Government bills in plenary sitting deals, with the text which is passed in committee, except for constitutional reform bills, finance bills and social security financing bills. This had already been the case since 1958 for Members' bills and it certainly increases the influence of parliamentary initiative on the content of the legislation passed by Parliament.

3. – The right of amendment or the derived parliamentary right to initiate legislation

The right of amendment, i.e. the right to present modifications to the provisions of Government and Members' bills, is also recognized equally for parliamentarians and for Government. Article 44, paragraph 1 of the Constitution states, in fact, that "*members of Parliament and the Government shall have the right of amendment*".

The right of amendment includes not only the possibility of proposing the suppression, complete or partial, or the modification, general or specific, of articles of a Government or Member's bill, but also that of adding new provisions to the bill in the form of amendments introducing additional articles.

The Constitution, the Institutional Act of April 15, 2009 concerning the application of articles 34-1, 39 and 44 of the Constitution and the Rules of Procedure of the National Assembly set down the conditions in which the right to amendment may be used:

- Amendments must be presented in writing and accompanied by a brief explanation of their grounds. They may only deal with one article;

- They are subject to a time limit for tabling (generally speaking they must be presented at the latest, by 5pm, on the third working day before the consideration of the bill);

- They may be subject to prior assessment by the Committee for the Assessment and Monitoring of Public Policies upon the author's request and with the agreement of the lead committee;

- The amendments must finally have a "link" with the text to which they relate, this requirement finding its basis in the first paragraph of article 45 of the Constitution according to which: "*Every Government or Private Member's Bill shall be considered successively in the two Houses of Parliament with a view to the passing of an identical text. Without prejudice to the application of articles 40 and 41, all amendments which have a link, even an indirect one, with the text that was tabled or transmitted, shall be admissible on first reading*".

This provision means, on the one hand, that as of the first reading so-called "*cavaliers législatifs*" (legislative intruders) are excluded and on the other hand, that there must be a respect in the latter stages of the "shuttle" of the use of the so-called "funnel":

They are admissible, on first reading, if they have a link, even an indirect one, with the bill being discussed. The existence of such a link shall be judged by the President;

- On the first reading, amendments, in order to be admissible, must have a direct connection with the text which is still being considered. The Constitutional Council requires this link to be considered in terms of the content of articles "*of the text tabled before the first House to which it is referred*"

- After the first reading, the amendments are subject to the so-called "funnel" rule which reflects the idea that the shuttle tends towards a gradual alignment of points of view. The tabling of amendments relating to articles which are no longer under discussion or which have no direct link with a provision remaining under discussion is thus prohibited. As an exception, the jurisprudence of the Constitutional Council – taken up by Article 108, paragraph 5, of the Rules of Procedure – admits three cases in which it is possible to deviate from the "funnel" rule, which concern amendments intended to ensure compliance with the Constitution, to coordinate with texts currently under examination or to correct a material error.

The only exceptions to this rule are for amendments aiming at ensuring the respect of the Constitution, at implementing coordination with bills being discussed or at correcting a mistake.

The checking of the admissibility of amendments with regard to these rules, which was strengthened during the XVth term of Parliament, is exercised, in the National Assembly as in the Senate, at the stage of their tabling in committee then in sitting. At the end of the legislative procedure, the Constitutional Council censors, where applicable, the additions or modifications which may have been made to a Government or Members' bill in disregard of these requirements.

II. – RESTRICTIONS OF A GENERAL NATURE ON PARLIAMENT'S RIGHT TO INITIATE LEGISLATION

The bills and amendments put forward by members of Parliament are submitted to two restrictions of a general nature: financial inadmissibility (article 40 of the Constitution) and legislative inadmissibility (article 41 of the Constitution). The conditions of the application of these provisions during the legislative process have important differences.

1. – Financial inadmissibility

In accordance with article 40 of the Constitution, legislation initiated by Parliament "are not admissible where their adoption would have as a consequence either a diminution of public resources or the creation or increase of an item of public expenditure".

In addition, the final paragraph of article 47 of the Institutional Law of August 1, 2001 (LOLF), which applies to all amendments whatever the bill they are made to, renders inadmissible the amendments which are not in conformity to the institutional rules concerning the finance acts, and in particular the exclusive power of the finance acts to govern certain matters.

Similarly, article L.O. 111-7-1 of the Social Security Code makes provision for the inadmissibility of amendments that are contrary to the institutional provisions concerning the social security financing acts.

Initiatives tabled by M.P.s are submitted, at the time of their tabling, to an automatic monitoring of their financial inadmissibility, which is carried out by various bodies of the National Assembly.

The Members' bills are transmitted, in accordance with article 89 of the Rules of Procedure, to a sub-committee of the Bureau of the assembly. This sub-committee carries out the monitoring of their admissibility.

It is necessary to distinguish, as far as amendments are concerned, between those tabled in committee and those in plenary sitting.

In the former case, it is the task of the chairman of the committee and, in case of doubt, the committee's bureau, to decide on the admissibility of an amendment as regards article 40 of the Constitution. This may be done, if necessary, after consultation with the Chairman, the General Rapporteur or with a member of the Bureau of the Finance Committee so designated. The amendments which are declared inadmissible are not considered by the committee. The Government or an M.P. may, at any time, invoke article 40 of the Constitution concerning a modification brought by a committee to the text of a Government or Member's bill, i.e. concerning an amendment adopted by a committee and introduced into a bill which will serve as the basis for the consideration in plenary sitting. Inadmissibility will be judged by the Chairman,

the General Rapporteur or a member of the Bureau of the Finance Committee so designated.

In the case of tabled amendments concerning consideration in plenary sitting, it is the President of the National Assembly who is responsible for deciding on their financial admissibility. However, it is common practice for the President to almost always follow the advice of the Chairman of the Finance Committee or, failing that, of the General Rapporteur or of a member of the bureau of the Finance Committee appointed for that reason (article 89, paragraph 3 of the Rules of Procedure makes provision for this consultation “in the case of doubt”). All disputed amendments are thus sent, upon being recorded, to the Chairman of the Finance Committee, and his opinion plays a decisive role. When that opinion is that the amendment is inadmissible, the amendment is returned to the author. It is not even distributed and is not called during the discussion.

This monitoring procedure does not mean that financial inadmissibility cannot be applied later on to Members' bills and to amendments. This possibility, provided for by article 89, paragraph 4 of the Rules of Procedure, is granted to both the Government and to every M.P. In practice, at least for the amendments, such an objection is rarely made at this stage since the first verification, at the time of tabling, should have automatically eliminated all initiatives entailing inadmissibility.

Financial inadmissibility can however be objected to amendments which have been distributed. In this case, the judgement on admissibility is made in the same conditions as during the tabling, i.e. upon a decision of the President of the National Assembly made after consulting with the Chairman of the Finance Committee. Given the systematic examination of the financial admissibility of amendments upon their tabling, there is no real need for a new consultation, except in exceptional cases. This would be the case, for example, if the discussion were to bring to light a new fact which would call into question the opinion formulated concerning financial admissibility at the time of tabling.

It should be noted that the monitoring procedure on financial admissibility, set up by the Rules of Procedure, grants only parliamentary bodies the right to make decisions on questions of admissibility during the legislative procedure. In the case of a dispute on the admissibility of an amendment, in particular when the Government contests the admissibility stated by the relevant parliamentary authority, it is the decision of the latter which has primacy, without appeal, at this stage, over an external judge, as is the case in matters concerning “legislative” admissibility.

Decisions by parliamentary authorities in the field of financial admissibility can only be contested after the passing of the bill, through the avenue of appeal to the Constitutional Council, in accordance with article 61, paragraph 2 of the Constitution. The Constitutional Council has the power to judge if article 40 of the Constitution has been correctly applied in the course of the legislative procedure, whether it be in the case of decisions of financial admissibility or inadmissibility. In the latter case, however, the Constitutional Council considers that it may only

consider this question if the objection of admissibility has been raised before the first assembly to which the provision was referred.

2. – Legislative Inadmissibility

Article 41 of the Constitution provides that “if, during the legislative process, it appears that a Private Member’s Bill or amendment is not a matter for statute…the Government or the President of the House concerned, may argue that it is inadmissible”. In the event of a disagreement between them, “the Constitutional Council, at the request of one or the other, shall give its ruling within eight days”.

A major difference between this procedure and that aimed at ensuring the respect of article 40 of the Constitution is that legislative admissibility is not systematically monitored at the time of the tabling of Members' bill or amendments. In fact, it requires the intervention of the Government or of the President of the National Assembly.

In practice, the handling of legislative inadmissibility has proven, overall, to be quite cumbersome and its use has gradually become rarer. The last decision of the Constitutional Council taken pursuant to article 41 dates back to 1979 (Decision n° 79-11 FNR of May 23, 1979). Several reforms have since sought to strengthen the checking of compliance with the legislative field, to better guarantee the quality of the latter.

a. A prerogative now shared between the Government and the Presidents of the assemblies

This mechanism was originally aimed at protecting the field of matters for regulation, provided for in article 37, paragraph one of the Constitution and the procedure set down in article 41 could only be applied, until 2009 by the Government alone. The constitutional revision of July 23, 2008, extended this possibility to the Presidents of the assemblies who can now, not only apply inadmissibility to the encroachment of the legislative field on the regulatory field through the bills and amendments of their colleagues, but can also do the same to Government amendments.

In implementing article 41 of the Constitution, article 93 of the Rules of Procedure of the National Assembly sets down that the inadmissibility of a Member’s bill or of an amendment may be claimed at any time by either the President of the Assembly or by the Government.

It also specifies that the modifications made by amendment to the text which had initially been referred to the committee may also be the subject of such a challenge. The wording of article 93 of the Rules of Procedure of the National Assembly prior to the reform of May 27, 2009 provided for a suspension of the sitting or a compulsory postponement in the event of a call for legislative inadmissibility and when the President of the National Assembly did not chair the sitting. The current wording makes this postponement or suspension optional.

The third and fourth paragraphs of article 93 of the Rules of Procedure respectively deal with the case of inadmissibility claimed by the Government and that claimed by the President of the National Assembly. If inadmissibility is claimed by the Government, it is the task of the President of the National Assembly to decide. If the President of the National Assembly is in disagreement with the Government, he refers the matter to the Constitutional Council. If inadmissibility is claimed by the President of the National Assembly, he must consult the Government and if the two do not agree, then the President of the National Assembly refers the matter to the Constitutional Council. In cases where the President of the National Assembly considers claiming inadmissibility or must make a decision on inadmissibility claimed by the Government, provision is made for him to consult the Chairman of the Law Committee or a member of the *bureau* of this committee appointed for this reason.

b. The checking of admissibility by committee chairs

In order to strengthen the monitoring of the legislative nature of the amendments, the resolution of June 4, 2019 modified article 93 of the Regulations of the National Assembly. Its second paragraph now provides that the chairman of the lead committee shall transmit to the President of the National Assembly a list of proposals or amendments tabled in plenary sitting which he considers do not fall within the legislative field or which are contrary to a delegation granted to the Government on the basis of article 38 of the Constitution

File n°49

THE EXAMINATION OF BILLS IN COMMITTEE

Key Points

Government and Members' bills tabled before the National Assembly are sent for examination to one of the eight standing committees of the National Assembly. An *ad-hoc* committee may also be set up.
The committee shall appoint a *rapporteur* from amongst its own members whose brief is to inform the work of the committee by presenting a report on the proposed bill and, where necessary, to produce the amendments which he considers necessary. The committee also appoints an implementation *rapporteur* who shall belong to an opposition group.
The committee may also organize hearings of the relevant ministers or of experts in the field.
After a presentation by the *rapporteur*, the committee holds a general discussion on the bill and then moves to an examination of the articles and the amendments pertaining to them. The bill emerging from such deliberations which are referred to in the report (containing in particular a general presentation, an analysis of each article and the ensuing debates) serves as the basis for the discussion in plenary sitting (except for finance bills, social security financing bills and constitutional revision bills which are discussed on the basis of the text originally tabled or transmitted). The rule now is that these proceedings are public.
Supplementary sittings are organized so that the committee may give its opinion, before the discussion in plenary sitting, on the amendments which were not submitted to it during the examination of the report.
Six months after the entry into force of the law, the *rapporteur* and another M.P., (one of whom must belong to an opposition group), who may be appointed as soon as a Government bill or a member's bill is referred to a committee, present an information report to the committee upon the publishing of the necessary application rules.

I. – DECIDING UPON THE COMPETENT COMMITTEE

Government bills and Members' bills, once the latter have been declared financially admissible, which are tabled before the National Assembly, are sent for examination to the relevant lead standing committee. Where necessary, standing committees other than that deemed the leading committee, are permitted to give an opinion on the bill in question before the said leading committee. In addition, since the reform of the Rules of Procedure of May 27,

2009, the European Affairs Committee (which is not a standing committee in the sense of article 43 of the Constitution) may also provide its observations on any bill dealing with an area covered by the activities of the European Union.

1. – The lead committee

This committee may be either a committee especially set up in order to examine a given bill or one of the eight standing committees of the National Assembly.

a. Referral to a Standing Committee

Article 43 of the Constitution initially provided that the setting-up of an *ad-hoc* committee would be the rule and referral to a standing committee the exception. However, in practice, in the vast majority of cases, standing committees retained the referral remit and the constitutional revision of July 23, 2008 drew a lesson from this reality by making referral to a standing committee the rule and the setting-up of an *ad-hoc* committee the exception.

The President of the Assembly decides upon the referral of a bill to a committee upon the tabling of the bill before the Assembly. This decision is taken according to the various remits laid down by article 36 of the Rules of Procedure of the National Assembly.

It is rare for a committee to contest such a decision. If there is a disagreement over areas of competence, or if the committee appointed as the relevant committee were to declare the bill beyond its remit, article 85, paragraph 2 of the Rules of Procedure of the National Assembly provides that, after a debate during which only the Government or the proposer of a bill and the chairmen of the committees concerned may speak, the President may propose to the National Assembly the setting-up of an *ad-hoc* committee. If this motion is rejected, then the President may submit the question of the choice of the relevant standing committee to the National Assembly.

b. Setting-up of an Ad-Hoc Committee

An *ad-hoc* committee may be set up, as of right, when the Government so requests (article 30 of the Rules of Procedure) or when one or several chairmen of political groups representing an absolute majority of M.P.s, ask for it (article 32 of the Rules of Procedure). In addition, it may be requested by the chairman of a standing committee, the chairman of a political group or by at least fifteen M.P.s (article 31 of the Rules of Procedure). Such a request is deemed to be adopted if no objection has been submitted by the Government, by the chairman of a standing committee or by the chairman of a political group. When such an objection is submitted, the National Assembly is required to vote on it after a limited debate.

The membership of an *ad-hoc* committee is restricted to 70 M.P.s (to which one non-aligned M.P. is added) and the number of its members belonging

to the same standing committee may not be more than 34 (article 33 of the Rules of Procedure). A chairman of a standing committee may also chair an *ad-hoc* committee. This was not the case before the reform of the Rules of Procedure dating from May 27, 2009.

2. – The possibility of referral for opinion

Article 87 of the Rules of Procedure of the National Assembly enables standing committees to present an opinion on all or part of a Government bill, a Members' bill or on all or part of the credits for budget appropriation. In the case of the initial finance bill, it is customary that the seven standing committees, other than the Finance Committee, which is the lead committee in accordance with article 39 of the Institutional Act of August 1, 2001 (LOLF), present an opinion on the budget of the missions which fall within their remit. Thus logically, there is no referral for opinion in the case of the setting-up of an *ad-hoc* committee.

Since the constitutional revision of July 23, 2008 led to the debate in plenary sitting being based on the bill passed by the lead committee, the Rules of Procedure were changed so as to oblige the consultative committees to meet before the lead committee (article 87, paragraph 3 of the Rules of Procedure) so that their amendments could be considered and, where necessary, included in the bill discussed in plenary.

This provision is all the more essential since the modification of the Rules of Procedure of June 4, 2019 which provides that the *rapporteur* for opinion presents his/her conclusions exclusively before the lead committee and therefore no longer intervenes in plenary sitting. However, the same modification of the Rules of Procedure provides that this intervention remains possible in a new scenario: when the referral for opinion is requested by the lead committee itself. In this case, it may take the form of a delegation to the committee referred to for an opinion on the articles of the Government or Members' bill to which the referral relates.

II. – EXAMINATION PROCEDURE

1. – The drawing-up of a report

Every committee which has a bill referred to it, whether it be a standing committee or an *ad-hoc* committee, a lead committee or a consultative committee, first of all appoints a *rapporteur* from amongst its members. The *rapporteur's* role is to throw light upon the work of a committee by presenting to it a report in which he lays down his views on the bill and, where necessary, proposes amendments.

In the same way, since the modification of the Rules of Procedure of June 4, 2019, the committee must, as soon as it receives a text, appoint the *rapporteur*

on the implementation of the law, who belongs to an opposition group when the *rapporteur* belongs to the majority, which is practically always the case (article 145-7, paragraph 2).

Given the volume of certain texts, since the mid-2010s, committees have chosen to appoint several *rapporteurs*, possibly coordinated by a general *rapporteur*, each of the *rapporteurs* taking charge of a portion of the text.

So as to provide the committees with enough time to consider bills, the constitutional revision of July 23, 2008, set a minimum time limit of six weeks between the transmission of a bill and its examination in plenary sitting on first reading before the assembly to which it was first referred. The revision also set a minimum limit of four weeks between the tabling of a bill and its consideration in plenary sitting on first reading before the second assembly to which it was referred. These limits are no longer obligatory if the bill is examined in accordance with the accelerated procedure. Nonetheless the Constitution does impose a 15-day minimum limit before the first assembly referred to, in the case of an institutional bill.

With the assistance of one or more civil servants belonging to the secretariat of the relevant committee, the *rapporteur* begins his work by compiling information on the bill in question. This means that:

- He generally organizes meetings with the representatives of the relevant ministry or ministries (ministerial staff, central administrative departments etc.);

- He holds meetings, if he feels it necessary, with representatives of the various associations and socio-professional groups involved as well as with qualified figures;

- He gathers a broad range of documents on the subjects dealt with by the bill.

The special *rapporteurs* of the Finance Committee are the only *rapporteurs* provided with legal powers of investigation concerning the Executive. In practice, the other *rapporteurs* have no great difficulty in obtaining the information they require.

When the *rapporteur* deems it desirable that the committee hears other opinions than his own on a particular bill, he may suggest the organization of hearings with experts in the field. It is also quite usual for the minister(s) concerned to appear before the committee especially in the case of a Government bill.

Since the reform of the Rules of Procedure of the National Assembly of November 28, 2014, article 46 states that the proceedings of committees are, in principle, public and this allows the press or the general public to attend them or to have a reproduction or a broadcast of the proceedings, unless there is a

reasoned contrary decision of the *bureau* of the committee. The *rapporteur's* hearings are systematically open to all the members of the committee (article 46, paragraph 4 of the Rules of Procedure). The *rapporteur* of the lead committee is, in addition, required, when the time limit between the tabling and examination of the bill in plenary sitting is six weeks, to communicate to all the members of the committee a document setting down the state of his work during the week preceding the consideration of the bill in committee (article 86, paragraph 2 of the Rules of Procedure).

2. – Examination of the report

Once the preparatory work has been completed, the examination of the report is included on the agenda of a meeting of the relevant committee which may give over one or several meetings to this. This examination in committee should usually take place on first reading in such a time period that the committee may conclude its work and that the bill passed by it may be made available to M.P.s at least ten days before its consideration in plenary sitting (article 86, paragraph 4 of the Rules of Procedure).

a. Attendance at Meetings

In addition to the members of the committee, the meetings concerning the examination of the report by the lead committee may be attended by interested members of the Government, as well as by members of other committees and therefore the initiator(s) of the Members' bill or of amendments (article 86, paragraph 6 of the Rules of Procedure) and the *rapporteurs* of the consultative committees (article 87, paragraph 3 of the Rules of Procedure).

Amendments may be tabled on the bill considered in committee by any M.P. up until 5pm of the third working day preceding the examination in committee, unless the chairman of the committee has decided otherwise (article 86, paragraph 5 of the Rules of Procedure). The Constitutional Council considers that this possibility granted to the chairman of the committee "*should allow the guaranteeing of the effective nature of the carrying-out of the right to amendment provided to parliamentarians by article 44 of the Constitution*".

The *rapporteur*, the consultative *rapporteurs,* if there are any and the Government, are not bound by this time limit concerning the tabling of amendments in committee.

b. Procedure of the Meeting

The examination phase begins with a general discussion which is opened by the *rapporteur's* presentation. However, when the examination of the report has been directly preceded by the hearing of a minister, the committee may decide that such a hearing and the ensuing debates may be considered as replacing the general discussion.

In all other cases, the committee examines the articles of the bill along with the amendments put forward by the *rapporteur* and the other members of the committee as well as those of M.P.s from outside the committee and of the Government.

Each committee chairman must ensure the conformity of the amendments tabled in committee to article 40 of the Constitution (financial admissibility). He may, in so doing, consult the Chairman of the Finance Committee so as to prevent the committee from including any inadmissible provisions in the bill to be discussed in plenary sitting, (article 89, paragraph 2 of the Rules of Procedure).

In the same way, the committee chairman assesses, in application of article 45 of the Constitution, the existence of a link, even indirect, between the amendments tabled and the text examined. When such a link does not exist, the amendments, including those of the Government, are declared inadmissible.

In addition, the consultative committees are bound to meet before the lead committee so that their proposals may be taken into account during the drawing-up of the bill to be discussed in plenary sitting (article 87, paragraph 3 of the Rules of Procedure).

Furthermore, the Government, whose presence during the consideration of bills in committee was a right provided for by paragraph one of article 45 of the Rules of Procedure but which remained largely unused until the coming into force of the new provisions on the legislative procedure in 2009, is now frequently present during the examination of Government bills. The Rules of Procedure nonetheless exclude the Government from attending during votes concerning finance bills, social security financing bills and constitutional revision bills (article 117-1, paragraph 4 of the Rules of Procedure), which are not discussed in plenary sitting on the basis of the committee text.

The committee votes on each of the amendments defended and on each of the articles and then it concludes its work with a vote on the whole bill.

c. The Effect of Committee Decisions

The effect of committee decisions depends upon the nature of the bills submitted to it for examination.

Since March 1, 2009, amendments adopted by the lead committee for a Government or Member's bill have been immediately included in the bill which is then examined in plenary sitting in this modified form (whilst this rule only applied before to the consideration on first reading of Members' bills before the first assembly to which they had been referred). Now the only time that a bill discussed in plenary sitting is the one originally referred to the assembly, is when a bill cannot be drawn up by the committee, i.e. either when the committee votes to reject the bill or when it has not managed to complete its examination of the bill in time.

However, as regards constitutional revision bills, finance bills and social security financing bills, the discussion in plenary sitting is on the basis of the bill proposed by the Government or transmitted by the Senate. In these cases, the proposals made by the committees thus take the form of amendments which are subject to the same rules of financial admissibility and to the same conditions of examination as those of political groups or individual M.P.s.

d. Rules of Procedure

In principle, the Rules of Procedure applied in committee are those, *mutatis mutandis*, followed in the Chamber, with the exception of procedural motions which are no longer raised except during the general discussion of bills in plenary sitting except when the legislation in committee procedure is implemented (article 107-2, paragraph 2, of the Rules of Procedure).

In practice however, these rules are applied in a more flexible manner. Discussions generally take place in a relaxed atmosphere and decisions are taken with a minimum of formality: a vote by public ballot, which, because of the absence of electronic voting machines, could not take place in the same conditions as in the plenary sitting, is almost never requested. In addition, the "quorum" (i.e. the presence of a majority of members of the committee) whose checking can be requested by one third of the members present, is very rarely called for and has, in fact, lost much of its interest as a means of obstruction. If it is not reached, the vote may only be held at the following sitting which may now be held fifteen minutes afterwards as opposed to three hours previously (article 43 of the Rules of Procedure).

e. The Drawing-up of the Report

The deliberations of the committee are brought together in a report which is distributed before the plenary debate. This document, which is often very long, includes:

- A general analysis of the bill, its context concerning the law which it modifies along with international comparisons, as well as an overall political judgement;

- An analysis of the content of each article as well as the minutes of the ensuing debates (including the new articles which have been introduced by the committee);

- Where necessary, several information annexes: one on the European law applicable or being drawn up which recalls the positions taken by the Assembly through motions, another establishing the list of bills liable to be repealed or modified upon the examination of the new legislation and a third presenting the observations which have been collected on the impact studies accompanying the bill.

- In certain cases, a contribution by opposition or minority groups, as well as, where it applies, that of the M.P. who is appointed, along with the *rapporteur*, to monitor the application of the law (see below III).

The bill which emerges from the committee's work will be printed and transmitted and will be the reference basis for the tabling of amendments in preparation of the examination in plenary sitting except in the case of the implementation of the legislation in committee procedure for which the right of M.P.s and of Government to table amendments only takes place in committee (article 107-1 of the Rules of Procedure).

3. – The examination of amendments after the adoption of the report

Amendments which could not be tabled in time to be examined at the same time as the report, must be examined by the lead committee, the day before or the day itself of the plenary sitting, during one or several meetings held in accordance with article 88 of the Rules of Procedure of the National Assembly.

During such meetings the *rapporteur* may table amendments. If such amendments are accepted by the committee, they will however be considered as amendments tabled by an individual M.P. and not as committee amendments.

If necessary, a final amendment examination meeting may take place before the opening of the discussion of the articles in plenary sitting (article 91, paragraph 11 of the Rules of Procedure).

4. – Other meetings after the adoption of a report

There are two other cases in which the committee may be reconvened when dealing with a bill under discussion:

- The committee may avail of the possibility granted by the Rules of Procedure to adopt an amendment with a view to its examination in plenary sitting, after the expiry of the time limit on the tabling of amendments (article 99, paragraph 2 of the Rules of Procedure). Most often, such amendments are examined during meetings held in application of article 88 of the Rules of Procedure;

- Before the 'explanations of voting', the National Assembly may demand a second deliberation on all or part of the bill if the Government or the committee request such a procedure or if the committee accepts such a request from an individual M.P. The committee must then produce a new report, usually verbal and immediate, on the provisions which have been returned (article 101 of the Rules of Procedure).

5. – The public nature of committee work

Detailed minutes of a committee's debates and votes are written for each meeting. These minutes are available on the internet site of the National Assembly. In addition, the report of the work of each committee is now drawn up mainly by a specific department (the Report Department). Thus, the requirement stipulated by the Constitutional Council has been fulfilled: "*that there should be a precise report of speeches made before committees, of the reasons given for the proposed modifications to the bills which have been referred to the committees and of the votes held within committees*".

These rules concerning the public nature have been gradually strengthened right up until the reform of the Rules of Procedure of November 28, 2014 made the public nature of the committee work a rule, unless there be a contrary and reasoned decision of the *bureau* of the relevant committee. The most usual practice is now to open proceedings to the press and to the public and to produce a televisual report of its works.

III. – THE ROLE OF COMMITTEES IN THE IMPLEMENTATION OF THE LAWS

M.P.s who had been *rapporteurs* to their committee on a legislative bill were naturally inclined to follow the implementation of such a bill personally and it happened quite frequently that information reports on the application of the bill were published several months after the law was passed.

A provision which was introduced to the Rules of Procedure in 2004, provided such assessment with a statutory framework. Six months after the coming into force of a law requiring the publication of regulatory texts, the *rapporteur*, or failing this, another member of the committee, produce a report detailing the publication of the necessary implementation decrees, circulars and instructions which have been introduced.

The implementation reports are not always limited to this aspect of the follow-up of regulatory texts and may enable the assessment of the legislative provisions which have been passed. At the end of his work, the *rapporteur* presents his conclusions before the relevant committee. This committee meeting may give the member of the Government concerned the opportunity to explain the possible delay in the publication of certain regulatory texts or the problems met in the implementation of the legislation.

If implementation instruments have not yet been applied, the *rapporteur* reappears before the committee before the end of a second period of six months.

In order to provide this work with a greater monitoring and assessment impact, the reform of the Rules of Procedure introduced the obligation of the appointment of two *rapporteurs* on each implementation report, one of whom has to belong to an opposition group (article 145-7, paragraph 1 of the Rules of

Procedure). Since the reform of the Rules of Procedure of November 28, 2014, added that the M.P., other than the *rapporteur* who participates in this work must be appointed by the committee as soon as a Government bill or member's bill is referred for consideration (article 145-7, paragraph 2); he may thus avail of speaking time during plenary sitting (article 91, paragraph 2).

File n°50

THE PLENARY SITTING

Key Points

The plenary sitting is one of the highpoints of parliamentary life because it is in the Chamber that laws are passed and that the Government may be held to account. One week out of four is, in addition, outside of the period of discussion of the budget, given over to the monitoring of Government action and to the assessment of public policies.

The plenary sitting is also called the "public sitting", thus testifying to the importance attached to the public nature of the debates. This constitutes an essential element in all parliamentary democracies.

The Rules of Procedure of the National Assembly give a special place and role to the main actors in the plenary sitting: the President of the National Assembly, the *rapporteurs,* the M.P.s. and the Government.

They also lay down the general rules of the debates and the votes and attempt to facilitate the expression of all shades of opinion.

"*The sitting is open*". These words, spoken by the President or a vice-president of the National Assembly, mark the opening of an essential stage in parliamentary life: the plenary sitting. It is in fact in the Chamber that the M.P.s fully carry out the powers which have been granted to them by the Constitution: passing the law, monitoring Government action and assessing public policies.

The *raison d'être* of the plenary sitting is to ensure the public nature of debates for, without this, the representative system would cease to be a true democracy. In order for the plenary sitting to be run correctly, the main actors, the President of the National Assembly, the M.P.s and the Government, must have a place and a role which are strictly defined and the discussions themselves must respect certain rules.

I. – THE SITTING IS PUBLIC

"*The sittings of the two assemblies shall be public. A verbatim report of the debates shall be published in the Journal officiel*" (article 33, paragraph 1 of the Constitution).

This principle, set down by the Constitution, finds expression, first of all, in the fact that the general public can sit in the galleries, space permitting, and can attend the deliberations. It also requires the publication of a verbatim report in the Journal officiel. Special facilities are also made available to the press so that they may report on parliamentary proceedings. In addition, the opening-up of the plenary sitting to televised pictures since 1994, the creation of the internet site of the National Assembly and the setting up of a parliamentary channel, have all led to the broadening of the 'capacity of the galleries' to all citizens.

1. – The presence of the general public

a. The Galleries and Public Access

The various galleries which surround the Chamber enable the general public to attend the plenary sittings. 273 such seats are so available. In addition, 191 seats are reserved for certain official dignitaries as well as for the "official state corps", in particular, the diplomatic corps and the prefectorial corps. 198 seats are also allocated to journalists of the French and foreign press.

Public access to the galleries is organized, at the National Assembly, by article 26 (XII) of the General Instruction of the *Bureau* of the National Assembly. Thus, all the following, upon the verification of their identity, may attend the plenary sitting:

- The first ten people registered online three days before a sitting, or the first thirty people for sittings other than those involving questions to the Government;

- Those with a ticket for the sitting;

- Groups with collective authorization.

b. Dress code for the General Public

According to article 8 of the General Instructions of the Bureau of the National Assembly, the general public who are admitted into the galleries *"must be correctly dressed, remain seated, heads uncovered and silent. They may consult parliamentary documents and take notes*". In addition, they must not make any sign of agreement or disagreement.

c. An Exception to the Public Nature of Plenary Sittings: the Secret Committee

Article 33, paragraph 2 of the Constitution provides that each assembly may sit *in camera* upon the request of the Prime Minister or one tenth of its members. This provision was applied for the last time on April 19, 1940.

2. – The official report of the sitting

In addition to the general public's right to access the Chamber, an official report of the debates is drawn up and is made available to every citizen.

Since 1848, there has been a full official report, which has been included in the *Journal officiel* since 1869.

a. The conditions concerning the public nature of debates: the verbatim report and video retransmission

The National Assembly nowadays ensures the public nature of debates in two ways:

- The verbatim report represents the minutes of the plenary sitting. Its publication in the *Journal officiel* (*Débats parlementaires - Assemblée nationale*) enables every citizen to be kept informed on the proceedings of the plenary sittings;

- The debates are broadcast live or recorded on the internet site of the National Assembly (and all videos are available upon request on that site). The images, which are produced and broadcast according to the terms laid down by the Bureau, are filmed by the Audio-visual Department of the National Assembly and are made available to "La Chaîne Parlementaire – Assemblée nationale" (LCP-AN) as well as to all other television channels who request them.

b. The Drawing-up of the Verbatim Official Report

This document is drawn up by the Report Department "*under the authority of the President of the National Assembly as well as of the Secretary General of the Assembly and of the Presidency*".

The debate drafters, who are in charge of the verbatim report, are seated at the foot of the speakers' rostrum. They replace each other every fifteen minutes. They take as detailed notes as possible on the speech of the main speaker without neglecting either interruptions or movement in the Chamber. Then, once they have returned to their office, they draw up a report with the help of a digital recording. The transposition into written language of speeches which are often improvised must respect the thought process of the speaker but nonetheless requires a certain tidying-up to eliminate the errors, inaccuracies and cumbersome turns of phrase of spoken language. For the legislative part of the debates, the official report must also be in conformity with the Rules of Procedure.

The work of the writers is revised and, if necessary, corrected by the "heads of sitting" who have, in their own turn, the responsibility of the official report of the sitting they have attended. The speakers may have access to their speeches before publication and may make purely formal modifications to them.

The official verbatim report of a sitting is made available as it is drawn up on the internet site of the National Assembly in the "*Travaux parlementaires – Séance publique*" ("Parliamentary Work – Plenary Sitting") section. Its completed version can be read there around six hours after the morning and afternoon sittings and the day after night sittings.

Once the definitive version of the report has been drawn up, it is transmitted and published internally and is immediately distributed and sent (on average within twenty-four hours) digitally to the *Journal officiel* which is in charge of its official printing.

3. – The parliamentary press

The National Assembly has a broad policy of openness to the press and media in general. Over 370 French journalists are permanently accredited in the *Palais Bourbon*, as well as around twenty of their foreign colleagues from more than ten countries. Work space and a gallery in the Chamber are made available to them.

Both public and private television companies frequently broadcast parliamentary debates and show extracts in their programmes. Since 1957 television has become a familiar aspect of parliamentary life. In addition, since 1982, Government question time has been broadcast live.

An important step was made by the Law of December 30, 1999 which set up "The Parliamentary (TV) Channel". This is a true citizens' television channel for both the National Assembly and the Senate and is a consortium of two companies which are legally separate: "LCP-AN" and "Public Sénat". "La Chaîne Parlementaire" (*The Parliamentary (TV) Channel*) has been available since March 31, 2005, on over-the-air reception and on the free terrestrial television packages (TNT). It is also broadcast on all the cable networks, satellite packages and broadband networks thanks to a legal provision which obliges operators to provide the programmes of the channel to their subscribers for free.

Its main themes are information, public awareness of civic issues and education and it aims at the broadest possible audience. The cable operators are obliged to carry it and it is available, in addition, through the technology of terrestrial digital television.

The various political groupings must, of course, be dealt with in an equal fashion by the television media. Thus, the *Bureau* of the National Assembly, set up a sub-committee in charge of communication and the press from amongst its own members, to deal more specifically with this question.

II. – THE ACTORS IN THE DEBATE

The Chamber is above all else a place of work, but it is also a type of "haven", for, apart from the M.P.s and certain public servants of the National

Assembly, only the members of Government and their assistants are permitted entry.

The President of the Republic himself does not have access to the Chamber in accordance with the principle of the separation of powers. He communicates with the two assemblies by messages which he orders to be read (article 18, paragraph one, of the Constitution). He may only take the floor in front of Parliament when it has been convened for this reason in Congress (article 18, paragraph 2 resulting from the Constitutional Act of July 23, 2008).

Since 1993 several foreign dignitaries, mostly heads of state or of Government, but also sometimes the leaders of international institutions, have been received in the Chamber. For such events, there is usually no dialogue opened between the guests and the M.P.s. However, it has happened that, after making an introductory speech, a guest has answered one question asked by a representative of each political group[1].

1. – The M.P.s

On June 17, 1789 the representatives of the third estate came together in a National Assembly and invited their colleagues from the nobility and the clergy to join them. This act had huge consequences. Sovereignty was, from now on, shared between the King and the assembled representatives of the Nation.

Today, the National Assembly has 577 M.P.s. (this is the maximum number allowed in accordance with paragraph 3 of article 24 of the Constitution in its wording resulting from the Constitutional Act of July 23, 2008). Under the authority of the President of the National Assembly, the chairmen of the political groups divide the Chamber into sectors at the beginning of each Parliament. Once this division has been carried out, the chairmen allocate a seat within the sector which has been allotted to their group, to each of its members.

It is from his seat that the M.P. will vote by show of hands or by sitting or standing according to the procedures of ordinary law or by electronic vote when there is a public ballot.

It is also from his seat that the M.P. will take the floor after having been so allowed by the chairman of the sitting. The speakers' rostrum is reserved for the most important speeches. Other speeches are delivered from the benches.

2. – The President of the National Assembly

The President of the National Assembly, or the Vice-President who substitutes him/her, dominates the Chamber from the chair, (the "*perchoir*" or

[1] *Mr José-Luis Zapatero, President of the Government of the Kingdom of Spain, in March 2005 and Mr. José Manuel Barroso, President of the European Commission, in January 2006.*

"perch") above the speakers' rostrum, which is that used by Lucien Bonaparte when he presided over the Council of the Five Hundred.

Article 52 of the Rules of Procedure states that "*the President shall open the sitting, direct its debates, enforce the Rules of Procedures and keep order; they may at any time suspend or adjourn the sitting*".

The main principle that he must uphold is to carry out his office outside of all political party considerations. Running the sitting requires the chairman to constantly pay attention so as to bring together two conditions which are absolutely essential to the proper conduct of the proceedings: he must make sure that the Rules of Procedure are observed and yet allow all opinions to be expressed.

The high number of sittings means that the President of the National Assembly cannot always chair the proceedings. Thus six Vice-Presidents take turns along with him/her in the chair. The distribution of these positions is carried out within the *Bureau*, so as to respect the political make-up of the Assembly.

3. – The President of the sitting

In accordance with the Rules of Procedure, the President opens the sitting. This procedure is not only formal. As long as the ritualistic words "*the sitting is opened*" have not been spoken, no one has the right to take the floor.

a. Announcements, before the Examination of the Matters on the Agenda

Before moving to the agenda, the President of the sitting announces to the Assembly information which concerns it (such as the resignation or replacement of an M.P.) and then the official messages from the Prime Minister (such as the convening of Parliament in extraordinary sitting). The President may also officially greet, on behalf of the Assembly, any delegation of foreign parliamentarians who may be in the galleries and who have been officially invited by one of the bodies of the Assembly. He may also express the deep feelings of the Assembly following a particularly dramatic event or he may pay homage to the memory of an M.P. who has passed away during his term of office.

b. Chairing the debates

In accordance with article 52 of the Rules of Procedure, the President enforces the Rules of Procedure and keeps order. He gives the floor to the speaker and he may also ask the speaker to conclude when he feels that the Assembly has been sufficiently informed. He may take the floor away from the speaker if the latter strays from the question being debated or, on the contrary, he may allow him, in the interest of the debate, to continue his speech beyond the time limit originally allotted to him.

The President adjourns the sitting and may suspend it, if necessary.

To assist him in his task, particularly in the framework of the “set time limit debate” procedure (see later), the President has information on the speaking time which has passed. This is provided by a timing device. In the case of a need to call for order, he may cut off all the microphones in the Chamber. If order is not restored he may suspend the sitting.

The examination of legislative bills (which may entail a large number of amendments) requires great vigilance on the part of the President. He is helped in this task by the civil servants of the General Secretariat of the Presidency and of the Table Office who sit behind. The quality of the way the laws passed are written and even their internal coherence may depend, in fact, on the order in which amendments are called and on their compatibility.

4. – The chairmen and *rapporteurs* of committees

The chairmen of committees and the *rapporteurs* who are appointed by the committees play an essential role in plenary sitting. They have special seats on the “committee bench” in the front row.

The *rapporteur* is the centrepiece of the legislative procedure and plays a double role: he studies the bill with a view to its examination by the committee and he presents, in plenary sitting, the bill adopted by or the positions taken by the committee in the case of texts concerning which the discussion deals with the actual Government bill or the bill transmitted by the other assembly (constitutional revisions, finance bills or social security financing bills). His speeches enable the M.P.s to come to an understanding of the bill under discussion. In addition to his general presentation, the *rapporteur* gives the opinion of the committee on each of the amendments proposed.

The chairman and the *rapporteur* of the committee have many prerogatives. For instance, they have an unreserved right to speak. Their speeches are not counted in the overall time allotted to their group within the framework of the set time limit debate procedure. They may, by right, request and obtain suspension of the sitting, a vote by division, a vote by public ballot, deferment or priority (which change the order of the discussion) and second deliberation (whose aim is to ask the Assembly for a final modification of the bill under discussion). They are aided by public servants of the National Assembly.

The *rapporteurs* of committees referred to for opinion benefited in the past from several prerogatives in plenary sittings comparable to those of the *rapporteur* of the lead committee. The resolution of June 4, 2019 nevertheless refocused their role on committee work, justifying the removal of these prerogatives – with the exception of referrals for opinion on finance bills, which continue to be exercised according to the previous rules. Thus, except when the lead committee has delegated the examination of certain articles to a committee for opinion in application of Article 87, paragraph 2, of the Rules of Procedure, the *rapporteurs* for opinion, no longer have specific speaking time in public

sessions; in addition, their interventions are deducted from their group's time when the set time limit debate procedure is applied.

The *consultative rapporteurs* are responsible for presenting the text or the report of the committee which has appointed them and, along with the *rapporteur* of the lead committee, have the right to speak on the amendments. They do not, however, have the other powers which the Rules of Procedure grant to the *rapporteur* of the lead committee. Their speeches are not counted in their group's time allotment when the set time limit debate procedure is applied.

5. – The chairmen of political groups

Before the debate in the Chamber, the chairmen of the political groups bring their M.P.s together to decide on the position the group will take publicly, to set out the tactics to be followed and to determine how they will vote, especially when it comes to a final ballot.

During the actual sitting, they may obtain, by right, suspensions of the sitting to bring their group together or public ballots on the decisions they consider to be the most important. In the case of absence, they may confer their prerogatives to a member of the group whom they appoint. However, they must be present in person in the Chamber if they wish to request, before a vote, the checking of the *quorum*, i.e. the presence on the premises of the National Assembly of an absolute majority of members of the Assembly. (This procedure requires, since the reform of the Rules of Procedure of May 27, 2009, that the majority of M.P.s representing the group which has requested the quorum be present in the Chamber.)

Within the framework of the set time limit debate procedure the group chairmen have specific prerogatives (see below).

6. – The Government

In the first row of benches, beside the committee bench, is the "ministers' bench".

The Government is systematically represented by one of its members during the debates. The exceptions are rare (the only cases have been when draft resolutions have been discussed). The Government may speak at any moment. Nonetheless, no matter how important the powers that it has are, the Government must always use them within the rules and customs recognized within Parliament.

Government bills which are tabled by the Prime Minister, in accordance with article 39 of the Constitution, are introduced by a minister, in charge of

presenting the case and of supporting the discussion. In most legislative debates, this minister sits alone on the Government bench.

The Prime Minister may ask the National Assembly for its confidence on his Government's programme or on a statement of general policy. He may also ask for its confidence on the voting of a finance bill or of a social security financing bill or once per session on another Government or Member's bill. In addition, in cases where confidence in the Government is called into question by the tabling of a censure motion, it is the task of the Prime Minister to defend his Government's policy. He may also present the most important bills. Similarly, he may reply to questions put to the Government on issues which he feels may require him to do so from a political point of view.

The Minister or Secretary of State in Charge of Relations with the Parliament represents the Government at the National Assembly. He is kept informed of the proceedings of all the debates and makes sure that such proceedings are compatible with the agenda which has been set down. He is the permanent interlocutor with the bodies of the Assembly and attends the weekly meetings of the Conference of Presidents.

The discussion of a Government or a Member's bill is the opportunity for a constant dialogue between the M.P.s and the Government. During this dialogue the Government may take the floor when it so requests and has prerogatives which the Rules of Procedure grant it and which are also granted to the standing committees. Thus, upon request, the Government will obtain a suspension of sitting, a public ballot, deferment or priority or a second deliberation. In addition, the Government may, in particular use the procedures which the 1958 Constitution grants it: the passing of a bill without a vote in the conditions described above (article 49, paragraph 3), the objection of legislative inadmissibility (article 41), objection to the discussion of amendments which have not been submitted beforehand to the committee (article 44, paragraph 2), the "forced vote" on all or part of a bill under discussion retaining only those amendments proposed or accepted by the Government itself (article 44, paragraph 3).

III. – THE RUNNING OF THE DEBATE

The date and the time of sittings are determined by the regulatory and constitutional provisions. The structure of the sitting will depend on the nature of the tasks carried out by the M.P.s: in the Chamber the Assembly passes the law but it also monitors Government action and assesses public policies.

1. – The passing of the law

The discussion of a legislative bill in plenary sitting usually takes place in several phases: the presentation of the text by the Government and the committee; the examination of a possible motion for prior rejection; the general

discussion and the discussion of articles and amendments which are proposed to them.

The rules however differ according to whether or not the “set time limit debate” procedure has been implemented.

a. Presentation of the text by the Government and the commission

The discussion of a Government or a Members’ bill in plenary begins with its presentation by the Government and the committee. In most cases, it is the Government which speaks first. The committee *rapporteur* only takes the floor first in two cases: the discussion at first reading of a bill submitted to the Assembly and the reading of the conclusions of a joint committee.

The Government's speaking time is not limited. The speech of the committee *rapporteur* is generally limited to 10 minutes, unless decided otherwise by the Conference of Presidents and except for the readings of the texts of a joint committee and for the final readings, for which the speaking time is five minutes.

The *rapporteurs* of the committees referred to for opinion who benefit from a delegation to the lead committee, may speak after the *rapporteur* of the lead committee, generally for five minutes.

Automatically, the chairman of the lead committee, or that of a committee referred to for opinion, if the latter has received a delegation, may speak after the the *rapporteurs*. The duration of the intervention of the chairman of a committee, which in any case can last no longer than that of the *rapporteur*, is generally set at 5 minutes.

b. Motion for prior rejection

A motion for prior rejection (whose aim is to have a bill recognized as being contrary to one or several constitutional provisions or to have a decision taken so that there will be no discussion, and whose adoption leads to the rejection of the bill) is examined before the general discussion.

A motion for prior rejection cannot, however, be tabled on two categories of texts: those subject to a simplified examination procedure and draft resolutions tabled pursuant to article 34-1 of the Constitution. This is also the case for texts registered as part of a day reserved for the opposition or a minority group since a decision of the Conference of Presidents taken as a follow-up to the resolution modifying the Rules of Procedure of June 4, 2019.

Successive reforms to the Rules of Procedure, notably in 2006, 2009 and then 2019, resulted in a gradual reduction in the number of procedural motions and the duration of their presentation. The resolution of May 27, 2009 thus merged the old “inadmissibility challenge” (aimed at demonstrating non-compliance with one or more constitutional provisions) and the “preliminary question” (attempting to prove that there is no need to deliberate) into a single

motion called “prior rejection” having this dual purpose. The resolution of June 4, 2019 abolished the motion of referral to committee, the effect of which was, if adopted, to suspend the debate until the committee presented a new report.

Since this same reform of June 2019, the duration of the defence of a motion for prior rejection is limited to fifteen minutes on the first reading and ten minutes from the second reading on, unless otherwise decided by the Conference of Presidents. This duration is five minutes in the case where the Assembly decides definitively on a text.

c. The General Discussion

Until the reform of the Rules of Procedure of June 4, 2019, the Conference of Presidents organized the general discussion of a text by setting its overall duration, distributed between the political groups taking into account their numbers.

Apart from cases where it is decided to use the set time limit debate procedure (see below), the Conference of Presidents now allocates, depending on the texts, a speaking time of five or ten minutes to each group. A Member who does not belong to any group may speak for a duration which is always equal to five minutes. The Conference nevertheless retains the possibility of granting a different duration and number of speakers for a specific text. Finally, during the discussion of the texts included in a “niche”, the speaker of the opposition or minority group who initiated it has an allocation of ten minutes.

The order of speakers is decided in such a way as to allow an alternation between groups. Thus, as one debate follows another, each group can be certain of having for itself the coveted position of “first speaker”.

During the sitting, the President is responsible for making sure that each speaker remains within the time limit allotted to him. The M.P.s who speak at the rostrum may consult a timing device which is situated right beside the microphones. A red light, which is in the same place, flashes when the speaking time has been used up.

d. Speeches on Articles and Amendments

Speeches made during the examination of the articles of Government and Members' bills and the corresponding amendments tend to be much more specific and technical.

On the articles themselves, each M.P. may, of their own initiative, enrol to speak for a period of two minutes. This is limited to one M.P. per group and to one M.P. belonging to no group. The Assembly then moves on to the discussion on the amendments. At this time, the following may take the floor for two minutes: the author of the amendment; the Government (whose time is not limited); the chairman, the *rapporteur* of the lead committee or the *rapporteur* of the

consultative committee in the case of a delegation of articles in application of article 87, paragraph 2; two speakers one who whom, at least, must oppose.

Although this phase of the debate is highly regulated, it often leads to lively exchanges. In the interest of the discussion, the chairmen of the sitting often allow interruptions which lead to two sets of arguments being put forward. Certain important amendments thus lead to broad discussions.

e. The Use of the Set Time Limit Debate Procedure

The Set Time Limit Debate Procedure, which is provided for by articles 49 and 55 of the Rules of Procedure, allows the Conference of Presidents to fix the length not only of the general discussion but also of the entire examination of a bill, including the consideration of its articles. Its use is an option. The Set Time Limit Debate Procedure cannot be applied to finance bills, to social security financing bills nor to constitutional revision bills.

The Conference of Presidents sets the time allocated to groups and to M.P.s who are non-aligned. The lead committee's and Government's speaking time is not limited.

The setting of the time limits is carried out in respect of the principles contained in the Rules of Procedure and which are aimed at ensuring the right of speech for groups in general and for opposition groups in particular (the latter have around 60% of the overall group speaking time).

The chairmen of groups may avail of prerogatives which allow them, where necessary, to have the speaking time allotted to a group increased (the set time limit is extended) or even to oppose the implementation of the Set Time Limit Debate Procedure.

The resolution of June 4, 2019 also gave group chairs the option of benefiting from an extension of the speaking time allocated to their group alone, once per session, within a maximum limit set by the Conference of Presidents. This extension cannot, however, be combined with that enjoyed by all groups under the extraordinary set time limit debate procedure.

The June 2019 reform of the Rules of Procedure also established the practice allowing a group chair to transfer half of his/her personal speaking time, set at one hour, to a member of the group.

As the speaking time is taken overall, most speeches are not subject to a specific limit (this is the case, for example, concerning speeches on motions for prior rejection, on an article or on an amendment).

All the speeches made by M.P.s are deducted from the overall group time limit, except for speeches made by a chairman or *rapporteur* of a lead committee, and by group chairmen. All the latter may speak for one hour maximum.

When a group has used up the time which it has been allocated, leave to speak will no longer be given to its members. An amendment tabled by an M.P. belonging to such a group shall be voted upon without debate. The chairman of the group can no longer request a public ballot, except on the overall bill. Nonetheless the chairman of the sitting will request the opinion of the committee and of the Government on the amendments tabled by the members of this group so that the vote of the Assembly shall be made clear.

At the end of the examination of the articles, M.P.s have the possibility of making a personal explanation of vote of a maximum duration of two minutes, including if the time allocated to their group – or, where applicable, to the non-attached Members – is exhausted.

f. Votes

During the consideration of a bill in plenary sitting, all votes are public and take place:

- By show of hands (or by standing and sitting in the case of doubt after a show of hands);

- By ordinary public ballot (this vote is held by right upon a decision of the President of the National Assembly or upon a request by the Government, by the lead committee or by the chairman of a political group). It may also be decided upon by the Conference of Presidents, when the latter wishes to hold a “formal” vote for the most important bills. It takes place electronically.

2. – Monitoring and assessment

M.P.s may also carry out, in the Chamber, their constitutional mission of monitoring Government action and of assessing public policies.

Furthermore, article 48 of the Constitution, in its wording as of March 1, 2009, gives over one week of sittings out of four to monitoring and assessment, with the exception of the consideration of finance bills and social security financing bills for which the Government has priority.

In addition, in accordance with the last paragraph of article 48 of the Constitution, “*during at least one sitting per week, including during the extraordinary sittings, priority shall be given to questions from Members of Parliament and to answers from the Government”.*

These monitoring and assessment activities may, in plenary sitting, take a variety of forms.

a. Making Government Accountability an Issue of Confidence

The power to call into question, by means of a vote, the very existence of the Government which constitutes the first characteristic of a parliamentary regime, may be carried out in the Chamber.

Article 20 of the Constitution states that the Government "*shall be accountable to Parliament in accordance with the terms and procedures set out in articles 49 and 50".*

Article 49 of the Constitution sets down three procedures making Government accountability an issue of confidence before the National Assembly: the Government making its own programme or a statement of general policy an issue of confidence (paragraph 1), the tabling of a motion of censure by M.P.s (paragraph 2) and the making of the passing of a bill an issue of confidence by the Government (paragraph 3). In accordance with article 50, this issue of confidence may lead to the resignation of the Government tendered by the Prime Minister to the President of the Republic.

In such cases debates are organized by the Conference of Presidents and the vote is held by public ballot at the rostrum. In order to speed up the procedure, the vote may also be held in the rooms adjoining the Chamber. This means that several polling stations may be opened and is a practice which has become systematic in recent years.

b. The Monitoring Week

The agenda of the monitoring and assessment week is set by the Assembly upon a proposal of the Conference of Presidents. The Assembly may however include legislative texts on this agenda.

This week may be given over to debates on Government statements, to considering motions or to holding question sittings (see after). Debates may also be held on the initiative of a committee or of a group. Article 48 of the Rules of Procedure provides that each chairman of an opposition or minority group may obtain, as of right, the inclusion on the agenda for this week of a subject in the field of assessment or monitoring.

Some of these debates initiated by M.P.s are liable to be based on the reports of fact-finding missions, commissions of inquiry or committees, dealing with the application of a law.

One sitting is reserved by priority for European questions.

The Committee for the Assessment and Monitoring of Public Policies, may make proposals to the Conference of Presidents concerning the agenda for the week given over to monitoring. It may, in particular, propose the setting-up, in plenary sitting, of a debate without a vote or of question sittings dealing with the conclusions of its own reports or of the reports of fact-finding missions.

Since the XIIIth term of Parliament, certain monitoring debates have been held in the “Salle Lamartine”. The fact of moving these debates to another space means that outside personalities can be hosted and leads to more spontaneous exchanges. Such debates have the same public nature as those held in the Chamber.

c. Statements Followed by a Debate

Article 50-1 of the Constitution allows a parliamentary group to request the Government to make, before either of the two assemblies, a statement on a given subject which gives rise to a debate. The Government itself may also take the initiative to make such a declaration. It can decide that such a declaration shall give rise to a vote without making it an issue of confidence.

For the debate to which the declaration gives rise, the Conference of Presidents sets the overall speaking time limit allotted to groups and to M.P.s not belonging to any group. Half of the speaking time attributed to groups is allotted to opposition groups. Each half is then distributed, on the one hand, between the opposition groups and, on the other hand, between the remaining groups in proportion of their size. Each group has a minimum of ten minutes speaking time and a minimum of five minutes is allotted to an M.P. who is not a member of any group.

When the Government decides that its statement shall give rise to a vote, the Conference of Presidents may accept explanations of vote. In this case, leave to speak is given, for five minutes after the closing of the debate, to one speaker for each group. The vote is held by public ballot at the rostrum.

d. Motions/resolutions

Article 34-1 of the Constitution in its wording after the Constitutional Act of July 23, 2008, allows each assembly to pass motions/resolutions which must be tabled by M.P.s individually or by a group chairman in the name of his/her group.

A motion is the instrument by which an assembly provides an opinion on a specific question: its aim is not to make Government accountability an issue of confidence and the Government may declare it inadmissible if it considers that such is the case.

Motions are debated in plenary sitting: they are not sent for referral to committee nor may they have any amendments tabled to them.

Their inclusion on the agenda may be requested by the group chairmen, by committee chairmen or by Government.

This inclusion may not occur less than six full days after the tabling of the bill and may not concern a draft motion considered by the President to deal with

the same subject as a previous motion included on the agenda during the same ordinary session.

e. Questions

The holding, every week, of a sitting given over to questions to the Government, including, since the constitutional reform of July 23, 2008, during the extraordinary sessions, is one of the basic markers of the rhythm of parliamentary proceedings. The constitutional revision of July 23, 2008, took this into account by extending this procedure to extraordinary sessions (article 48). This exercise was profoundly changed by the Reform of the Rules of Procedure of June 4, 2019 and by decisions taken by the Conference of Presidents of the following July 23.

The resolution of June 4, 2019 changed article 133 of the Rules of Procedure which now, provides that:

Every week, “at least one half” and not just “half” of the questions shall be asked by M.P.s of opposition groups. In practice, the Conference of Presidents of July 23, 2019 decided that two-thirds of the 26 questions would be asked by opposition groups

During each sitting, each group shall ask, at least, one question;

The first question shall be automatically allotted to an opposition or a minority group, or else to an M.P. belonging to no group.

The Conference of Presidents of July 23, 2019 reduced from two to one the number of sittings devoted each week of ordinary session to questions to the Government: this sitting lasts approximately two hours and is now held on Tuesday at the beginning of the afternoon, whilst there were previously two one-hour sessions on Tuesday and Wednesday afternoon.

In order to make exchanges livelier and to promote dialogue between M.P.s and the Government, the Conference of July 23, 2019 also established from October 1, 2019 a “right of reply” for the author of the question, and a right of counter-reply by the minister questioned. The overall speaking time of the author of a question of the speakers, like that of the Minister, is limited, to two minutes, including the possible reply

As for the sittings of oral questions without debate, they involve the obtaining of a precise ministerial answer on a given subject which often concerns local issues. Oral questions without debate have taken a natural position during the weeks of monitoring on Tuesday morning and Thursday morning, but Tuesday mornings of the Assembly weeks or of the Government weeks have also been given over to them. Half of the questions are asked by M.P.s of the opposition and the group numbers are taken into account in their distribution. The time available for each question is set at six minutes: this includes the question

itself, the Government's answer and the reply, if there is one, by the question's author.

In addition, sittings of questions to a minister have been held in the framework of the monitoring weeks. The groups have great freedom in the minister(s) they can choose to question, and such sittings are not necessarily based on prior parliamentary proceedings. The questions may deal with the entire remit of a minister or with a preordained topic. The Conference of Presidents lays down the rules for these sittings.

File n°51

THE USE OF THE RIGHT TO AMEND

Key Points

Nowadays, the right to amend is the main expression of the right of M.P.s to initiate legislation.

Although this right, which M.P.s share with Government, is free and unlimited, it nonetheless must follow a series of constitutional, institutional and regulatory provisions which are based on the notion of "rationalized parliamentarism".

The most important of these provisions deal with the financial admissibility (parliamentary amendments are not admissible in cases where their adoption would have as a consequence either a diminution of public resources or the creation or increase of an item of public expenditure) and the legislative admissibility (amendments must be matters for statute) of amendments.

There are other additional restrictions: they mainly deal with the time limits on tabling, on the prior examination by the lead committee, on the link with the bill under discussion or on the restrictions which apply after first reading.

During the plenary sitting, the order in which amendments are called and the procedures concerning their discussion are strictly laid down in precise regulatory provisions which ensure that debates are organized in an orderly fashion and that all opinions are expressed.

The right to amend is the right to have the parliamentary assemblies vote on modifications to texts which they examine. These texts may be Government bills, Members' bills or draft resolutions. It may be regarded as an "extension" of the right to initiate legislation. Over time, it has even, in many Parliaments, and in particular in France, become the main form of expression of M.P.s right to initiate legislation.

It has its basis in the first paragraph of article 44 of the Constitution which states that "*Members of Parliament and the Government shall have the right of amendment*". Since the constitutional revision of July 2008, this article declares even more precisely that this right "*may be used in plenary sitting or in committee under the conditions set down by the Rules of Procedure of the Houses, according to the framework determined by an Institutional Act"*.

There are three main characteristics of the right to amend:

- It is a right shared between Government and parliamentarians;

- It is an individual or collective right (on the contrary of questions for example, amendments may be co-signed);

- It is an unlimited right (subject to limits laid down hereafter) which means that it may be used as a blocking tactic.

The general principle, which is laid down in article 45 of the Constitution, is that the right to amend can be freely used at the stage of the first reading of a bill: any amendment which, at this stage, has a link, even an indirect one, with the bill, is admissible. During the subsequent readings, amendments may only deal with provisions which are still in discussion and this thus excludes all amendments introducing new provisions. In addition, this right is set down in the Constitution which established its uses clearly in the context of "rationalized parliamentarism".

I. – THE FRAMEWORK OF THE RIGHT TO AMEND

The following rules are applicable to amendments and to sub-amendments alike. Nonetheless sub-amendments are not admissible when they contradict the meaning of the amendment or go beyond its scope. However the time limits concerning tabling do not apply to them.

1. – The monitoring of the financial admissibility of amendments

a. General Principles

Article 40 of the Constitution states that amendments introduced by Members of Parliament shall not be admissible where their adoption would have as a consequence either a diminution of public resources or the creation or increase of an item of public expenditure. The wording of the article enables the introduction of an amendment which decreases a public resource as long as it is balanced by the increase in another public resource. However, it prohibits all compensation in the field of public expenditure.

Constitutional jurisprudence has made the scope of financial inadmissibility clear. Thus a decision was taken that it not only applied to State expenditure but also to that of other public entities and various structures benefiting from public funding which carry out missions of public interest. It also follows from this jurisprudence that the effect of the proposed measures is judged in relation to the bill under examination and to existing law if it were to be more favourable.

b. The Financial Admissibility of Amendments to Finance Bills and to Social Security Financing Bills

The monitoring of the financial admissibility of amendments to finance bills and to social security financing bills follows certain specific rules.

- The rules pertaining to the finance bills have been loosened up since the examination of the 2006 Finance Bill, which was the first to be introduced in accordance with the institutional act of August 1, 2001 concerning finance laws (LOLF).

This institutional law changed Parliament's method of monitoring the budget. It replaced the former division of credits by ministry, by appropriation and by budgetary item with a system setting out over thirty State missions and within these around 140 programmes. Article 47 of the aforementioned institutional act states that the idea of public expenditure must be understood in the context of each mission and this now allows parliamentarians to propose, within the same mission, increases in the credits for one programme which will be balanced by a decrease in funding for another programme. In addition, parliamentarians may set up new programmes as long as they balance this increase by a decrease in the credits allocated to another programme in the same mission.

- As for social security financing bills, paragraph IV of article L.O. 111-7-1 of the Social Security Code states that, as far as amendments dealing with the expenditure targets included in the finance act are concerned, the expenditure refers to each expenditure target per branch or to the National Health Insurance Expenditure Target (ONDAM).

This recent easing of the rules, introduced by the institutional law of August 2, 2005, enables parliamentarians to carry out arbitration within the National Health Insurance Expenditure Target or the expenditure targets.

c. Monitoring Procedures

It is necessary to distinguish between amendments tabled in committee and those tabled in plenary sitting.

In the first case, it is the task of the chairman of the committee and, in case of doubt, its *bureau*, to judge the admissibility of an amendment as regards article 40 of the Constitution. If necessary, they may request the opinion of the Chair or the General *Rapporteur* of the Finance Committee or any member of the *bureau* of the Finance Committee so appointed. Amendments which are declared inadmissible are not examined by the committee. The Government or an M.P. may, at any time, invoke article 40 of the Constitution concerning a modification which has been made by a committee to a Government or Members' bill i.e. an amendment adopted by a committee and included in the text which will serve as the basis for the discussion in plenary sitting. Such inadmissibility is decided upon by the Chair or the General *Rapporteur* of the Finance Committee, or any member of the *bureau* of the Finance Committee so appointed.

In the case of amendments which have been tabled with a view to their consideration in plenary sitting, it is the President of the National Assembly who is responsible for deciding on their financial admissibility. However, it is customary that the President almost always follows the advice of the Chairman of the Finance Committee or, failing that, of the General *Rapporteur* or of a

member of the Finance Committee appointed for that reason (article 89, paragraph 3 of the Rules of Procedure provides for such a consultation in the case of doubt). All contentious amendments are thus referred, upon their being recorded, to the Chairman of the Finance Committee and his/her opinion will play a decisive role. When the declared opinion is one of inadmissibility the amendment is sent back to the author. It is not distributed and will not be called for discussion.

This advance monitoring procedure does not mean that financial inadmissibility cannot be declared at a later stage for Members' bills and for amendments. This possibility which is provided for by article 89, paragraph 4 of the Rules of Procedure is an option both for the Government and for any M.P. However in practice a declaration of financial inadmissibility will rarely be made at later stages since the first check which is carried out at the moment of tabling, should have eliminated all initiatives which might run such a risk.

Nonetheless, financial inadmissibility can be declared concerning amendments which have been distributed. In this case the judgement concerning admissibility is carried out in the same way as upon tabling, i.e. upon a decision of the President of the National Assembly following an opinion of the Chairman of the Finance Committee. Given the systematic checking of the admissibility of amendments upon their tabling, such a new consultation would only occur in exceptional circumstances: this might be the case, for example, when the discussion brings to light new facts which might call into the question the opinion concerning admissibility which was reached at the time of tabling.

It should be noted that the procedure for the monitoring of financial admissibility which is laid down by the Rules of Procedure grants the power of decision-making on admissibility during the legislative procedure to parliamentary bodies and to parliamentary bodies alone. In the case of a dispute concerning the admissibility of an amendment, in particular if the Government were to contest the admissibility declared by the relevant parliamentary authority, it is the decision of the said authority which, at this stage, has primacy, without appeal over an external judge. This is the contrary of what is provided for in cases of "legislative" admissibility.

Decisions taken by parliamentary bodies in the area of financial admissibility may only be contested by means of appeal before the Constitutional Council, in the procedure laid down by article 61, paragraph 2 of the Constitution, after the law has been passed. The Constitutional Council recognizes its jurisdiction to decide whether or not a correct decision has been taken, during the legislative procedure, concerning the application of article 40 of the Constitution in the field of judgements on financial inadmissibility or admissibility. In the latter case however, the Constitutional Council considers that such a matter may only be referred to it if the objection of inadmissibility has been raised before the first assembly in which the amendment was brought.

2. – The monitoring of the legislative admissibility of amendments

Article 41 of the Constitution provides that "If, during the legislative process, it appears that a Private Members' Bill or amendment is not a matter for statute…the Government or the President of the House concerned, may argue that it is inadmissible". In case of disagreement between them, "the Constitutional Council, at the request of one or the other, shall give its ruling within eight days".

Initially, only the Government could claim inadmissibility and, in practice, the complexity of the procedure meant that it was only rarely used. By granting this right to the President of the National Assembly, the constitutional revision of July 23, 2008, intended to increase its use.

A major difference between this procedure and that which deals with the respect of article 40, is that legislative admissibility is not systematically checked at the moment of the tabling of Members' bills and parliamentary amendments: such monitoring requires the intervention of the Government or of the President of the National Assembly.

Thus, in application of article 41 of the Constitution, article 93 of the Rules of Procedure of the National Assembly provides that the inadmissibility of a Members' bill or of an amendment may be claimed at any moment by either the President of the National Assembly or by the Government. It also states that modifications brought by amendment to the text referred initially to one committee may also be subject to such a claim.

Since the reform of the Rules of Procedure resulting from the resolution of June 4, 2019, the chair of the lead committee has sent the President of the National Assembly a list of amendments which he considers do not fall within the legislative field.

The third and fourth paragraphs of article 93 respectively envisage the case of inadmissibility claimed by the Government and that of inadmissibility claimed by the President of the National Assembly. If inadmissibility is claimed by the Government, it is the task of the President of the National Assembly to make a decision, whereas if the President of the National Assembly opposes inadmissibility, he must consult the Government. In the case of disagreement between the Government and the President of the National Assembly, the debate is suspended and the President of the National Assembly refers the matter to the Constitutional Council.

In cases where the President of the National Assembly envisages claiming inadmissibility or must judge the inadmissibility which is claimed by the Government, he may consult the Chairman of the Law Committee or a member of this committee who is specially appointed for this purpose.

3. – Other restrictions to the right to amend

a. Restrictions Linked to the Proper Organization of Parliamentary Debates

So that the discussion of the articles of a bill and the amendments linked to them may be ordered and coherent and so that each actor in the debate (Government, *rapporteur* and M.P.s) may be provided with the time to prepare the discussion, it is necessary to set down a date for the tabling of amendments. The reform of the Rules of Procedure of May 27, 2009, institutionalized the time limits for tabling amendments in committee: amendments must be tabled at the secretariat of the committee, at the latest by 5pm on the third working day before the examination of the bill in committee. The reform modified the time limit for amendments tabled on a bill discussed in plenary sitting. This time limit is now also set at 5pm on the third working day before the examination of the bill in plenary sitting as opposed to the previous limit which had been, from 2006, 5pm on the day before the discussion.

The Constitutional Council accepted the setting of such time limits provided that the chairmen of committees, in the case of the examination of bills by their committee or the Conference of Presidents, in the case of the plenary sitting, could set another time limit if the limit fixed by ordinary law did not enable the respect of the "*needs for the clarity and regularity*" of the debates thus fully guaranteeing "*the effective nature of the right to amend granted to parliamentarians by article 44 of the Constitution*" (Decision n° 2009-581 DC of June 25, 2009). As regards amendments in plenary sitting, the Institutional Act of April 15, 2009, states that in any case, M.P.s' amendments must, by obligation, be tabled before the beginning of the examination of the text in plenary sitting.

Beyond the time limit for tabling, the only amendments which are admissible are sub-amendments and amendments presented by the Government and the lead committee as well as amendments dealing with articles modified or added by a Government or lead committee amendment which was tabled after the time limit expired.

b. Inadmissibility Linked to the Subject of the Amendment

Article 98 of the Rules of Procedure of the National Assembly states that amendments shall only relate to a single article.

Sub-amendments may not contradict the meaning of the amendment they refer to and shall not be amended.

In addition, in accordance with article 45 of the Constitution, the same article 98 accepts the admissibility, on first reading, of any amendment "which has a link, even an indirect one, with the bill which has been tabled or transmitted. This provision thus prohibits the so-called "legislative intruders".

The checking of the admissibility of amendments with regard to this rule is exercised, in the National Assembly as in the Senate, at the stage of their tabling, in committee, then in session. The Constitutional Council requires that the link be assessed with regard to the content of the articles "*of the text tabled before the first assembly to which referral is made*".

c. Restriction Linked to Examination in Committee

In accordance with article 44, paragraph 2 of the Constitution, the Government may object to the consideration of any amendment which has not previously been referred to a lead committee. This procedural weapon is usually only used in the case of a clear filibustering tactic for amendments tabled after the last meeting of the committee.

d. Restrictions Linked to the Needs of the Legislative Procedure

As has been previously seen, the legislative procedure, based as it is on a system of “shuttles” between the two assemblies, attempts to gradually bring their two points of view closer together so that an identical bill will be passed by both Houses. Thus, it is logical that all the articles of a law which, at a certain stage in the procedure, have been passed in the same terms by the two assemblies, should no longer need to follow the “shuttle” and should no longer be modifiable by amendment: it is said that such articles are “compliant”.

This is also the case for amendments which would call into question provisions which have been properly passed, by introducing incompatible additions to the bill. The only exceptions to the aforementioned rules would be in the case of ensuring coordination with other bills being examined, of correcting a mistake or of ensuring the respect of a constitutional provision.

After first reading, amendments must have a direct link with a provision which is still in discussion, with the exception of the three cases already stated. This rule, which has been included in the Rules of Procedure of the assemblies for a long time, was progressively accepted by the Constitutional Council between 1998 and 2006. It prohibits, in principle, the introduction of additional articles at this stage of the “shuttle”. In addition, the Constitutional Council has not hesitated to censure new provisions which have been introduced in the form of new paragraphs to an article which is still being considered.

The text which emerges from the deliberations of the joint committee is also subject to specific restrictions regarding the right to amend based on the letter of article 45, paragraph 3 of the Constitution which makes provision that the only admissible amendments to this text are those made by the Government or made by parliamentarians and whose tabling has been accepted by the Government. These restrictions are justified by the need to avoid misrepresenting the agreement reached by the two assemblies on a common text.

When the Government decides, in accordance with article 45, paragraph 4 of the Constitution, to give the final say to the National Assembly by means of a last reading called the “definitive reading”, the only amendments which are admissible to the final bill passed by the National Assembly are those which have been previously passed in plenary sitting or in committee by the Senate during the new reading.

e. The Forced Vote

As a logical consequence of the existence of restrictive passing procedures which reflect the “rationalized parliamentarism” so designed by the framers of the 1958 Constitution, article 44, paragraph 3 of the Constitution authorizes the Government to request the Assembly examining the bill to decide by a forced vote on all or part of the bill under discussion. In this case the only amendments admitted are those proposed or accepted by the Government.

f. Restrictions Linked to the Nature of the Bill under Discussion

Given their very nature, certain texts may not be amended. This is the case, for example, of motions tabled in accordance with article 34-1 of the Constitution or of motions aiming at putting certain bills to a referendum,

In a similar vein, texts of international conventions annexed to bills authorizing their ratification are not subject to amendments, as the National Assembly may only pass or reject such bills of a very specific nature.

g. Restrictions Linked to the Adopted Discussion Procedure Adopted

The procedure for legislation in committee, introduced in articles 107 1 to 107-3 of the Rules of Procedure by the resolution of June 4, 2019, results in the right of amendment by M.P.s and the Government being exercised mainly at the committee stage. The use of this procedure therefore logically results in a restriction of the exercise of the right of amendment in plenary sitting, the only admissible amendments being those intended to ensure respect for the Constitution, to coordinate with a text in shuttle or to correct a material error.

The procedure for legislation in committee, cannot be initiated on Government or Members’ constitutional bills, nor on finance and social security financing bills. It may, depending on the case, relate to all the articles of a text or to only part of it. Articles not affected by the procedure are discussed under ordinary law conditions.

II. – THE PHYSICAL PRESENTATION OF THE AMENDMENTS AND THE ORGANISATION OF THE DISCUSSION

1. – The physical presentation and circulation

a. Physical Presentation

Amendments must be written down, signed by at least one of their authors and placed on the Table of the Assembly (i.e. in practice, handed in to the Table Office Unit) or tabled in committee. This tabling is done concretely on the computer portal specifically created for this, called "*Eloi*". The same requirements of written presentation apply to sub-amendments.

Each amendment consists of a statement which precisely sets out the proposed insertion in the bill, along with its content and a short presentation which briefly explains the reason for the amendment.

b. Circulation

The amendments and sub-amendments are posted on-line on the site of the National Assembly. In practical terms, the M.P.s, both in committee and in plenary sitting, have access to a computer application named "*Eliasse*" with all the amendments and sub-amendments listed by order of examination. This application is updated throughout the parliamentary discussion, to take into account possible withdrawals, tabling of amendments and sub-amendments or modifications to the order of examination (see below).

Every amendment bears, of course, the name of its author. In committee, amendments may have as their authors, the Government, the *rapporteur*, if applicable the *rapporteur* of the consultative committee or the other M.P.s. In plenary sitting, there are Government amendments, lead committee amendments, and amendments from M.P.s. It should be underlined that amendments adopted by the committee after the meeting given over to the examination of the report, are included in the text which will serve as the basis for the discussion in plenary sitting (except in cases where the discussion in plenary sitting is based on the original bill).

2. – Organization of the discussion of amendments

a. Order of Calling

The way in which amendments are listed is very important as the passing of one amendment can have the consequence of the "dropping" (i.e. rendering obsolete) of all amendments proposing concurrent solutions.

The method used is based on two principles:

- From a formal point of view, the order of listing must go from the general to the specific: the deletion of an article is called before the deletion of a

paragraph, and the latter is called before the deletion of a sentence which itself will come before the simple deletion of words etc.;

- As regards the meaning of the amendments, they are voted upon beginning with those which are furthest from the proposed text. These are followed, in order, by amendments which differ from the original text, which are to be inserted and by those to be added to it.

When several amendments, exclusive of each other, are in competition, the chairman of the sitting may have them discussed together so that the M.P.s can hear all the authors before the amendments are voted upon separately.

It should also be stated that amendments tabled by the Government or the lead committee have priority during discussion over those tabled by M.P.s on identical subjects.

Practically speaking, the order of calling is actually written down (on the "yellow sheet") bearing the list of amendments in their order. This document is available in two formats and can be accessed by means of the "*Eliasse*" application and through the internet site of the National Assembly. It is updated in real time during the sitting. This information is also transmitted to M.P.s and to the Government via the screens in the Chamber.

b. Procedures during Discussion

During the examination of an amendment, the chairman of the sitting will successively give the floor to:

- The author, or one of the authors, of the amendment to present the subject and defend the purpose (amendments whose authors are not present are not called);

- The lead committee or the consultative committee, if it has received a delegation;

- The Government;

- Finally, two speakers one of whom must be of the opposite opinion.

The amendment is then put to a vote by the chairman of the sitting who will recall the opinion expressed by the Government and the lead committee.

It should be noted that the time allowed to present an amendment will differ according to the procedure which governs the examination of the Government or Member's bill to which the amendment applies. Generally speaking, speeches on amendments, other than Government speeches (which have no time limit) may not exceed two minutes. Nonetheless, if the Conference of Presidents has decided to fix a maximum length for the examination of the bill (the Set Time Limit Debate Procedure), speeches during the general discussion, on articles or on amendments are not limited as long as the time allotted to the

group to which the speaker belongs, has not been used up. When a group has used up all its speaking time, its members may no longer speak. Their amendments are then put to a vote without debate.

ANNEX

Main Formulae for Amendments

So as to simplify the presentation of amendments, each of the paragraphs in the bills submitted to the National Assembly, is numbered. An amendment which refers to one or several paragraphs in a bill will thus refer to these numbers.

1. Deletions

Delete { this article. / paragraph **n**. / the n-th phrase in paragraph n.

In the n-th phrase in paragraph n., delete the words: "..."

2. Re-writing

Rewrite as follows { this article. / paragraph **n**. / the n-th phrase in paragraph n.

Substitute **in the place of paragraph n** the following paragraphs: "..."
Substitute **in the place of the n-th phrase** the following phrases: "...".
Substitute **in the place of the n-th and m-th phrases** of paragraph n the following phrase: "..."

3. Substitutions

In the n-th phrase of paragraph **n**, substitute for the words: "..." the words: "..."

Rewrite the beginning of this article thus: "..." (the rest without change).
From paragraph n: "..." (the rest without change)
the n-th phrase of paragraph **n**: "..." (the rest without change).

After the words : « … », rewrite the end of this article thus: "...".
From paragraph n: "...".
the n-th phrase of paragraph **n**: "..."

4. Insertions and additions

- After paragraph **n**,
  Before paragraph **n**, insert the following paragraph: "..."

  Complete this article with the following paragraph: "...".

- At the beginning of paragraph n,
  After the n-th phrase of paragraph n, insert the following phrase: "..."
  After the last phrase of paragraph n,

  Complete paragraph n with the following phrase: "..."

- Rewrite the beginning of the n-th phrase of paragraph n thus: "..." (the rest without change).

  In the n-th phrase of phrase of paragraph n, after the word(s): "..." insert the words "..."

  Complete the n-th phrase of paragraph n by the word(s): "...".

File n°52

THE FINANCIAL ADMISSIBILITY OF PARLIAMENTARY INITIATIVES AND THE INSTITUTIONAL ADMISSIBILITY OF AMENDMENTS

Key Points

Article 40 of the Constitution limits the power of parliamentarians to initiate legislation in financial matters. It prohibits the creation or the increase of an item of public expenditure and only authorizes the diminution of public resources when such a measure is balanced by the increase of other public resources. In the case of credits released by finance bills, the Institutional Act of August 1, 2001, concerning finance acts, reduced the rigidity of this restriction by authorizing parliamentarians to carry out transfers between programmes within the same mission as long as the overall amount of funds allocated to the mission was not increased.

Beyond article 40 of the Constitution, the respect, by amendment, whoever their author may be, of the institutional provisions pertaining to finance laws (LOLF) and to social security financing laws (Institutional provisions concerning the social security code) is also monitored.

Article 40 of the Constitution, which has remained unchanged since 1958, provides that “bills and amendments introduced by Members of Parliament shall not be admissible where their adoption would have as a consequence either a diminution of public resources or the creation or increase of an item of public expenditure”.

This restriction on the right of parliamentarians to initiate financial measures is one of the constituent components of the “rationalized parliamentarianism” which characterizes the institutions of the Fifth Republic.

In addition to this checking of the financial admissibility of parliamentary initiatives, it results from article 47 of the organic law of August 1, 2001 relating to finance laws (LOLF) and from IV of article L.O. 111-7-1 of the Social Security Code that amendments not in conformity with the organic provisions relating to finance laws and social security financing laws are inadmissible.

Since 1971 and at irregular intervals, several chairmen of the Finance Committee have published an information report presenting the conditions under which they implemented the checking of the financial admissibility of parliamentary initiatives. The ninth and latest report is that of Mr. Éric Woerth (XVth term of Parliament,

n° 5107)[1]. It is possible, for more details on each of the elements mentioned in this sheet, to refer to this report.

I. – THE PROCEDURE

The means of monitoring financial in inadmissibility are set down by article 89 of the Rules of Procedure of the National Assembly.

In accordance with paragraph 5 of this article, the procedure which is set down hereafter is applicable in the same conditions to the respect, by amendment, whoever the author be, of the institutional provisions (LOLF and LOLFSS).

1. – Prior to tabling

According to the jurisprudence of the Constitutional Council, *"the respect of article 40 of the Constitution requires a systematic examination of the admissibility...of Members' bills and amendments formulated by M.P.s. This must be carried out prior to the announcement of their tabling*" and "*before they may be published, distributed and put to discussion*" (decision n° 2009-581 DC of June 25, 2009).

a. Members' Bills

In accordance with article 89, paragraph 1, of the Rules of Procedure of the National Assembly, the judgement of their admissibility is granted to a delegation of the *Bureau* of the National Assembly which shall refuse the tabling of Members' bills "*where it appears that their passing would have the results set out in article 40 of the Constitution*". In accordance with an established tradition, the *Bureau* attempts not to excessively limit parliamentary initiative. Consequently, it accepts that, for example, an item of expenditure can be balanced.

Subsequent to tabling, Article 89, paragraph 4, of the Rules of Procedure provides that the Government or any M.P. may invoke "at any time" the provisions of Article 40 of the Constitution. This is how the inclusion of a Members' bill on the agenda of the Assembly often gives rise, when it includes one or more provisions likely to disregard Article 40, to a referral to the Chair of the Finance Committee by the chair of the lead committee in order to eliminate any reason for inadmissibility before its examination in committee.

In addition, Members' bills subject to referendums are systematically passed on to the Constitutional Council in accordance with the institutional law implementing article 11 of the Constitution. In its decision n° 2013-681 DC handed down on December 5, 2013, the Constitutional Council stated that the examination of the compliance of such Member's bills with article 40 of the Constitution is systematic,

[1] *Information report by Mr. Eric Woerth, Chairman of the Finance Committee, on the financial admissibility of parliamentary initiatives and the institutional admissibility of amendments at the National Assembly, n° 5107, February 2022.*

including when the question of financial admissibility has not been raised before, during the parliamentary discussion.

b. Amendments

- In committee

Article 89, paragraph 2, of the Rules of Procedure of the National Assembly provides that inadmissibility will be decided, for amendments tabled in committee, by the chairman of the lead committee and, in case of doubt, by its bureau.

The chairman of the lead committee may consult, if he feels it necessary, their counterpart on the Finance Committee, the general rapporteur of the latter or a member of his/her bureau, designated for this purpose. In practice, the Chairman of the Finance Committee is consulted on a very regular basis by the chairmen of the lead committees concerning all amendments for which doubt exists, and his/her opinions are followed.

- In Plenary Sitting

According to article 89, paragraph 3, of the Rules of Procedure of the National Assembly, the President of the National Assembly must refuse the tabling of an amendment in plenary sitting if it appears that it would result in either a diminution of public revenue or the creation or increase of any public expenditure. In the case of doubt, he takes his decision after having consulted the Chairman of the Finance Committee, its General Rapporteur or a member of its bureau designated for this purpose.

2. – After tabling

According to article 89, paragraph 4 of the Rules of Procedure of the National Assembly, the provisions of article 40 of the Constitution may be applied "*at any moment*" during the legislative procedure, by the Government or by any M.P., to Members' bills, including those which have been previously declared admissible by the *Bureau* of the National Assembly, and to amendments as well as to modifications introduced by committees to bills which have been referred to them.

It is on this basis that the financial admissibility of the Members' bills included on the agenda of the National Assembly is re-examined, prior to their examination in committee, generally at the initiative of the chair of the lead committee.

In such a case, it is the responsibility of the Chairman of the Finance Committee to decide upon their admissibility (article 89, paragraph 4, of the Rules of Procedure of the National Assembly).

II. – GENERAL PRINCIPLES: FIELD OF APPLICATION AND THE REFERENCE BASE

1. – The field of application

Article 40 of the Constitution which is aimed at public resources and expenditure mostly applies:

- to the State and to organizations qualified as “various central administration organizations” (ODAC);

- local public administrations, including local authorities, their groups and their public cooperation establishments, as well as to “various local administration bodies” (ODAL);

- to social security administrations (compulsory basic schemes, unemployment insurance scheme, hospital establishments, etc.).

By extension, article 40 can be applied to various bodies receiving public financing which carry out public service tasks: public establishments of an administrative nature, to most public industrial and commercial establishments, to professional training organizations and also to sporting federations[1].

2. – The reference base

The reference base is the comparative term chosen to decide the “cost” of a parliamentary initiative, i.e. either the loss in revenue or the creation of or increase in expenditure it would generate.

The following are the possible reference bases:

- Existing law (in particular the legislative and regulatory laws in force);
- Proposed law (bill under discussion);
- The different versions of the bill under discussion which have been previously adopted by one of the two Chambers.

The choice between these three bases is always, in theory, made on the side of that which is most favourable to the parliamentary initiative.

The law which is proposed may also be the result of an intention of the Government seen as an unequivocal commitment which has been clearly expressed in committee or in plenary sitting. This must be expressed prior to the examination of admissibility. The explanatory statement or the impact study of any bill tabled or included on the order paper by the Government may also be considered as reflecting the intention of the Government, in the same way as an unequivocal statement made

[1] *For an exhaustive presentation of the scope of Article 40, see the aforementioned report on the application of Article 40, pp. 35 to 52.*

by a member of the Government, in its name, in either the plenary sitting or in committee.

III. – THE RELATIVE OUTLAWING OF DECREASING PUBLIC RESOURCES

Article 40 of the Constitution prohibits the diminution of public resources by parliamentary initiative. The use of the plural form of “resources” has the effect of authorizing the balancing of the loss of one form of revenue by the increase in another form of revenue.

This balancing, usually referred to as the “guarantee”, conditions the admissibility of an amendment or of a Members’ bill which would lead to a decrease in revenue. The balancing must benefit the authority or the body which undergoes the loss in revenue. Thus, it is not possible to balance a loss in resources for the state by an increase in taxes received by territorial units.

The guarantee must be credible and real and the revenue which is generated by it must be received in real terms. It is however accepted that the guarantee may consist of the creation of a new tax or the increase in the rate of an existing tax “at the same level” as the loss of revenue thus balanced. This practice makes the writing of amendments and Members’ bills easier. During discussion in committee or in plenary sitting, the Government very often abolishes the guarantee which leads to considering that the amendment, if adopted, is in a wording no longer including a guarantee.

IV. – THE ABSOLUTE PROHIBITION OF INCREASING PUBLIC EXPENDITURE

Article 40 of the Constitution may be applied to a parliamentary initiative which creates or increases an item of public expenditure. The use of the singular, as opposed to the plural used for “resources” has the effect of prohibiting any type of balancing: the creation or the increase of an item of public expenditure cannot be guaranteed either by the establishment or the increase in revenue or by the decrease in expenditure. Thus the fact that the creation of a new item of expenditure may lead to more than proportional savings elsewhere has no effect as regards article 40: the amendment or the Members’ bill will be inadmissible.

The definition of items of expenditure covers direct and certain expenditure but also potential or optional expenditure; thus an amendment is inadmissible as soon as it opens up a legal possibility to spend.

However, amendments whose mechanism establishes a simple “management charge”, that is to say a charge which can be incurred by mobilizing already existing administrative resources, without extending the missions of the organizations concerned, are admissible. Amendments whose effect on public charges is too indirect or indiscernible are also admissible.

Since the introduction of the Institutional Act of August 1, 2001 concerning finance acts (LOLF), the conditions governing the application of article 40 to credit amendments dealing with finance bills have become clearer and more flexible.

Article 47 of the LOLF provides that, for the application of article 40 of the Constitution, "*expenditure is taken, in the context of amendments concerning credits, to mean the expenditure of the mission*". Parliamentarians can thus propose the transfer of credits between the programmes of the same mission as long as they do not increase the overall amount of the expenditure of this mission.

Credit amendments must have precise motives: both the increase in the credits for one programme and the decrease in those for one or several other programmes must be justified and must be set out in a precise cost allocation calculation (for example by specifying the intended action). The appropriations proposed to be modified must be available, including, where appropriate, distinguishing between Title 2 credits (personnel expenditure) and other appropriations.

The Institutional Acts concerning social security financing acts provides for a similar financial admissibility system for such bills. Article L.O. 111-7-1 of the Social Security Code states, in particular, that "*expenditure is taken to mean, in the case of amendments to social security financing bills dealing with expenditure targets, each expenditure target per branch or for the national expenditure target for health insurance*". Parliamentarians may thus introduce amendments increasing the figure for one or several sub-targets in an expenditure target as long as the overall amount of this target is not increased, i.e. by decreasing in an equal fashion, one or several other sub-targets.

V. – THE APPLICATION OF INSTITUTIONAL PROVISIONS TO AMENDMENTS

1. – The institutional law concerning finance laws

In application of the last paragraph of article 47 of the LOLF, all amendments no matter who their author is[1] or what texts they deal with, must comply with the provisions of the institutional act concerning finance laws. This provision has the notable effect of:

- maintaining the particularity of finance acts by preventing any insertion within them of provisions which are outside their scope; such provisions, which are referred to as "*cavaliers budgétaires*" or "budgetary intruders" may not appear in finance acts. On this basis, amendments concerning the relations between a bank and its customers or those dealing with the modification of a criminal offense, have been declared inadmissible;

- protecting the exclusive area of finance acts: an "ordinary" law may not include any of the provisions which the LOLF reserves exclusively for the area of finance acts (for example the assigning of resources due for the state to a "third" party, the granting of the State guarantee, the creation of a levy on revenues etc.).

[1] *Including, therefore, those presented by the Government, the Constitutional Council having noted, in its decision no. 2001-448 DC of July 25, 2001 on the institutional law relating to finance laws, that the institutional legislator expressly defined "the conditions of admissibility of amendments to finance bills presented by the Government and members of Parliament" (cons. 95).*

The recent reform of the LOLF, resulting from the Institutional Law of December 28, 2021[1], reaffirmed the division of finance laws, while changing the distribution of the provisions to appear in the first or second part: all the relative provisions relating to revenue must now appear in the first part, whatever their year of application; the provisions relating to expenditure or to the informing of Parliament on public finances, must in the second part. Consequently, under penalty of inadmissibility, the amendments must be tabled in the appropriate part.

2. – The institutional provisions concerning social security financing laws

As it prohibits "*cavaliers sociaux*" or "social intruder measures", i.e. all provisions outside the area of the social security financing laws, articles L.O. 111-3 to L.O. 111-6 of the Social Security Code, resulting from the Institutional Law of August 14, 2022[2], (LOLFSS) also provide protection for the area of these specific laws and in particular in their exclusive area (e.g. the allocation of revenue that belongs exclusively to the social systems to another body, or the creation or modification of an exemption from social security contributions which is not compensated or established for a period of at least three years).

[1] *Institutional Law N°2021-1836 of December 28, 2021 relating to the modernization of public finance management.*

[2] *Institutional Law N° 2022-354 of March 14, 2022 relating to social security financing laws.*

File n°53

THE PARLIAMENTARY EXAMINATION OF FINANCE ACTS

Key Points

The examination of finance bills by the National Assembly is governed by constitutional rules supplemented by the Institutional Act of August 1, 2001 (LOLF) and is carried out in quite a different way from the examination of other bills. The budget debate in the autumn of each year mobilizes a large number of M.P.s and is one of the most important moments in the parliamentary calendar. Intense crises are also an opportunity for in-depth financial debates, as illustrated by the adoption of three "corrected" finance laws between March and July 2020 linked to the economic consequences of the Covid-19 pandemic.

Article 34 of the Constitution provides that "*Finance Acts shall determine the revenue and expenditure of the State in the conditions and with the reservations provided for by an Institutional Act*". The particular rules which apply to such acts were initiated by the Institutional Act on Finance Laws dating from August 1, 2001 (LOLF) which replaced the ordinance incorporating the Institutional Act of January 2, 1959.

Institutional Law N° 2021-1836 of December 28, 2021 relating to the modernization of public finance management reformed the LOLF, mainly as of the tabling of the finance bill for 2023, for a first application to the finance laws relating to the year 2023. The following developments take this reform into account, even if certain previous provisions of the LOLF could still apply to "corrected" finance laws relating to the year 2022[1].

The finance act is the legal act which makes provision for and authorizes the State's budget. It determines for a budgetary year (i.e. which corresponds to a calendar year) the nature, the amount and the allocation of State resources and expenditure as well as the budgetary and financial balance which results from them (LOLF, article 1).

Only the Government can present finance acts which can only be the result of the passing of a finance bill (article 47 of the Constitution).

In application of the aforementioned Institutional Law of December 28, 2022 there are four categories of finance acts:

[1] *Such previous provisions will apply in any case to the settlement law relating to the year 2021 and, for some of them, to the settlement law relating to the year 2022.*

- The finance act of the year,
- The “corrected” finance acts,
- The newly created end-of-management finance act;
- The law relating to the results of management and approving the accounts for the year - the new name of the settlement act.

Finance acts must present in a regular way, all of the revenue and the expenditure of the State (LOLF, article 32) and their regularity must be considered taking into account all available information and forecasts which can reasonably be expected as a consequence.

I. – THE FINANCE ACT OF THE YEAR

The finance act of the year which is prepared by Government has its presentation and content precisely laid down by the LOLF. It is considered by Parliament according to a procedure which differs, on substantial points, from the usual legal procedure for the examination of other bills.

A - CLEARLY DEFINED PRESENTATION AND CONTENT

The finance act of the year is divided into two parts (LOLF, article 34):

- The first part authorizes in particular the collection of taxes and includes all provisions relating to the resources, particularly fiscal, of the State; it may include provisions relating to taxes assigned to a legal entity other the State (social security organizations, local authorities, other third parties); it includes the fiscal provisions concerning revenue levies (in favour of territorial communities and the European Union) assesses each of the budgetary resources, sets the ceiling on expenditure and lays down the general figures concerning budgetary balance (presented in a balance sheet),
- The second part notably sets the amount of credits for each of the State budget missions distinguishing between subsidy credits for operators and those financing investment expenditure and, by ministry, the ceiling for employment authorizations; for each mission, it defines performance objectives with indicators associated with these objectives and summarizes the amounts of tax expenditures, allocated resources, revenue deductions and credits from the associated special accounts; it may also include provisions “attached” to a mission which directly affect budgetary expenditure for the year and provisions relating to the informing of Parliament and its monitoring of the management of public finances.

It also includes an introductory article presenting a summary table laying down the state of the forecasts for the structural balance and the real balance for all public administrations (LOLF, article 1 H). The introductory article also includes the state of forecasts of compulsory deductions, debt and expenditure of the State, local authorities

and social security. It estimates expenditure considered as investment expenditure for all public administrations.

The credits for the general budget of the state are presented in a three-tier structure:

- Missions, either ministerial or inter-ministerial,
- Programmes,
- Actions.

Missions, which can only be initiated by Government, include a series of programmes linked to a specific public policy falling into the remit of one or several ministries.

Programmes group together all the credits for the implementation of an action or a coherent group of actions which are within the remit of the same ministry and which include precise targets as well as expected results and which are subject to assessment (LOLF, article 7).

Actions constitute the third level of the presentation of expenditure about which the LOLF gives no precise detail. They are only of an informative nature and attempt to identify the components of public policies and examine their costs.

The presentation of credits by category (staff, operation, debt servicing, investment, subsidies, financial operations etc.) is only given as an indication and is subject to the category of staff expenditure (category 2) which is limited according to each programme.

The general state budget in 20 had 33 missions bringing together 138 programmes to which must be added 2 annexed budgets and 26 special accounts, (special allocations, financial competition accounts, trade accounts and monetary operation accounts).

This budgetary architecture has led to increasing the right of amendment for parliamentarians. Article 47 of the LOLF allows them to modify the amount and the distribution of credits between the programmes within the same mission, as long as they do not increase the ceiling of its overall credits. In addition, article 34 of the LOLF allows them to introduce and modify the objectives and performance indicators associated with each mission.

The finance bill has, by necessity, many annexes which are meant to keep parliamentarians well-informed:

The Annual Performance Plans (PAP) (blue-coloured budgetary documents) set out within each mission, the credits allocated to each of its programmes for the current year, the year under consideration and the two following years and detail, for each action, the targets and the performance indicators;

The information annexes (yellow-coloured budgetary documents), for example, the report concerning state shareholdings, the report concerning the

implementation and the follow-up of future investments; report on the current state of the civil service and salaries; the report on financial relations with the European Union; the report on independent public authorities etc.;

The orange-coloured documents deal with multi-faceted policies which present in great detail certain policies pertaining to several ministries (e.g. road safety, overseas units, gender equality, tourism) which are concerned with programmes whose scope deals with different missions. These concern the strategy applied, the budget, the aims and the indicators which are relevant. The list of these 14 documents is provided in article 128 of the corrected finance act for 2005 and has been modified several times;

- The annex referred to as “ways and means” which re-examines all the assessments of state revenue and fiscal expenditure;

- The report on the situation of local public finances, presenting in particular the evolution of local charges resulting from transfers of powers and, for each optional reduction in local taxation, the number of deliberations in force;

Other budgetary documents which enable, in particular, the budget bill to be placed in its economic, social and financial context: an economic, social and financial report; a report on the nation’s accounts. In addition, in application of the aforementioned Institutional Law of December 28, 2021, without it constituting a document expressly associated with the finance bill, the Government presents, before the start of the ordinary session, a report analyzing the trajectory, the financing conditions and the sustainability of public debt, which may give rise to a debate in plenary sitting.

In accordance with the constitutional revision of July 2008 and the Institutional Law of April 15, 2009, the finance bill also includes an annex which presents all the preliminary assessments of the measures which it puts forward. This represents the equivalent of the impact studies for non-financial bills. As this annex does not constitute an impact study in the strictest sense, it is not subject to the challenge before the Conference of Presidents which is provided for by article 47-1 of the Rules of Procedure of the National Assembly.

B. – DRAFTING BY THE GOVERNMENT ALONE

The process of the drafting of the finance bill and the State budget falls entirely within the remit of the Government, as laid down by article 38 of the LOLF which states that “*under the authority of the Prime Minister, the Minister in Charge of Finances prepares the finance bills which are examined in the Council of Ministers.*”

It begins as of the start of the year preceding the implementation of the budget and represents a substantial amount of work concerning the forecasts and negotiations between the Ministry in Charge of the Budget and the other ministries.

Before its approval by the Council of Ministers, the finance bill is submitted, like all bills, to the *Conseil d’Etat*, for its opinion (which has not been, up to now, made public).

The bill is then discussed in the Council of Ministers at a date which enables its tabling within the timetable set down by article 39 of the LOLF, i.e. at the latest on the first Tuesday in October of the year preceding that of its implementation.

1. – New guidelines

Although the finance law only deals with a single year, in accordance with the principle of budgetary annuality, its preparation falls more and more within the scope of the multi-annual programming of public finances. It is no longer, in addition, a strictly internal matter since the advent of greater monitoring of budgetary policies was implemented within the framework of the Eurozone and of the European Union.

It is for this reason that the Institutional Law of December 17, 2012 concerning the planning and the governance of public finances, now codified in the LOLF, changed the budgetary procedures so that they became compliant with the Treaty on Stability, Coordination and Governance (TSCG) within the economic and monetary union which was ratified on October 11, 2012.

a. The multi-annual programming of public finances

The Constitutional Law of July 23, 2008 made provision for a new category of programming laws which, strictly speaking are not finance laws but which, given their subject, are very close to so-being. These programming laws set down "*the multi-annual guidelines for public finances*" and contain "*the aim of balancing public administration accounts*" (penultimate paragraph of article 34 of the Constitution).

These programming laws, whose content is decided by articles 1A-1G of the LOLF, are examined by Parliament according to the ordinary legislative procedure. They deal with a minimum period of three years, must lay down a mid-term objective for balancing the budgetary situation of public administrations in the form of a structural target amount for the accounts of all public administrations. They must also set down the multi-annual method to reach such targets, as well as the means to be employed for a correction mechanism in the case of there being a substantial gap concerning the structural amount at the moment of the settlement act. They also set down the methods for taking into account exceptional circumstances. They set an objective, expressed in volume, for the evolution of public administration expenditure and a forecast, expressed in billions of current Euros, of this expenditure in value, distinguishing the share of investment expenditure, and set out this objective and this forecast by sub-sector of public administration.

They lay down the maximum amount of the general state budget credits and for levies on its revenue, as well as the credit ceiling allocated to the missions of the general state budget. An annex is attached to them which must be approved by Parliament and which, in particular, presents the hypotheses and the methods used to reach this programming, an overview of the main public expenditure considered as investment expenditure as well as the calculations used to obtain the structural amount and the measures implemented in order to guarantee the respect of the programming.

Their legal effect was made clear by the Constitutional Council in its decision of December 13, 2012 (decision n°2012-658 DC, cons. 12): "*Considering that the multi-annual orientations laid down by the Public Finance Programming Law do not have the*

effect of modifying the discretion and adaptation of the Government's implementation of article 20 of the Constitution in the setting-down and the conduct of the policy of the nation and that they, in the same vein, do not affect the prerogatives of Parliament when it examines and passes finance and social security financing bills or any other Government bill or member's bill."

b. Community monitoring of the budgetary policies of member states

Community monitoring of the budgetary policies of member states has been, since 2011, part of the framework of the "European semester": in principle the member states transmit to the European authorities, before the end of the month of April, their stability programme (or their convergence programme for the states which are not part of the Eurozone) as well as their national reform programme.

In accordance with article 1K of the LOLF the Government transmits the draft stability programme to Parliament, at least two weeks before sending it to the European Commission. From 2023, it must complete this transmission to Parliament by the concomitant submission of the report on the evolution of the national economy and on the orientations of public finances, the whole being able to give rise to work within the Finance Committee and to a debate in plenary sitting.

In addition, in the framework of the follow-up and the assessment of the draft budgets of member states of the Eurozone, the latter must transmit to the Eurogroup and to the European Commission, before October 15, their draft budget for the following year. The Commission may give an opinion on this budget, before November 30 and this opinion may be accompanied by a request to revise if there is a particularly serious infringement of the budgetary policy obligations set down in the stability pact.

c. The High Council for Public Finances

The Stability and Growth Pact requires that an independent supervision body in each country warns the Government if it strays from the structural objectives or judges the possibility of "exceptional circumstances". This requirement is further strengthened by a rule stating that there must be an independent body which validates the macroeconomic forecasts particularly concerning possible growth in national budgets.

It is for this reason that the Institutional Law of December 17, 2012, set up the High Council for Public Finances (HCFP – the provisions concerning it are now found in articles 61 and 62 of the LOLF) in charge of informing the Government and Parliament's choices and of overseeing the coherence of the path towards the return to balanced public finances with France's European commitments. In order to achieve this, it takes into account the realistic nature of the macroeconomic and budgetary forecasts of the Government and provides an opinion on the coherence of the annual objectives presented in the financial bills (finance bill, corrected finance bill etc.) with the multi-annual objectives for public finances.

The High Council must provide an opinion on the macroeconomic hypotheses, used by the Government in the preparation of the main texts dealing with public finances, before their presentation to Parliament: public finance programming bills, finance bills, social security financing bills, corrected finance bills and draft stability

programmes transmitted each year to the European Commission and to the Council of the European Union.

The High Council oversees the coherence of the path towards the return to balanced public finances (State, territorial communities, social security) with France's European commitments. Thus, when the Government presents the finance bill or the social security financing bill in September each year, or presents a planning bill with an impact on public finances, the High Council provides its prior opinion on the coherence of such bills with the multi-annual programming envisaged. It is then led to examine if the forecasts for revenue and expenditure presented by the Government are compatible with the mid-term path towards the return to structurally balanced public finances. In addition, the opinion made public by the High Council on the bill approving the accounts for the year also concerns compliance with the expenditure objectives of public administrations with regard to the results of execution and, at least once every four years, the gaps between the macroeconomic forecasts of revenue and expenditure in financial texts and their realization.

For each of the opinions provided by the High Council, the Finance Committee may request the President of the High Council (who is the First President of the Court of Accounts) to appear before it.

2. – involvement of Parliament

Since 1996, Parliament has been involved in the preparation of the finance bill as part of a debate on the orientation of public finances, the organization of which, hitherto fixed for the month of July, will now take place in the month of April based on the aforementioned report on the evolution of the national economy and the orientations of public finances, and also on the documents that the Government plans to transmit to the European institutions within the framework of the Stability and Growth Pact (LOLF , article 1 K)

The Finance Committee publishes a preparatory fact-finding report before the debate in plenary sitting, which is signed by its General *Rapporteur*.

In addition, with a view to the examination and passing of the finance bill for the following year by Parliament, the Government presents, before July 15, a report indicating the credit ceilings envisaged for the coming year for each mission of the general budget, the state of the forecast of the objective of evolution of public administration expenditure, as well as the planned amounts of assistance to local authorities. This report also indicates the list of missions, programmes and performance indicators associated with each of these missions and each of these programmes envisaged for the finance bill of the following year.

C. – A SPECIFIC LEGISLATIVE PROCEDURE

The examination procedure of the finance act of the year was not changed by the constitutional revision of 2008 and thus differs significantly from the procedure applied to ordinary law.

1. – A budgetary discussion within strict constitutional time limits

The finance bill of the year must be tabled at the National Assembly which possesses constitutional priority over the Senate, at the latest, onthe first Tuesday in October of the year preceding that of its implementation.

Article 47 of the Constitution sets a 70-day time limit for Parliament to reach a decision on the finance bill.

The time limits are thus set out as follows (LOLF, article 40):

- First reading at the National Assembly: 40 days;
- First reading at the Senate: 20 days;
- Parliamentary “shuttle”: 10 days.

The starting point for the countdown of this 70-day period is not the day the finance bill is tabled but a day determined by an agreement between the Government and the National Assembly depending on the number of accompanying documents attached to the bill.

Articles 47 of the Constitution and 45 of the LOLF detail the consequences if the overall period of 70 days is exceeded:

- If the overall time limit of 70 days is exceeded on account of Parliament, the Government may have recourse to an ordinance to enforce the provisions;
- If the overall time limit of 70 days is exceeded on account of the Government in the case of non-respect of the constitutional period for the tabling of the bill, the latter may either ask Parliament to solely pass the first part of the finance bill (the second part being considered at a later date) or request a vote on a special law which would allow it to receive the existing taxes until the passing of the finance law. In either case the credits are temporarily distributed, by decree, according to the services which have been voted, i.e. the minimum budget considered necessary by the Government to enable the State to function according to the conditions prevailing the previous year.

Article 45 of the LOLF also provides for the case in which the enactment of the finance act before January 1, is made impossible by a decision of the Constitutional Council. In such a case, the Government may table a special bill which allows it to continue to collect taxes until the passing of the new finance law which will take place at the same time.

These rules which are restrictive for Parliament but also for Government (which is also required to respect the tabling deadlines for the explanatory and general annexes) aim at ensuring, thanks to the passing of the budget before the beginning of the calendar year, that the nation continues to function.

2. Procedural specificity strengthened by the constitutional revision of 2008

The Constitutional Act of July 23, 2008 as well as the provisions of the Rules of Procedure of the National Assembly which result from it, introduced substantial changes into the relationship between Parliament and Government as well as in the ordinary legislative procedure. Many of these, however, do not apply to finance acts:

- In the case of the examination of finance bills in committee, ministers may not attend votes which in fact, disallows them from participating in debates;

- The examination of finance bills may be included with priority status, at any moment, on the agenda of the National Assembly, upon the request of the Government, including during weeks given over, in principle, to a parliamentary agenda (article 48 of the Constitution);

- The discussion on first reading, in plenary sitting, before the National Assembly is on the text presented by the Government and not on the text passed by the committee (article 42 of the Constitution); on other readings, the discussion is on the basis of the bill transmitted by the other assembly and not on that of the committee;

- The so-called Set Time Limit Debate Procedure (the setting of the maximum time for the examination of a bill) is not applicable to the examination of finance bills;

- The possibility for the Government to have recourse to article 49-3 of the Constitution (making the passing of a bill an issue of confidence) has been maintained without any limitation in the case of a vote on the finance bill.

3. – Examination involvng the eight standing committees

The institutional act (LOLF, article 39) provides for the referral of the finance bill to the Finance Committee and thus excludes the possibility of setting up an *ad-hoc* committee. However, even though the Finance Committee plays a decisive role in the examination of the bill, the seven other committees are also referred to for opinion.

a. The Predominant Role of the Finance Committee

The examination of the finance bill traditionally begins with the hearing of the minister(s) in charge of finances and of the budget immediately following the end of the Council of Ministers which has adopted the bill. For the next step in the examination, the work of the Finance Committee is structured by the roles played, first of all, by General *Rapporteur* and for budgetary appropriations, by the special *rapporteurs*.

- The role of the General *Rapporteur*

The General *Rapporteur* is elected every year at the same time as the Chairman of the Committee and the other members of its *bureau* but traditionally he is maintained in that position for the entire length of the term of Parliament, unless he

resigns. The general report on the finance bill for the year is automatically entrusted to him/her as well as the reports on the corrected finance bill, those relating to the results of the management or programming of public finances as well as the opinions on the draft decrees in advance.

The General *Rapporteur*, who has extensive monitoring powers under the Institutional Law (LOLF, article 57), examines all the provisions of the first part of the bill, as well as the "non-attached" articles of the second part. In this context, he puts before the committee the relevant amendments and is in charge of defending, in plenary sitting, the positions adopted by the committee on all the amendments tabled. Upon the first reading of the finance bill, the general report, drawn up by the General *Rapporteur* is made up of three volumes:

- Volume I is devoted to an overall analysis of the budget placed in its economic and financial context;

- Volume II includes, commentaries on the provisions of the first part of the finance bill;

- Volume III includes commentaries on articles not linked to the second part

➢ The role of special *rapporteurs*

The detailed examination of credits is carried out by special *rapporteurs* to whom the institutional act (LOLF, article 57) has granted them, in their field of competence, powers of investigation including giving them access to all evidence and the right to communicate information and documents of a financial and administrative nature (subject to such documents and information not being covered by national defence secrets, internal or external state secrets or by legal or medical confidentiality).

These special *rapporteurs* are nominated by the Finance Committee each year and are permanently responsible for the monitoring of the handling of the budget in their particular field of competence. Each year, they send questionnaires to the ministers before July 10 in preparation for their reports on the finance bill. The Government is obliged to make a written reply by October 10, at the latest (LOLF, article 49).

Each special *rapporteur* is in charge of the examination of the credits of one or of several missions or in certain cases of one or several programmes within the same mission. If required, the special report presents the article or articles of the finance bill which are attached to the mission of which he is in charge.

The special *rapporteurs* belong to all the political groups of the National Assembly.

b. The Role of the Other Standing Committees

Referral is made to the seven other standing committees concerning the second part of the finance bill through their "*rapporteurs* for opinion" (consultative *rapporteurs*, who are in charge of the examination of all or part of a mission falling within their field of competence.

It should be noted that for the examination of recent finance bills, auto-referral for opinion was also made to certain standing committees concerning the first part.

4. – The discussion of the first part of the bill

The discussion of the first part of the finance bill, both in the Finance Committee and in the plenary sitting, takes place in the same way as for a non-financial bill.

During the examination in the Finance Committee, the General *Rapporteur* plays the principal role. He proposes his own amendments and gives his opinion on those tabled by the other members of the committee. As was stated above, the committee adopts only the amendments and thus does not lay down a text which will serve as a basis for the discussion in plenary sitting.

The debate in plenary sitting, which takes place as of the week following the examination of the bill in committee, is organized by the Conference of Presidents of the National Assembly.

The discussion opens with a general discussion during which the Government, the General *Rapporteur*, the Chair of the Finance Committee, the spokespersons of the political groups and the M.P.s who are enrolled, take the floor. The discussion of the articles also follows the normal rules. Traditionally, the article concerning the revenue contribution to the European Union has a specific debate during which the Foreign and European Affairs Committees express their opinion.

The particularity of the finance bill is due to a “balancing article” and to the provisions of article 42 of the LOLF which makes the passing of the first part a pre-requisite for the discussion of the second part of the bill. In fact, it is this article which assesses the overall budget resources of the State and which places the ceiling on expenditure, thus setting the financial balance. The decision of the Constitutional Council of December 24, 1979 (Decision n°79-110 DC), annulled the Finance Act for 1980, because it did not comply with this obligation.

The debate in plenary sitting of the first part relating to the finance bill generally takes place during five to seven six sitting days, i.e. between forty and sixty hours approximately. At the end of the examination of the first part, before the overall vote on it, the Government has the option of requesting a second deliberation of the introductory article and of the provisions of this part of the finance law

5. – The discussion of the second part of the bill

The discussion on the second part has returned to a certain classicism, as the experience of enlarged committees was not renewed after the examination of the bill for 2019: for an entire week, the special *rapporteurs* present successively to the Finance Committee, the appropriations proposed by the bill, as well as the articles which may be so-associated. For their part, the committees for opinion hear the ministers responsible for executing the appropriations.

At the end of the discussion in enlarged committees, the relevant committees hold a short meeting to decide upon the credits for the missions and the articles which may be so-associated and to make a decision on the amendments which have been tabled by their members.

Examination in plenary sitting is also organized by the Conference of Presidents, which each year decides on a list of budgetary discussions and a time for discussion as well as a number of questions, this time and this number being distributed between the groups. Each budgetary discussion can bring together several missions, which makes it possible to limit the number to around twenty. During each of these discussions, a first phase is devoted to the intervention of the minister(s), the special *rapporteur(s)* as well as the *rapporteur(s)* for opinion, and speakers from the groups. Then, specific time is devoted to questions from the groups to the ministers. Finally, the amendments relating to the credits of the mission(s) subject to discussion are examined and then, where applicable, the articles and amendments to these articles or relating to additional articles attached to these missions.

At the end of the debate on the missions, the National Assembly examines the articles not linked to the second part of the finance bill as well as the so-called "recapitulation" articles (articles which refer to annexed documents and which relate to the distribution of credits by mission and the employment ceilings)[1], and moves to a formal vote on the entire finance bill.

When the discussion ends and before the formal vote takes place, the Government can request, as with any other text, a second deliberation. This second deliberation may relate not only to the provisions of the second part but also to the introductory article or provisions of the first part.

In total, the National Assembly devotes more than one hundred hours every year in plenary sitting to the first reading of the second part of the finance bill.

6. – The parliamentary "shuttle" and the promulgation of the law

As the accelerated procedure is automatically applied to the finance bill, it becomes the subject of a single reading in each assembly, after which the Government convenes a meeting of a joint National Assembly/Senate committee (CMP) which is responsible for examining the provisions remaining under discussion.

The procedure following the meeting of a CMP is the normal one applied to all bills subject only to the fact that the committee, as during the first reading, only adopts amendments and therefore does not establish a text which would serve as a basis for discussion in plenary sitting.

If the CMP and the adoption of a single text on the provisions still in discussion is successful, this bill is put to a vote by the two assemblies. Its approval puts an end to the parliamentary "shuttle" and leads to the definitive passing of the finance bill. This is the traditional normal when the majorities in each House agree.

[1] *These articles were subject to a prior discussion in the Finance Committee in the same conditions as those of the first part of the bill.*

In the case where the CMP fails or the text laid down by it is rejected by one of the Houses, the National Assembly and the Senate must move to a new reading. If the disagreement continues, the Government requests the National Assembly to make a final decision on a definitive reading. For the examination during a new reading, the General *Rapporteur* presents all of the provisions of the finance law and the special *rapporteurs* are no longer institutionally involved. Such an examination takes place more quickly, both in committee and in plenary sitting as the missions are not re-discussed one after another.

Before its promulgation, the finance act is usually submitted by M.P.s and Senators to the Constitutional Council for its opinion. The Constitutional Council makes its decision within a few days in order to allow publication of the law before the end of the year. The Constitutional Council has developed a substantial jurisprudence in budgetary and fiscal matters and checks in particular the respect of the institutional rules concerning finance acts.

II. – THE EXAMINATION OF THE OTHER FINANCE ACTS:

1. – "Corrected finance acts"

"Corrected" finance acts modify the finance act of the year during its year of application and have the same two-part structure.

The main aim of the "corrected" finance act, which is commonly referred to as the "budgetary collective" is to take into account the revised assessments of state resources (to include the disparities between the forecasts and the revenue actually received), to apply to credits the necessary modifications which exceed those that the Government is authorized to carry out through regulations (see below III), to validate the others and to decide on the new budgetary balance as a result. In addition to the provisions relating to the general balance of the budget, any "corrected" finance bill may also include temporary or permanent tax provisions.

Certain such "mini-budgets", particularly in the case of a change of Government, or an unforeseen economic situation, may bring about a significant change in fiscal or budgetary policy or imply the necessity of a major measure specifically linked to a crisis situation (e.g. the State guaranteeing a national or a European financial mechanism). From the start of the health crisis, Parliament was thus required to examine four such "mini-budgets" during 2020 alone.

Even if the tabling of a corrected finance bill is solely dependent on Government initiative and can occur at any time, Parliament's approval is nonetheless systematically required in November at the time of the "budgetary collective" or "mini-budget".

In addition to the provisions concerning the general balancing of the budget and modifying the credits of the missions (the annulment or the approval of credits), this bill traditionally also includes a substantial number of permanent fiscal provisions which should only be applied during the following year.

As of 2018, the Government has chosen to present end-of-year “mini-budgets” no longer including tax measures (or only on a very exceptional and one-off basis). The creation, during the 2021 LOLF reform, of the new category of end-of-management finance laws demonstrates the taking into account of this shift (see below 2).

In principle, the examination of a corrected finance bill will only concern the Finance Committee as it rarely happens that another committee will be referred to for its opinion. As for the finance bill of the year, the committee interviews the Government representative following the Council of Ministers during which the “mini-budget” has been adopted. It also hears the Chair of the High Council of Public Finances on the opinion given by the latter on the macroeconomic forecasts associated with the “corrected” finance bill and on the consistency of this bill with the multi-year trajectory of the structural balance. The mini-budget is then examined by the committee on the report of the General *Rapporteur*, in the same conditions as for the first part of the Finance Act of the year.

The discussion of credits does not take place mission by mission and only the Budget Minister is responsible for supporting the bill in plenary sitting. The debates usually take up from several sittings to one week of the business of the National Assembly on first reading.

The parliamentary “shuttle” takes place as previously described and the constitutional examination deadlines applicable to the initial finance bill are also applicable to the corrected finance bills.

2. – End of management finance laws

The end-of-management finance law is a new category of finance laws, created by the Institutional Law of December 28, 2021 and which come into force on January 1, 2023.

Just like the “corrected” finance bill, the end-of-management finance bill includes two parts, as well as an introductory article. Unlike the “corrected” finance bill, the end-of-management finance bill cannot include:

- Provisions relating to State resources;
- Provisions relating to the base, rate, allocation and methods of tax collection of all kinds assigned to a legal entity other than the State (except if the modification of the allocation of a tax is worth for the current year);
- Provisions directly affecting budgetary expenditure in years other than the current year;
- The definition of the terms of distribution of State assistance to local authorities or tax revenues allocated to the latter and their public establishments;
- The approval of financial agreements;

- Provisions relating to information on, and monitoring by Parliament of, the management of public finances;

- Provisions relating to public accounting and the financial liability regime for civil servants;

- Provisions authorizing the transfer of tax data making it possible to limit charges or increase State resources.

As highlighted by the Constitutional Council (Decision n° 2021-831 DC of December 23, 2021, par. 69), the Government retains complete latitude to make the budgetary modifications that it wishes to see adopted before the end of the year by way of a "corrected" finance bill or by way of an end-of-management finance bill. The only consequence of choosing this second path is to more narrowly limit the field of measures likely to appear in the text without disregarding the requirements of the Institutional Law.

3. – The settlement laws or laws relating to management results and approval of the accounts for the year

The Settlement Law, entitled from 2023, the Law Relating to the Results of Management and Approving the Accounts for the Year, is mainly intended to establish the definitive amount of the budget revenues and expenditure to which it refers and to establish the budgetary result which is a consequence.

The time limit for the tabling of the bill is set for June 1 of the year following that to which the budget applied (and on May 1 from 2023, for 2022).

It is supported by the Annual Performance Reports (RAP), in a red back, which enable a comparison between the implementation of the budget, including its results and the forecasts made in the Annual Performance Plans (PAP), or "blue budgetary papers", which are annexed to the finance bill of the year.

The bill relating to management results only has some of the derogatory characteristics specific to the examination of finance bills applied:

- It must be tabled at the National Assembly;

- It can be included as a priority on the agenda of a week reserved for Parliament;

- It is not the subject of the establishment of a text by the committee and it is therefore discussed in plenary sitting in the form of the text tabled or transmitted by the other assembly.

Conversely, the constitutional deadlines for examining finance bills are not applicable to settlement bills, which have become bills relating to the results of management (Decision of the Constitutional Council n°. 83-161 DC of July 19, 1983), and the accelerated procedure is not implemented automatically but must be expressly initiated by the Government (Decision of the Constitutional Council n°. 85-190 DC of July 24, 1985).

Article 41 of the LOLF provides, however, that the finance bill of the year may not be discussed before an assembly before the passing in first reading of the settlement bill of the previous year.

In practice, since 2006 the Parliament has been in a position to examine the settlement bill during the extraordinary session in July.

In principle, the examination of a settlement bill only concerns the Finance Committee as it is rare that any other committee should be required to provide its opinion.

The Committee interviews the Government representative after the Council of Ministers which has approved the corrected act. It also interviews the First President of the Court of Accounts on the certification of the State accounts and on the report concerning the accounting year in question, as well as, in his/her position as President of the High Council of Public Finances, on the opinion provided by this body on the structural balance of the public administrations presented in the bill and on compliance with public administration spending objectives.

At least once every four years, the opinion of the High Council must also be considered concerning the discrepancies between the macroeconomic forecasts of revenue and expenditure in the financial texts and their realization. If, during its opinion on a settlement bill, the High Council identifies significant deviations with regard to the multi-annual structural balance guidelines (representing at least 0.5% of the GDP of a given year or 0, 25% of GDP on average over two consecutive years), the Government must explain the reasons and indicate the corrective measures envisaged during the examination of the settlement bill.

The bill is then examined by the committee on the basis of the report of the General *Rapporteur,* in the same conditions as those pertaining to the first part of the finance act for the year. In addition to the the report filed by the General *Rapporteur* annexes presented by each of the special *rapporteurs* comment on the budgetary exercise of the previous year and, since the exercise of the year 2018, also present themes for assessing a public policy which give rise in committee to a specific debate, as part of the *Spring of Assessment*.

II. – THE FOLLOW-UP TO BUDGETARY IMPLEMENTATION

Budgetary and accountancy law provide a framework for the implementation of the budget so as to guarantee, on the one hand, the respect of parliamentary authorization, and, on the other hand, the regularity of the administration's financial transactions.

In the case of the implementation of the budget, the Government and its in administration must abide by three principles: the limited nature of credits, the principle of annuality and the principle of speciality.

The limited nature of credits means that expenditure cannot be authorized and cleared unless it is within the credit limit provided for by the finance law passed by Parliament (LOLF, article 9). The LOLF makes prevision for exception to this principle;

- Certain credits are transferrable (public debt financing burden, the state guarantee); when certain ceilings have been reached, the Government informs the finance committees of the reason and of the possibilities to reach the end of the year; the necessary funds are, in principle, made available as of the following corrected bill.

- In the case of an emergency, the Government may implement a prior decree which has no impact on the budgetary balance (the passing of credits from the relevant programmes must be exactly recompensed by the cancellation of other programmes); this decision is taken after consultation with the two finance committees (within a seven-day time limit of the referral) and with then with the *Conseil d'Etat*; the consultation proposal is submitted to the committee by the General *Rapporteur*; the overall amount of such credits must not exceed 1% of the total credits allocated by the finance bill; the decree must be ratified in the following finance bill referring to the current exercise;

- In the case of an overriding necessity for national interest, the Government may implement another type of prior decree which is taken by the Council of Ministers after consultation with the *Conseil d'Etat* and having informed the finance committees: it can affect the budgetary balance and is subject to no limitation in its amount; nonetheless, a corrected finance bill must be immediately tabled or, at least, at the beginning of the following session.

In application of the principle of speciality, after the passing of the finance bill, a distribution decree determines the amount of credits which will be credit payments and commitment authorizations for each mission and for each programme in accordance with the distribution which has been passed by Parliament.

However, credits may be transferred from the programme of a ministry to another ministry "*for a designated reason*". In the same way, credits may be moved from one programme to another programme managed by the same minister (within a limit of 2% of the credits of the two relevant programmes).

Movements and transfers are carried out by decree taken on the report of the Budget Minister, once the finance committees and the other relevant committees have been informed.

Credits opened for a year and available at the end of the year may be carried over, by joint order of the Minister of Finance and the minister concerned, no later than March 15 of the following year, under certain conditions (on the same programme or,

failing that, a programme pursuing the same objective, within the limit of a percentage – 3% of the programme appropriations – which may be increased up to a limit of 5% of the appropriations opened by the finance law of year, if an express provision of the finance law so provides, and which may even be waived in the event of imperative necessity in the national interest).

Conversely, decrees cancelling credits can be issued in order to prevent a deterioration of the budgetary balance, without the cumulative amount of credits cancelled by this means and of credits cancelled by decree in advance exceeding 1.5% of appropriations opened by the finance laws of the year.

File n°54

THE PARLIAMENTARY EXAMINATION OF BILLS ON THE FINANCING OF SOCIAL SECURITY

Key Points

Though the financial sums at stake are greater than those of the state budget, control of the Government's policy in matters of social security long eluded Parliament due to the originally joint operation of social security as well as its financing, shared between employees and employers. Tax and no longer just social contributions, having become a major source of financing social security expenditure, Parliament, since 1996, now legislates on the general conditions of the financial balance of social security.
The constitutional revision of February 22, 1996[1] therefore created a special category of law: the law on social security financing laws (LFSS). Framed by constitutional provisions supplemented by an institutional law of 1996 revised in 2005 and 2022, the procedures for the annual examination of social security financing bills (PLFSS) by the National Assembly differ from those of ordinary bills.

I. – THE LAWS ON THE FINANCING OF SOCIAL SECURITY: PARTICULARITY, CONTENT, PRESENTATION AND ANNEXES

1. – A special category of ordinary law, with a well-defined scope

Like the finance law, the social security financing law (LFSS) is a special category of law whose examination procedures are governed by specific rules (see below) and whose scope is defined by the Constitution and the Institutional law.

Article 34 of the Constitution provides that laws on the financing of social security "*shall lay down the general conditions for the financial balance thereof, and taking into account forecasted revenue, shall determine expenditure targets in the conditions and with the reservations provided for by an Institutional Act*".

There are two categories of financing laws: the financing law of the year and the "corrected" financing laws. The first "corrected" financing bill was only tabled in 2011.

The specific rules which apply to them are laid down by the Institutional Act, n° 96-646 of July 22, 1996, modified by the Institutional Acts, n° 2005-881 of August

[1] *Constitutional Law n° 96-138 setting up the laws on the financing of Social Security*

2, 2005, n° 2010-1380 of November 13, 2010, n°2020-991 of August 7, 2020 and n°2022-354 of March 14, 2022.

These provisions are principally codified in articles L.O. 111-3 to L.O. 111-10-2 of the Social Security Code.

The definition of "social security", in the meaning of the LFSS, is narrower than that used in public accounting for social security administrations, because it covers the basic compulsory schemes and the funds contributing to their financing:

- The compulsory basic social security schemes (ROBSS) essentially include the general scheme and the *Mutualité sociale agricole* (MSA) [Agricultural Social Scheme]

- The Old Age Solidarity Fund (FSV) is now the only fund to help finance compulsory schemes;

- However, both supplementary schemes and unemployment insurance are excluded from the scope of the LFSS. This is a choice that the institutional legislator further confirmed during the debates leading to the passing of the institutional law of March 14 2022. Only the introductory article will report on the budgetary evolution of these schemes.

As with finance laws, four areas of the LFSS can be distinguished:

- The *mandatory domain* includes measures that must be included in the financing law. It is defined in articles L.O. 111-3-2 to L.O. 111-3-5 of the Social Security Code for the financing laws of the year. Under the terms of Article 34 of the Constitution, the LFSS must determine the general conditions of the financial balance of social security, forecast its revenues and set its expenditure objectives. The LFSS includes balance tables, which present for each financial year considered the financial situation by branch of the compulsory basic schemes as well as the bodies contributing to their financing. It also sets the national health insurance expenditure objective (ONDAM). This is divided into six sub-objectives in the LFSS 2022[1]. Article L.O. 111 -3-17 of the Social Security Code provides that the accounts of social security schemes and organizations must be regular, sincere and give a faithful image of their assets and their financial situation[2];

- The *exclusive domain* contains measures which, although they do not have to appear in the financing law, cannot appear in another law, such as the allocation, – total or partial – to any other legal entity, of an exclusive revenue of basic schemes and organizations contributing to their financing; the distribution between these same schemes (if applicable, between their branches) and organizations contributing to their financing, of the resources

[1] *The number of sub-objectives may not be less than three (Paragraph 4 of Article L.O. 111-3-5 of the Social Security Code). The 2022 sub-objectives are as follows: expenditure on primary care; expenditure on health care institutions; expenditure on institutions and services for the elderly; expenditure on institutions and services for the disabled; expenditure on the Regional Intervention Fund (FIR); other expenditure.*

[2] *Paragraph 4 of Article L.O. 111-4-6 of the Code also provides for the certification of the regularity and fairness of the social security accounts by the Cour des Comptes.*

established for the benefit of the state which have been allocated to them; the creation or the modification of measures of reduction, exemption or abatement of the tax base or of social contributions as long as these measures are either not compensated or are established for a period equal to or greater than three years and that they have an effect on the revenue of social systems and organizations or on the base, rate and methods of the collection of the taxes and contributions in question;

- The *shared domain* is that of the measures which may appear in the financing law, but which could appear in another law, such as the provisions modifying the tax base or the rate of a tax whose proceeds are allocated to the social security bodies, or even measures to improve information to Parliament on the application of social security financing laws;

- The *prohibited domain* refers to “social intruders”, that is to say measures outside the scope of the LFSS (see below).

2. – The content of the laws on the financing of social security

Up until the 2023 financial year, the social security financing law for year Y+1 consisted of four parts. It now has only three, preceded, like the finance laws, by an introductory article presenting, for the current financial year and for the coming year, the state of the expenditure forecasts, revenues and balances of social security administrations.

In fact, the first part, relating to the last closed financial year, constituted the equivalent of a settlement law, but in matters of state social security finances this means a form of financial statement for year Y-1. This is no longer necessary since the institutional law of March 14, 2022 created a new category of financing law (article L.O. 111-3-13) - the law of the approval of social security accounts (LACSS), which thus replaces this former first part. Thus, the LACSS examined in 2023 is intended to close the accounts of the social security administrations for the year 2022.

From now on, the first part therefore corresponds to the old second part. It is given over to the provisions relating to the current year (year Y). This allows the Government to propose to Parliament to adopt rectifications of the data established in the financing law for year Y. This part corresponds in some way to a “corrected” finance law for the state budget, however, the institutional provisions continue to provide for real corrective financing laws (articles L.O. 111 3 9 to L.O. 111 3 12), although to date, only two have been promulgated, in 2011 and 2014.

The second part (formerly third part) includes, for year Y+1, establishes the provisions relating to revenue forecasts and the general balance of the basic compulsory social security schemes and the organizations contributing to their financing and establishes their forecast revenue and their general balance; in addition

to the balance tables relating to year Y+1 (revenue, expenditure and balances), it thus sets the ceilings for advances which the schemes can use[1].

The third part (formerly the fourth part) includes, for year Y+1, the provisions relating to the expenditure of the compulsory basic social security schemes and the organizations contributing to their financing and sets the expenditure objectives of the different branches of the social security system, (sickness, work accidents and occupational illnesses, old age, family, autonomy). The most important objective – and the most commented on – is undoubtedly the ONDAM (National Objective for Health Insurance Expenditure), which gives the trend of evolution of the largest financial sums, and shows the priorities of the Government in health care policy.

3. – Documents annexed to the bills on the financing of social security

The PLFSS of the year is accompanied by an annex, which is voted upon and is therefore likely to be modified by parliamentary amendments, and around ten informative annexes.

The first is a report ("Annex B") describing, for the following four years, the revenue forecasts and the expenditure objectives of the basic compulsory schemes, by branch, the revenue and expenditure forecasts of the organizations contributing to the financing of these schemes, as well as the ONDAM (article L.O. 111-4 of the Social Security Code). This report now includes, in application of the institutional law of March 14, 2022, a presentation of the cumulative differences between, on the one hand, the expenditure forecasts of the compulsory basic social security schemes and the organizations contributing to their financing, presented in the public finance programming law in force and, on the other hand, those presented in the report annexed to the PLFSS of the year.

Regarding the informative annexes, these aim to inform parliamentarians as well as all citizens about:

- the number of contributors and retirees in the basic compulsory schemes;
- the forecast accounts of the organizations contributing to the financing of, or financed by, these same schemes;
- the evolution of revenue, expenditure and the balance of the schemes, as well as the expected impact of the measures contained in the PLFSS of the year;
- the amount, list and of all the reduction or exemption measures concerning dues or social contributions;
- the financial situation of the health system, in particular through details on the construction of the ONDAM or on the financial situation of health establishments or medico-social establishments;
- the national financial effort in favour of supporting autonomy;

[1] *It should be pointed out that, unlike the State, social security bodies are not, in principle, authorised to take on debt on a permanent basis; borrowing is simply intended to cover infra-annual cash flow requirements.*

- the financial situation of the unemployment insurance and supplementary pension schemes for the current year and the coming year.

The law of the approval of social security accounts (LACSS), created by the institutional law of March 14, 2022, must also be accompanied by annexes aimed at:

- presenting, branch per branch, social security policy evaluation reports (REPSS);

- enumerating the amount, list and effects of all the measures to reduce or exempt social security dues or contributions, evaluating them in thirds each year, in order to verify their suitability for the objective they pursue;

- providing information on the execution of closed accounts, including for legally obligatory supplementary pension or unemployment insurance plans, or on the implementation of the provisions contained in the LFSS of year Y- 2.

In addition, the LACSS approves a report which concerns the financial situation of social security and describes the measures planned for the allocation of surpluses or the coverage of deficits observed for the last closed financial year (4° of article L.O. 111 3 13).

II. – A SPECIFIC PARLIAMENTARY PROCEDURE

Since the Institutional Act of August 2, 2005, Parliament has taken part in the preparation of the bill on the financing of social security through a debate in the spring on the direction to be taken by public finances, which concerns the state budget, as well as social and local finances.

The Government presents a report on the evolution of the national economy and on the orientations of public finances, including in particular a multi-annual evaluation of the evolution of revenue and expenditure of social security administrations as well as of the national objective for expenditure on health insurance This may give rise to a debate in the National Assembly and the Senate (article 1 K of the institutional law relating to finance laws).

As with the finance acts, the Government has a monopoly on the presentation of the laws on the financing of social security which can thus only be the result of the passing of a Government bill. This is in accordance with article 47-1 of the Constitution which sets down the main references for the procedure to be applied in the examination by Parliament of the PLFSS.

1. – A Discussion within constitutional time limits

Article 39 of the Constitution states that bills on the financing of social security, just like finance bills, must be firstly submitted to the National Assembly. The bill on the financing of social security for the year Y+1 must be tabled, at the latest by the first

Tuesday in October of year Y (article L.O. 111 6)[1], this date having been brought forward by the institutional law of March 14, 2022, since it was previously set for October 15.

Just like article 47 in the case of finance bills, article 47-1 of the Constitution sets strict time limits for the examination of bills on the financing of social security: if the National Assembly has not reached a decision on first reading within twenty days following the tabling of the bill, the Government refers the bill to the Senate. The latter must rule within fifteen days. If Parliament fails to reach a decision within fifty days in all, the provisions of the bill may be implemented by ordinance, which has not yet occurred.

The institutional Law of August 2, 2005 makes the accelerated procedure automatically applicable to the examination of the PLFSS (article L.O. 111-7). The last paragraph of article 42 of the Constitution, in addition, provides that the six-week time period which should pass between the tabling of a bill and its discussion in plenary sitting, is not applicable to the PLFSS.

Just as for finance acts, the compensation for these restrictive time limits is a specific protection for the field of the law on the financing of social security. Thus provisions having no connection with the financing of social security are considered as "social intruders" and are thus removed:

- By the Chairman of the Finance Committee in the case of amendments at the tabling staged;

- By the Constitutional Council whose jurisdiction in this matter extends to government amendments and even to articles of the initial bill.

2. – Examination in committee

Contrary to the finance bills which, in accordance with article 39 of the institutional law on dealing with finance laws, are referred to the committees dealing with financial matters, there is no automatic referral for a bill on the financing of social security to the parliamentary committees dealing with social matters. However, at the National Assembly, as at the Senate, the Committee for Social Affairs has always been the lead committee of the PLFSS; the Finance Committee is thus a consultative body in this case.

Since the XVth term of Parliament, in application of articles 39 and 47 of the Rules of Procedure of the National Assembly in their wording resulting from the resolution of November 28, 2014, the Social Affairs Committee, like the Finance Committee, appoints a general *rapporteur*.

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[1] *Pursuant to the same Article L.O. 111-6, the draft LACSS, for its part, must be tabled before 1 June of the year following that of the financial year to which it relates, bearing in mind that Article L.O. 111-7-1 stipulates that "the draft finance bill for the year may not be debated in an Assembly before the passing of the law approving the social security accounts for the year preceding that in which the said draft finance bill is debated". The first draft of the LACSS (for the 2022 accounts) was submitted to the National Assembly on 24 May 2023 (No. 1268).*

The latter alone was the *rapporteur* for the first three PLFSS of the 15th XVth term of Parliament. As of PLFSS 2021, the commission designated five *rapporteurs*, in charge, respectively, of revenue and general balance, health[1], autonomy and of the medico-social sector, of the family branch, old age insurance, work-related accidents and occupational illnesses. These *rapporteurs* follow and monitor the implementation of the laws on the financing of social security and carry out an evaluation of all questions relating to the financing of the social security system. To do this, they may carry out checks which grant them complete access to all evidence (article L.O. 111-9)[2]. Before July 10, every year, they may send questionnaires to the Government so as to prepare the examination of the bill on the financing of social security (L.O. 111-8). The Committee for Social Affairs may follow all year long the implementation of the LFSS thanks to the work of the Assessment and Monitoring Mission for the Laws on the Financing of Social Security (MECSS), which is made up of some of its members (article L.O. 111-10).

The work relating to the PLFSS traditionally begins around mid-September, with the hearing, by the Committee for Social Affairs, of the First President of the Court of Accounts. The latter may also be interviewed as part of the preparation of the LACSS project, during which he may present the Court's annual report on the application of the LFSS provided for in article L.O.132-3 of the Financial Jurisdictions Code.

After hearings with ministers which follow the adoption of the bill by the Council of Ministers, the Committee for Social Affairs examines the bill on the financing of social security.

Generally three to five meetings are required, taking into account the number of articles and amendments to examine.

3. – The discussion in plenary sitting

Many of the specific provisions applicable to the discussion of PLFSS in plenary sittings are identical to those provided for the discussion of the PLF.

Thus, in accordance with article 42, paragraph 2 of the Constitution, examination in plenary sitting of the PLFSS occurs on the basis of the text presented by the Government.

Similarly, the procedures for the discussion of the PFLSS are decided by the Conference of Presidents. On the agenda of the National Assembly, and taking into account the very short time limits imposed by the Constitution, the discussion of the PLFSS takes place immediately following the passing of the first part of the finance law. The so-called “Set Time Limit Debate Procedure” cannot be applied to the examination of the PLFSS.

The discussion in plenary sitting takes up between four and five days of sitting. Although it follows the usual rules as regards the discussion of bills, the bill is dealt with in a specific way when it comes to the order of the votes on its different parts. In

[1] *This function was carried out by the General Rapporteur*

[2] *These powers are also granted to the chair of the committee and to the co-chairs of the Social Security Financing Laws Assessment and Monitoring Mission (see below).*

fact, the I of article L.O. 111-7-1 of the Social Security Code sets out that the part of the LFSS including the provisions relating to revenue and the general balance for the year to come cannot be discussed before the adoption of the part including the amending provisions for the current year. Likewise, the part which includes the provisions concerning the expenditure for the coming year, cannot be discussed before the passing of the part which includes the provisions relating to revenue and the general balance for the same year.

It should also be stated that the possibility for the Government to have recourse to article 49-3 of the Constitution (the making of the passing of a bill an issue of confidence) is maintained without limitation in the case of the vote on the PLFSS, as that on the PLF.

4. – The parliamentary "shuttle" and the promulgation of the law

As the accelerated procedure is applied automatically to the bill on the financing of social security, it becomes the subject, after its reading in the Senate within the time limit of twenty days, of a meeting of a joint National Assembly/Senate committee (CMP) which is responsible for examining the provisions which remain under discussion. The procedure followed in the case of a successful joint National Assembly/Senate committee (i.e. the drawing-up of an agreed bill) or its failure, is the normal one applied to all bills: therefore either a successive reading of the conclusions of the joint committee in each of the two assemblies, or a new reading in each assembly then, if necessary, a definitive reading giving the last word to the National Assembly.

Before its promulgation, the law on the financing of social security is usually submitted to the Constitutional Council for its opinion, if a referral, as has almost always been the case until now, has been made. The Constitutional Council has developed substantial jurisprudence, in particular, in the field of financing laws.

Thus it has removed, on several occasions, certain provisions which are considered as "social Trojan horses" (intruders) either because they do not fall in the ambit of social security[1] or because they had no direct or significant impact on the general conditions of its financial balance.[2]

[1] *Such as the employer's obligation to offer their employees a mobility plan.*

[2] *Such as authorising vaccination by health examination centres or adjusting the sharing of adoption leave between parents.*

File n°55

THE REVISION OF THE CONSTITUTION

Key Points

A revision of the Constitution may be initiated either by the President of the Republic or by the Government.

In this particular field, the two parliamentary assemblies have the same powers. This means that constitutional bill must be passed in identical terms by both the National Assembly and the Senate.

The law is definitively passed either by referendum (a procedure used only once: the 2000 constitutional revision which reduced the term of office of the President of the Republic to five years) or by a three-fifths majority of the votes cast by the two assemblies meeting together in Congress at Versailles.

Article 89 of the Constitution of October 4, 1958 sets down the rules for the revision of the Constitution. Since coming into force, this procedure has been successfully used twenty-two times.

During the first years of the Fifth Republic, article 11 of the Constitution, which provides for the possibility of having recourse to a referendum in certain limited cases which are listed, was also used to revise the Constitution (28 October, 1962) so as to introduce the election by direct universal suffrage of the President of the Republic. Nonetheless, this contested practice has not been used since the failure of the referendum of April 27, 1969 concerning regionalization and the abolition of the Senate.

The procedure laid down by article 89 has the specific nature of requiring consensus within the executive and the agreement of the two assemblies The opposition of the President of the Republic, of the Prime Minister or of one or other of the two assemblies would be enough to prevent the entire revision process from succeeding.

I. – THE REVISION PROCEDURE

1. – The initiative for revision

a. The Power to Initiate

The power to initiate a constitutional revision is held by the President of the Republic, upon a proposal of the Prime Minister, or by parliamentarians. In the first

case, the bill is referred to as an executive constitutional bill and in the second as a parliamentary constitutional bill. In fact, all twenty-two constitutional revisions carried out in accordance with the procedure of article 89 since 1958 have been based on executive constitutional bills.

b. Limitation of the Power to Initiate

Article 89 states clearly that the republican form of government shall not be the subject of a revision.

It also states that no revision shall be commenced or continued where the integrity of the territory is jeopardized.

In addition, article 7 rules out the possibility of using the revision procedure provided for by article 89 in the case of the vacancy of the Presidency of the Republic. The right to initiate constitutional revision is thus one of the powers that an interim President of the Republic may not carry out.

2. – Examination of the executive or parliamentary constitutional bills

Examination of the executive or parliamentary constitutional bills takes place before each assembly according to the ordinary law legislative procedure. However, one of the new rules introduced by the constitutional revision of July 23, 2008, does not apply. The discussion of an executive constitutional bill is carried out on the basis of the original bill, or in the case of the "shuttle", on the bill transmitted by the other assembly and not on the bill adopted by the committee.

However, the time constraints introduced by the same revision do apply. This means that there must be a six-week period between the tabling of the executive or parliamentary bill and its discussion in plenary sitting and the Government may not reduce this period by the implementation of the accelerated procedure. Similarly, the four-week period stipulated between the transmission of the bill by the first assembly to which it is referred and the discussion in the second assembly, is also applied (in July 2008, the Senate examined the executive constitutional revision bill fourteen days after its transmission by the National Assembly).

In addition, two other specificities concerning the discussion of executive or parliamentary constitutional bills should be noted:

- Executive constitutional bills are not accompanied by an impact study. This is an exemption from the rule set down by the Institutional Act of April 15, 2009;

- The Set Time Limit Debate Procedure introduced on the basis of article 44 of the Constitution by the reform of the Rules of Procedure resulting from the resolution of May 27, 2009, cannot be used in such a case.

If an *ad-hoc* committee is not set up (such a committee has never indeed been set up either at the National Assembly or at the Senate) the executive or parliamentary constitutional bills are referred to the Constitutional Law, Legislation and General Administration Committee, although other committees may give their opinion on the matter. Indeed, at the National Assembly, the Foreign Affairs Committee and the

Finance Committee gave their opinion on a bill which led to the revision of June 25, 1992 and added a title to the Constitution called “On the European Communities and the European Union”. It is also thus that the Committee for Cultural, Family and Social Affairs as well as the Finance Committee gave their opinion on a bill which became the Constitutional Act of February 22, 1996 and introduced the law on the financing of social security. Three committees (the committees on sustainable development, finance and social affairs) made an auto-referral for opinion, in 2018 on the constitutional bill for a more representative, responsible and effective democracy, the discussion of which was however interrupted before the end of its examination at first reading by the National Assembly and was subsequently withdrawn by the Government.

The “shuttle” continues until the bill is passed in identical terms by the two assemblies which, in constitutional matters, have the same powers. Contrary to the normal legislative procedure, the Government cannot ask the National Assembly to take a definitive decision.

3. – The definitive passing of the law

The definitive passing of the executive or parliamentary constitutional bill is subordinate to its approval by referendum. Nonetheless, in the case of executive constitutional bills, the President of the Republic may rule out a referendum and submit such bills to the approval of the two assemblies gathered together in Congress.

Congress, whose *Bureau* is that of the National Assembly, is convened by a countersigned decree of the President of the Republic to meet in Versailles. As its sole aim is to approve the bill passed by the two assemblies, on behalf of the sovereign people, it may not of course amend it. Debates are thus limited to an explanation of vote put forward by each political group at the National Assembly and the Senate. After that the vote is taken. It is taken either by each voter being called to the rostrum or, since the modification in the Rules of Procedure of June 28, 1999, according to other procedures set down by the *Bureau* of the Congress. Thus, since that date (when Congress was called to vote twice on two constitutional bills on the same day for the first time), votes have been organized in eight polling stations set up in the immediate vicinity of the Chamber. For the constitutional bill to be approved, it must receive a three-fifths majority of the votes cast.

II. – CONSTITUTIONAL REVISIONS SINCE 1958

Since 1958 there have been a total of 24 constitutional revisions of varying degrees of importance. With the exception of the first two, the revisions have been carried out in accordance with article 89 of the Constitution. 21 have been approved by Congress and only one, in 2000, by referendum. This concerned the reduction of the presidential term of office to five years.

- June 1960, according to a dispensatory revision procedure dealing with provisions concerning the “Community”, i.e. the geo-political unit linking France to its former African colonies (this procedure was repealed by the Constitutional Act of August 4, 1995):

- Constitutional Act n° 60-525 of June 4, 1960 aiming at completing the provisions of Title XII of the Constitution (independence of African and Malagasy member states of the Community).

- October 1962, by referendum in accordance with article 11 of the Constitution:

  - Law n° 62-1292 of November 6, 1962, concerning the election of the President of the Republic by universal suffrage.

- December 1963, by the Congress:

  - Constitutional Act n° 63-1327 of December 30, 1963, modifying the provisions of article 28 of the Constitution (modification of the dates or parliamentary sessions).

- October 1974, by the Congress:

  - Constitutional Act n° 74-904 of October 29, 1974, revising article 61 of the Constitution (extension of the right of referral to the Constitutional Council for 60 M.P.s and 60 Senators).

- June 1976, by the Congress:

  - Constitutional Act n° 76-527 of June 18, 1976, modifying article 7 of the Constitution (modification of the electoral campaign rules for presidential elections – in the case of the death or incapacity of a candidate).

- June 1992, by the Congress:

  - Constitutional Act n° 92-554 of June 25, 1992, adding to the Constitution the title: “On the European Communities and the European Union” (for the ratification of the Maastricht Treaty).

- July 1993, by the Congress:

  - Constitutional Act n° 93-952 of July 27, 1993, revising the Constitution of October 4, 1958 and modifying Titles VIII, IX, X and XVI (setting up the Court of Justice of the Republic in charge of judging the criminal liability of members of the Government).

- November 1993, by the Congress:

  - Constitutional Act n° 93-1256 of November 25, 1993, dealing with international agreements concerning the right to asylum.

- August 1995, by the Congress:

  - Constitutional Act n° 95-880 of August 4, 1995, extending the field of application of referenda, introducing a single ordinary parliamentary

session, modifying the parliamentary system of immunity and repealing provisions concerning the Community and transitory provisions.

- February 1996, by the Congress:
  - Constitutional Act n° 96-138 of February 22, 1996, introducing laws on the financing of social security.
- July 1998, by the Congress:
  - Constitutional Act n° 98-610 of July 20, 1998, concerning New Caledonia.
- January 1999, by the Congress:
  - Constitutional Act n° 99-49 of January 25, 1999, modifying articles 88-2 and 88-4 of the Constitution (modification of provisions concerning the European Union).
- July 1999, by the Congress:
  - Constitutional Act n° 99-568 of July 8, 1999, inserting at Title VI of the Constitution, article 53-2 concerning the International Criminal Court.
  - Constitutional Act n° 99-569 of July 8, 1999, concerning equality between men and women.
- September - October 2000, by referendum:
  - Constitutional Act n° 2000-964 of October 2, 2000, concerning the length of the term of office of the President of the Republic.
- March 2003, by the Congress:
  - Constitutional Act n° 2003-267 of March 25, 2003, concerning the European Arrest Warrant.
  - Constitutional Act n° 2003-276 of March 28, 2003, concerning the decentralized organization of the Republic.
- March 2005, by the Congress:
  - Constitutional Act n° 2005-204 of March 1, 2005, modifying Title XV of the Constitution (modifying provisions concerning the European Union).
  - Constitutional Act n° 2005-205 of March 1, 2005, concerning the Environment Charter.
- February 2007, by the Congress:
  - Constitutional Act n° 2007-237 of February 23, 2007, modifying article 77 of the Constitution (concerning New Caledonia).

- Constitutional Act n° 2007-238 of February 23, 2007, modifying Title IX of the Constitution (modifying the legal status of the President of the Republic and creating an impeachment procedure by Parliament sitting as the High Court).

- Constitutional Act n° 2007-239 of February 23, 2007, concerning the prohibition of the death penalty.

- February 2008, by the Congress:

  - Constitutional Act n° 2008-103 of February 4, 2008, modifying Title XV of the Constitution (modification of provisions concerning the European Union).

- July 2008, by the Congress:

  - Constitutional Act n° 2008-724 of July 23, 2008, on the modernization of the institutions of the Fifth Republic

- March 2024, by the Congress:
  - Constitutional Act n° 2024-200 of March 8, 2024, on the freedom to terminate a pregnancy.

File n°56

VOTES AT THE NATIONAL ASSEMBLY

Key Points

As a consequence of the prohibition of voting by binding instructions, votes are personal and the possibilities of voting by proxy are limited.

With the exception of votes on personal appointments (the election of the President at the beginning of a term of Parliament, for example), votes are public and may be by show of hands, by ordinary public ballot, by ordinary public ballot at the rostrum or in the rooms adjoining the Chamber.

The most important votes can be postponed by the Conference of Presidents generally until Tuesday afternoons, after Government question time.

I. – THE PERSONAL NATURE OF THE VOTE

Article 27 of the Constitution lays down the principle of the personal nature of the vote of parliamentarians and prohibits all voting by binding instructions; it limits the delegation of voting by disallowing each parliamentarian from receiving more than one proxy vote. The Ordinance of 7 November 1958 completes this provision by listing the cases in which parliamentarians are permitted to delegate their right to vote[1]

For a long time, these provisions were skirted around by the technique of the electronic vote: each M.P. had a personal key which he would leave on his desk. Since 1993, the limitation to a single proxy vote per M.P. has been strictly applied. As of April 2014, the conditions for the holding of public votes were modified so as to abolish, for ordinary public ballots, any possibility of proxy votes other than cases laid down by the Institutional Ordinance of November 7, 1958.

Article 65-1 of the Rules of Procedure of the National Assembly allows the Conference of Presidents to decide on a public ballot, generally on the overall votes on major bills, and to set its timing so that the greatest number of M.P.s possible may be present. Such ballots, referred to as formal votes are usually held on Tuesday afternoons after Government question time. Explanations of vote can take place either following examination of the text or before the vote.

[1] *Illness, accident, serious family event ; temporary mission on behalf of the Government; participation in the work of international assemblies; in the case of an extraordinary session, absence from mainland France; cases of force majeure decided upon by the Bureaus of the assemblies.*

II. – THE PUBLIC NATURE OF THE VOTE

With the exception of votes on personal appointments (the election of the President at the beginning of a term of Parliament, for example), all votes are public. They may be by show of hands, by ordinary public ballot, by public ballot at the tribune or in the rooms adjoining the Chamber. M.P.s have the choice between three voting positions: “for”, “against”, “abstention”.

1. Vote by show of hands

This is the normal voting procedure. The President verifies the result of the vote and announces it. In the case of doubt on the result, the Assembly shall vote by standing and sitting. If there is still doubt, the President may decide to proceed to an ordinary public ballot.

When voting by show of hands, the M.P.s present publicly show their position. However this position is not recorded nor is it published in the *Journal officiel*.

2. – Vote by ordinary public ballot

Such a vote is taken by right:

- Upon a decision of the chairman of the sitting or upon a request by the Government or by the lead committee;

- Upon a request by the chairman of a group or of his delegate, provided the chairman of the group has notified the President of the National Assembly, in advance, of the delegate's name;

- Upon a decision of the Conference of Presidents. The latter usually only uses this prerogative in the case of a vote on the whole body of the most important texts. (see above).

Voting by ordinary public ballot takes place electronically or by paper if the system does not work. Each M.P. votes using his console and his vote is directly recorded by computer. An M.P. may hold one, and only one, proxy vote on behalf of one of his absent colleagues. Proxy votes are processed by the electronic voting machine. The vote of the “delegate” (i.e. the M.P. who is present) on his voting console leads automatically to the counting of the vote of his delegator (i.e. the M.P. who is absent) as a vote in the same way. At the end of the ballot, the chair of the sitting announces the result and calls for it to be displayed on three electronic screens within the chamber. Minutes later, a political analysis, giving the results of the vote, is posted at the entrance to the Chamber. This analysis is published in the *Journal officiel* in annex to the report of the sitting, and also appears on the internet site of the National Assembly. Until 2014, for public ballots requested by the Chair of the sitting, the Government, the lead committee or a political group chairman, the only named voters were those M.P.s who cast votes contrary to the majority within their political group. From now on, for all public ballots (ordinary public ballots or formal public ballots) the break-down consists of a complete nominative list of all voters, for each political group as well as for non-aligned M.P.s, giving their position on the vote.

3. – Vote by public ballot at the rostrum or in the rooms adjoining the chamber

The President of the National Assembly is elected at the beginning of the term of Parliament, by secret ballot at the rostrum.

Public ballots at the rostrum or in the rooms adjoining the Chamber are held automatically:

- When the Constitution requires a qualified majority (the adoption upon final reading of institutional laws, motion authorizing the passing of a bill to ratify a treaty on the membership of a state of the European Union); the majorities required are different in these cases, (the absolute majority of M.P.s making up the National Assembly in the first case and a three-fifths majority in the second). These majorities are calculated according to the numbers of seats actually filled (vacant seats are not counted);

- When an issue of confidence in the Government has been raised: in application of article 49, paragraph 1, of the Constitution i.e. if the Government makes its programme or a statement of general policy an issue of confidence, the majority of votes cast is required; in application of article 49, paragraph 2 of the Constitution, for a vote on a motion of no confidence, the absolute majority of M.P.s making up the National Assembly is required and only votes for the motion are counted; the same rule is applied when a motion of censure is put to the vote in application of Article 49, paragraph 3, of the Constitution;

- When the Government decides to put to the vote of the National Assembly, a statement it has made on a given subject in accordance with article 50-1 of the Constitution.

The slowness of such voting operations at the rostrum led the National Assembly to modify its Rules of Procedure. Since 2003, the Conference of Presidents may decide that the ballot will take place "*in the rooms adjoining the Chamber*" where several such ballot boxes are set up. The ballot is generally open for 30 minutes. Each ballot paper has a bar code which enables the machine to identify the M.P. and the way he has voted. At the end of the ballot, the results are immediately declared and a political analysis of the position of each M.P. is made available in the minutes following. This analysis is published in the *Journal officiel,* as well as on the internet site of the National Assembly.

During the XIVth term of Parliament, 1,380 ordinary ballots took place, of which 145 were "formal" and 1,235 took the ordinary format.

During the XVth term of Parliament, 4,419 ordinary ballots took place, of which 123 were "formal" and 4,296 took the ordinary format.

III. – THE VALIDITY OF THE VOTE

1. – General rules

Allowing for the aforementioned exceptions, ballots are held based on the majority of votes cast.

The result is declared by the President (with the words "*The Assembly has adopted*" or "*The Assembly has not adopted*").

After the end of the ballot, votes may not be changed; however, the nominative details of votes may require some adjustment when an M.P. makes a mistake regarding his vote or when he has not managed to vote because of a mishap.

2. – The checking of votes

This is the task of the secretaries of the *Bureau* for certain ballots: ordinary public ballots using voting papers (in the case of the electronic voting system breaking down), public ballots at the rostrum or in the rooms adjoining the Chamber and secret ballots for individual appointments.

3. – The quorum

In accordance with a Republican principle which is repeated in its Rules of Procedure, "*the National Assembly may deliberate and determine its agenda whatever the number of M.P.s present*". Votes are thus valid whatever the number of M.P.s present unless the chairman of a group asks for the checking of the quorum before the opening of the ballot. The quorum refers to the presence in the precincts of the National Assembly of an absolute majority of M.P.s (calculated on the number of seats actually filled).

The request for a checking of the quorum was, for a long time, used as a means of obstruction. Since the reform of the Rules of Procedure of May 27, 2009, this practice has fallen into abeyance since this request is only now taken into account if the majority of the members of the group making the request are, themselves, present in the Chamber. No request for quorum verification was made during the XIVth term of Parliament and only five during the XVth term of Parliament.

When a vote does not take place because of the lack of quorum, the sitting is adjourned and deferred by at least fifteen minutes and the vote is then valid no matter how many M.P.s are present.

File n°57

MONITORING THE CONSTITUTIONALITY OF LAWS

Key Points

The monitoring of the constitutionality of laws (as well as of treaties and international commitments) is carried out by the Constitutional Council.

The Constitutional Council may have such matters referred to it by the President of the Republic, the Prime Minister, the President of the National Assembly, the President of the Senate, or since the constitutional revision of 1974 by 60 M.P.s or 60 Senators. Such referrals concern the monitoring of the constitutionality of a law between the moment of its passing in Parliament and of its promulgation. It is a written, inquisitorial procedure *in camera*.

Institutional laws and the Rules of Procedure of the parliamentary assemblies are referred automatically to the Constitutional Council.

A decision which declares a law unconstitutional blocks its promulgation. If only a part of the bill is declared unconstitutional, the law may be partly promulgated if the articles which are not in conformity are “separable” from the rest of the provisions.

In addition, the Constitutional Council may declare legislative provisions in conformity with the Constitution, subject to certain interpretations.

The Constitutional Council may also receive a referral retrospectively, in accordance with article 61-1, included in the Constitution by the constitutional law of July 23, 2008, if, during proceedings in progress before a court of law, it is claimed that a statutory provision infringes the rights and freedoms guaranteed by the Constitution. This new right which is known as the “priority preliminary ruling on the issue of constitutionality” has been applicable since March 1, 2010.

The monitoring of the constitutionality of laws enables the checking of the conformity of such laws to constitutional provisions. The introduction of the monitoring of constitutionality in France in 1958 strengthened the power of the Constitution and led to a jurisprudence with significant consequences.

I - THE VARIOUS TYPES OF MONITORING

1. – Obligatory monitoring (article 61, paragraph 1 of the Constitution)

Institutional acts before their promulgation and the Rules of Procedure of the assemblies (National Assembly, Senate, Congress and the High Court)

before their implementation, are automatically transmitted to the Constitutional Council which makes a decision on their conformity with the Constitution, within a time limit of one month (the said limit can be reduced, in the case of an emergency situation to one week upon the request of the Government).

The monitoring of the constitutionality is not limited to the conformity with the Constitution in the strictest sense, but can be broadened to what could be called “the body of constitutional rules”. This includes, in particular, the principles included in the “Declaration of the Rights of Man and of the Citizen” dating from 1789, those included in the preamble to the Constitution of 1946, the “fundamental principles recognized by the laws of the Republic” and “the “principles particularly for our time” as enshrined in the preamble of 1946, such as the Charter on the Environment.

Regarding the requirements which are imposed by the hierarchy of norms, the conformity of the Rules of Procedure of the assemblies to the Constitution must be considered, and the Constitution (thus the “body of constitutional rules”), and the institutional laws provided for by said Constitution, as well as the legislative measures taken for its application, must be taken into account.

2. – The prior monitoring of ordinary laws (article 61, paragraph 2 of the Constitution)

The Constitutional Council’s jurisdiction only applies to ordinary laws passed by Parliament. The Constitutional Council has declared laws passed by referendum to be outside its jurisdiction.

Matters may be referred to the Constitutional Council by the President of the Republic, the Prime Minister, the President of the National Assembly, the President of the Senate, or, since the constitutional revision of 1974, by sixty M.P.s or sixty Senators. The referral must take place in the period between a bill being passed by Parliament and its promulgation, i.e. during 15 days at the most. Such a referral postpones the promulgation of the bill.

The Constitutional Council must make its declaration in the same time limit as for the monitoring of institutional laws and for the Rules of Procedure of the assemblies (the one-month time limit may be shortened to eight days in urgent circumstances upon the request of the Government).

When the Constitutional Council declares the law in conformity with the Constitution, it may be promulgated.

On the contrary, a decision which declares the whole law to be unconstitutional blocks its promulgation. The legislative procedure which has led to the passing of such a law is annulled and there is no other solution than to begin again from the beginning, unless the reason for the non-conformity constitutes a decisive obstacle which implies, for example, a prior revision of the Constitution itself.

The Constitutional Council may also decide that a law is partly in conformity with the Constitution. In such a case, the law may be promulgated except for the articles or parts of articles which have been declared unconstitutional (and on the condition such articles or parts of articles are "separable" from the rest of the provisions).

3. – The subsequent monitoring of ordinary laws (article 61-1, paragraph 1 of the Constitution)

Until recently the Constitution made no provision for the monitoring of a law once it had been promulgated. Nonetheless, as of a decision of January 25, 1985, the Constitutional Council accepted that the constitutionality of a law which had been promulgated "*may well be contested upon the examination of legislative provisions which modify it, supplement it or affect its field of application*".

Article 61-1 of the Constitution introduced by means of the Constitutional Act of July 23, 2008, opened up a new right to people involved in legal proceedings which allowed for referral to the Constitutional Council in the cases of proceedings before administrative and judicial courts, concerning the conformity of statutory promulgated provisions with the rights and freedoms constitutionally guaranteed: this is the so-called "priority preliminary ruling on constitutionality" (QPC) procedure.

The Institutional Law of December 10, 2009 concerning the application of article 61-1 of the Constitution provides that a referral may be made to any court by a party concerning a priority preliminary ruling on constitutionality. The court must then, examine the question without delay (hence the priority nature of such an issue which takes precedence over all others) and transmit it to the highest court in its order (*Conseil d'Etat* for the administrative order, Court of Cassation for the judicial order) if it deals with a provision applicable to litigation which has not yet been declared compliant by the Constitutional Council (except in the case of new circumstances) and which is of a serious nature. The transmission of the question has the effect of immediately suspending the proceedings of the court before which it was raised (except when a person has been detained on account of that court and when it must provide a decision in a limited period of time or in an emergency).

A second filter is then provided by the *Conseil d'Etat* or by the Court of Cassation to whom the priority preliminary ruling on constitutionality has been referred by a court of their own order or who have had a direct referral. They are tasked to check, within a three-month period, that the question deals with a provision which is applicable to litigation, that it has not been declared compliant by the Constitutional Council (except in the case of new circumstances) and that it is new and of a serious nature.

If the question answers these criteria, it is transmitted to the Constitutional Council which then hands down a decision within three months on the compliance with the Constitution of the contested legal provision. A question

which has not been examined by the *Conseil d'Etat* or by the Court of Cassation within the three-month time limit provided to them is automatically transmitted to the Constitutional Council.

The Constitutional Council may also directly be referred to concerning a priority preliminary ruling on constitutionality when the latter concerns a litigation of which the Constitutional Council is judge (litigations on legislative and senatorial elections and litigations on preparatory acts for the election of the President of the Republic).

The Constitutional Council only examines the contested provisions which are of a legislative nature and it refuses, as in an *a priori* monitoring mechanism, to recognize the legislative provisions adopted by a referendum procedure.

In the framework of a priority preliminary ruling on constitutionality, the Constitutional Council examines only the provision which is contested concerning "*the rights and freedoms guaranteed by the Constitution"*. The respect of the other constitutional requirements (in particular the rules concerning the procedure of the passing of law) is not examined at this moment; it can only be examined during an *a priori* monitoring procedure.

Up until 2020, it also refused to acknowledge the provisions resulting from a non-ratified order[1]. From now on it considers that they "*must be considered, upon expiry of the authorization period and in matters which are within the legislative domain, as legislative provisions according to the meaning of article 61-1 of the Constitution*"[2].

If the Constitutional Council decides that the contested provision is not compliant with the Constitution then it repeals said provision. The second paragraph of article 62 of the Constitution allows it to modulate the effects of its decision over time and to decide upon the conditions and the limits in which the effects that the repealed provision has created are liable to be called into question.

4. – The monitoring of international commitments (article 54 of the Constitution)

This form of monitoring deals with treaties as well as all other international commitments. The procedure which is followed is the same as that for laws and such matters can be referred to the Constitutional Council by the same people (although the referral by 60 M.P.s and 60 Senators was only introduced in 1992) up until the ratification of the treaty. If the treaty is not in conformity with the Constitution then the latter must be revised prior to any ratification.

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[1] *Decision N° 2011-219 QPC of February 10, 2012, Mr. Patrick É. (Dismissed: order not ratified and legislative provisions not entered into force), cons. 3.*

[2] *Decisions N° 2020-843 QPC of May 28, 2020 and N° 2020-851/852 QPC of July 3, 2020.*

5. – The monitoring of Members' bills according to paragraph 3 of article 11 of the constitution

The constitutional revision of July 23, 2008, opened up the possibility, in certain conditions, of organizing a referendum on a member's bill dealing with one of the subjects mentioned in the first paragraph of article 11 of the Constitution (the organization of public authorities, reforms concerning the economic, social or environmental policy of the nation and the connected public services, or the authorization to ratify a treaty).

In accordance with the Institutional Law of December 6, 2013, when such a members' bill is tabled by, at least, one fifth of the members of Parliament in one of the assembles, the Constitutional Council, to whom this bill is transmitted, must check, within a one-month period of its transmission, that none of its provisions is unconstitutional and that it fulfils the other requirements of the institutional law.

It is only after the Constitutional Council has declared the members' bill compliant with the Constitution that the gathering of support amongst voters can begin- the support of one tenth of the voters registered on the electoral lists being required for a referendum to be organized. Once a referral has been made to the Constitutional Council, the procedure provided for by article 11 of the Constitution cannot be interrupted by the withdrawal of the member's bill.

Since the coming into force of this reform on January 1, 2015, two members' bills have been referred to the Constitutional Council in application of the third paragraph of article 11 of the Constitution.

Considered to be in compliance with the conditions set by article 11 of the Constitution and by article 45-2 of the order of November 7, 1958[1], the bill aimed at affirming the national public service character of the operation of *aérodromes de Paris*, however, did not obtain the support of at least one tenth of the voters registered on the electoral lists[2].

Concerning the second bill, entitled proposed programming law to guarantee universal access to a quality public hospital service, the Constitutional Council ruled that certain of its provisions were contrary to the Constitution, and thus it was not allowed to continue the so-called "shared initiative referendum" procedure, and therefore to begin gathering support from voters[3].

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[1] *Decision of the Constitutional Council N° 2019-1 RIP of May 9, 2019.*

[2] *Decision of the Constitutional Council N° 2019-1-8 RIP of March 26, 2020.*

[3] *Decision of the Constitutional Council N° 2021-2 RIP of August 6, 2021.*

II. – THE CONTENT AND THE IMPLEMENTATION OF DECISIONS

1. – The content of decisions

In the case of prior monitoring, the procedure is written and inquisitorial. The text of the referral (since 1983) and the observations in reply of the Secretary General of the Government, who is responsible for defending the law, are published, since 1995, in the *Journal officiel*. Since 2019, the Constitutional Council has also made public the external contributions which may be sent to it by natural or legal persons concerned by the law subject to its monitoring, formerly called “narrow doors”. All of these elements appear on the Council’s website, in the files accompanying the decisions it renders.

The internal regulations on the procedure followed for declarations of conformity with the Constitution, adopted on March 11, 2022, provide that, from July 1 of the same year, the text of the referrals will be made public on the website of the Constitutional Council as soon as they are addressed to it. The M.P.s or senators making a referral may request to be heard. The *rapporteur* may collect written observations from other M.P.s and senators, these being then placed in the file of the procedure and notified to the parties who may respond to them in writing.

The procedure which is to be adopted before the Constitutional Council in cases of priority preliminary rulings on the issue of constitutionality has been established by the Institutional Law of December 10, 2009 and the internal Rules of Procedure of the Council. The parties are allowed to present their observations in the presence of the other parties. The proceedings are public, except in exceptional circumstances. The President of the Republic, the Prime Minister and the presidents of the two assemblies who are informed of any priority preliminary ruling on the issue of constitutionality which is referred to the Constitutional Council, may address their observations to the latter. In practice, only the Secretary General of the Government systematically addresses observations on behalf of the Prime Minister.

As regards international commitments, institutional laws and the Rules of Procedure of the assemblies, the Constitutional Council must check the conformity to the Constitution of the entire text.

When it examines an ordinary law, if it is only held to reply to the questions asked in the referral, the Constitutional Council may, nonetheless, refer to other provisions of the bill or to procedural questions which have not been raised in the referral. This is how, in particular, it regularly censors "legislative intruders", that is to say provisions introduced by amendment which do not present a link, even indirect, with the bill under discussion, in disregard of Article 45, paragraph 1, of the Constitution, or of the provisions introduced after the first reading without respecting the “funnel” principle.

When it monitors an institutional law, the Constitutional Council may state that one of its provisions is not of an institutional nature. In such a case, it

reclassifies it and this leads to a modification of this prevision by an ordinary law, even if it remains formally included in an institutional law.

The Constitutional Council may declare some legislative provisions, or the Rules of Procedure of an assembly, in conformity only if subject to certain interpretations, either by detailing the way in which they must be interpreted (neutralizing interpretation), by adding to them (constructive interpretation) or by making clear the way in which they must be applied (directive interpretation).

2. – The implementation of decisions

A treaty which is declared unconstitutional cannot be ratified without a revision of the Constitution.

A provision of the Rules of Procedure of an assembly which is declared unconstitutional cannot be applied whilst that of a law cannot be promulgated. In the case of a law, the President of the Republic may, nonetheless, promulgate the law minus the provision(s) or request a new deliberation of Parliament (article 10, paragraph 2, of the Constitution).

In the case of subsequent monitoring, the unconstitutional legislative provision is repealed. Exercising its power to modulate the effects of it decision over time (provided by article 62, paragraph 2, of the Constitution) the Constitutional Council may decide that repeal can be delayed (giving a date for the actual repeal). This allows lawmakers to understand the consequences of the declaration of unconstitutionality.

The decisions of the Constitutional Council are published in the *Journal officiel* and have the force of res judicata which applies not only to the provision but also to the motives. Such decisions "*shall be binding on public authorities and on all administrative authorities and all courts*" (article 62, paragraph 2, of the Constitution).

B. THE ASSESSMENT OF PUBLIC POLICIES AND THE MONITORING OFGOVERNMENT ACTION

File n°58

THE MONITORING OF THE IMPLEMENTATION OF LAWS AND THE ASSESSMENT OF LEGISLATION AND PUBLIC POLICIES

Key Points

Follow-up on the implementation of laws has a double aim: to check the implementation of the laws passed and to ensure the concrete conditions of their application. This mission of parliamentary monitoring has has continually been strengthened has been extended to the assessment of the legislation in accordance with the new approach to public action. This takes into account the effects of the decisions taken, in terms of the objectives set and the means invested. This decision was taken into account by the constitutional reform of July 23, 2008 which modified article 24 of the Constitution so as to make it clear that Parliament, on top of passing laws and monitoring Government action, "*assesses public policies*".

Several mechanisms have been set up in order to meet these requirements:

- The presentation before standing committees of implementation reports concerning laws which require the publication of rules of a regulatory nature;
- The setting-up of temporary bodies (assessment and monitoring missions) aimed at assessing the implementation of certain laws and public policies;
- The development of more permanent structures: the Parliamentary Office for the Assessment of Scientific and Technological Choices (OPESCT) shared with the Senate; the Commission for the Assessment and Monitoring of Public Policies (CEC), as well the parliamentary delegations
- The establishment of regular meetings, such as the "Assessment Spring" set up by the finance and social affairs committees during the XVth term of Parliament.

I. – THE MONITORING OF THE IMPLEMENTATION OF LAWS FALLS WITHIN THE REMIT OF THE STANDING COMMITTEES

The growing complexity of laws means that their implementation more and more often depends on regulatory implementation rules. M.P.s follow up the application of the laws which they pass, with great attention. They do so especially in order to avoid the failure of such laws on account of the lack of publication of implementation rules.

Since 1990, the General *Rapporteur* of the Finance Committee has been carrying out an examination of the state of implementation of the fiscal provisions of the laws dealt with by the committee (i.e. not only the finance acts but also all those laws concerning provisions of an economic and financial nature). Similarly, in the spring, he presents an information report on the first available data concerning the application of the preceding year's budget.

This practice has become widespread and was extended to all the standing committees in 2004. In fact, since this date, at the end of a period of six months following the coming into force of a law whose implementation requires the publication of regulatory texts, a report on the implementation of the said law is presented to the relevant committee. This report describes the regulations which have been published and the decrees which have been issued in order to implement the said law, as well as the provisions which have not been subject to the necessary implementation instruments. It can lead, in plenary sitting, to a debate without vote or to a question sitting;

Since the reform of 2009, article 145-7 of the Rules of Procedure which restated and modified the terms of the former eighth paragraph of article 86, provides for the writing of this report by two M.P.s, one of whom must belong to an opposition group and one of whom must automatically be the *rapporteur* of the Government or Member's bill which is the subject of the implementation report. The reports on the implementation of laws may, by virtue of this article, give rise, in plenary sitting, to a debate without vote or to a question sitting.

Article 145-7 of the Rules of Procedure has given the writing of this report to two M.P.s. This duo must include the *rapporteur* of the text which is under consideration, as well as an M.P. of an opposition group who, since the reform of the Rules of Procedure of the National Assembly of June 4, 2019, must be appointed by the committee as soon as the Government or Members' bill has been referred to it.

In addition, since the same reform of 2019, it is provided that when a law has been examined by an *ad hoc* committee, the application report must be presented to the relevant standing committees by two of their members, one of whom belongs to an opposition group.

So as to monitor the application of laws, the standing committees may apply the implementation deadlines which are made available by the Government on the *Légifrance* site. They may also use impact studies which are attached to the bill and which, notably, present the state of the law in the national jurisdiction in the target field(s) of the bill, the means of application of the foreseen provisions over time, the legislative and regulatory texts which must be repealed, and the provisional measures proposed. In addition, the *rapporteurs* may also request any useful information of the ministers in charge of the application of the bill and interview any person they consider useful for their mission.

II. – THE DEVELOPMENT OF THE ASSESSMENT OF THE EFFECTS OF THE LEGISLATION AND OF PUBLIC POLICIES

The new approach to public action which takes into account the effects and the impact of the decisions taken, in terms of the objectives set and the means invested, has been integrated into the parliamentary monitoring of the implementation of laws. The development of such monitoring and assessment activities is in accordance with the functions which the Constitution provides to the Parliament, which, in compliance with article 24 of the Constitution, resulting from the reform of July 23, 2008, "*passes laws*", "*monitors Government action*" and "*assesses public policies*".

A growing number of laws include a monitoring mechanism which can take various forms, more or less binding: the simple requirement of an implementation report; the organization of tests based on article 37-1 of the Constitution; the setting-up of assessment mechanisms. This can go as far as the obligation that Parliament can be continually informed so that it may ensure an immediate monitoring of the measures taken by the Government (i.e. for example, in application of the emergency law of March 23, 2020 to deal with the Covid 19 epidemic, the obligation for the Government to immediately inform the National Assembly and the Senate of the measures taken by it regarding the health emergency, the two assemblies being able to request any additional information as part of the assessment and monitoring of these measures)

The National Assembly has used existing mechanisms and has created new tools so as to assess the legislation, certain of which are temporary and others permanent.

1. – Temporary monitoring and assessment bodies

In June 1990, a modification of the Rules of Procedure allowed the setting-up of temporary fact-finding missions which deal, in particular, with the conditions of the application of a law. These fact-finding missions may be set within a single standing committee, may bring together several committees or may be set up by the Conference of Presidents.

Since the reform of November 28, 2014, the Rules of Procedure make provision for the impact assessment of a law three years after its enforcement. According to article 145-7 of the Rules of Procedure, this implies reporting upon "*the legal, economic, financial, social and environmental consequences of the law, which can be, if necessary, based on the assessment criteria defined in the prior impact study, as well as on the possible difficulties met upon the implementation of the law*".

The make-up of such fact-finding missions can vary enormously. In practice, such missions are almost always made up of two M.P.s or more. In accordance with article 145 of the Rules of Procedure, they must thus have one

member of the opposition and must reflect the political distribution of the National Assembly. In cases where the fact-finding mission is set up by the Conference of Presidents, it includes a *bureau* of nine members (a chair, four vice chairs and four secretaries) to which must be added the position of *rapporteur*, and the position of chair or of *rapporteur* must automatically belong to an M.P. belonging to an opposition group.

The work of such fact-finding missions can last over a varied period, often several months, during which the members carry out interviews and visits and is concluded by the filing of an information report.

In addition, the mission given to commissions of inquiry (specific temporary parliamentary bodies with extended investigation prerogatives such as the communication of documents and hearings under oath) is moving toward an evaluation procedure concerning policies in certain sectors or various pieces of legislation.

2. – The Commission for the Assessment and Monitoring of Public Policies (CEC)

The Commission for Assessment and Monitoring of Public Policies (CEC) was set up by the reform of the Rules of Procedure of May 27, 2009. It enables the National Assembly to implement the mission of assessment of public policies which is explicitly recognized by article 24 of the Constitution.

The original make-up of the CEC which was very institutional as it was composed of a certain number of *ex-officio* members (chairs of political groups or of standing committees), was modified in 2014, in order to strengthen its efficacity and to ensure an increased participation of the political groups by bringing it closer to the make-up of other delegations and the office. Article 146-2 of the Rules of Procedure of the National Assembly states that the CEC, which is chaired by the President of the National Assembly, includes thirty-six members appointed, for the term of Parliament, in such a way as to reflect a proportional representation of the political groups and a balanced representation of the standing committees.

In order to carry out its missions, the scope of which is defined by the Constitutional Council (decision n° 2009-581 DC of June 25, 2009), the CEC has the following functions:

- It ensures the assessment of a broad range of public policies: the CEC, upon its own initiative or upon the request of a standing committee, assesses public policies in a broader remit than that of a standing committee. Each group may automatically obtain the right to one assessment per ordinary session (article 146-3 of the Rules of Procedure); the programme of the work of the CEC is planned a year in advance;

- It must be informed of the conclusions of fact-finding missions: the CEC is informed of the conclusions of fact-finding missions, whether they be set

up by a single standing committee, jointly organized by several standing committees or established by the Conference of Presidents (article 146-4 of the Rules of Procedure);

- It may put forward proposals for the agenda of the week given over to monitoring and assessment: in accordance with article 48 of the Constitution, the CEC may "*in particular, propose the organization in plenary sitting, of debates without votes or sittings with questions on the conclusions of its reports or on those of the reports of fact-finding missions"* of standing committees or of the Conference of Presidents (article 146-7 of the Rules of Procedure);

- It may carry out a preliminary assessment of an M.P.'s or the lead committee's amendment upon the request of its author or in the case of a committee amendment upon the request of the chairman of that committee (article 146-6 of the Rules of Procedure).

3. – The Spring of Assessment

During the XVth term of Parliament, the Finance Committee of the National Assembly set up an annual meeting around the examination of the regulation bill called "Spring of Assessment". At the start of the year, each special *rapporteur* chooses a public policy in their field of competence and carries out its evaluation. The analysis is then presented during special meetings of the Finance Committee devoted to this effect and called public policy evaluation committees (CEPP), attended by ministers who respond both on the execution of the budget and on the appraised public policy.

This work can lead to the drawing-up of draft resolutions which are examined in plenary sitting during the monitoring week in June, at the same time as the settlement bill.

This work of evaluating public policies replaced the assessment and monitoring mission (MEC), created in 1999 and which was put on hold.

The Social Affairs Committee has set up a similar system entitled Social Spring Assessment, which focuses on certain articles of the social security financing law. The creation of a law approving Social Security accounts (LACSS) by the recent institutional reform will make it possible to accentuate this work. The Social Affairs Committee has also maintained the activity of the Assessment and Monitoring Mission for the Social Security Financing Laws (MECSS).

4. – Delegations

Five delegations are active within the National Assembly:

- The Parliamentary Delegation for the Rights of Women and Equal Opportunities between Men and Women (set up in 1999) ;

- The Parliamentary Delegation on Intelligence, (created in 2007) which is a joint body between the National Assembly and the Senate ;

- The Parliamentary Delegation on Overseas France (set up in 2012) ;

- The Parliamentary Delegation on Local Authorities and Decentralization (created in 2017) ;

- The Parliamentary Delegation on Children's Rights (set up in 2022).

The purpose of these delegations is to develop a capacity for in-depth expertise on certain subjects, and to specifically monitor a question or a public policy.

5. – The development of autonomous simulation tools

During the XVth term of Parliament, the National Assembly, set up a new evaluation and simulation service, called *LexImpact*. Operational since 2020, the *LexImpact* cell, specialized in secure management and data analysis, has developed simulators of the impact of certain amendments designed to be used by M.P.s and their assistants. The simulators also have an interface accessible to all citizens, which makes it possible to obtain evaluations on typical cases and presents the related data in a clear and transparent manner.

These developments required the use of comprehensive databases, access to which was first opened at the National Assembly.

To find out more: https://leximpact.an.fr/

6. – The monitoring and evaluation department

To give greater visibility to monitoring and evaluation work and dedicate operating resources to it, an administrative structure was created in January 2021, the Monitoring and Evaluation Department, which brings together the secretariats of the monitoring bodies, (with the exception of the MECSS and the Spring of Assessment which still fall under the responsibility of the relevant committees).

File n°59

THE ASSESSMENT OF PUBLIC POLICIES

Key Points

In order to implement the function of evaluating public policies which is explicitly recognized by Article 24 of the Constitution since the revision of July 27, 2008, the National Assembly set up, through the reform of the Rules of Procedure of 27 May 2009, the Public Policy Assessment and Monitoring Commission (CEC).

Previously it had set up, within respectively the Finance Committee and the Social Affairs Committee, two permanent missions with the objective of ensuring the effectiveness and efficiency of public spending.

One, the Assessment and Monitoring Mission (MEC) was responsible for assessing the use of public funds; the other, the Assessment and Monitoring Mission for the Laws Governing Social Security Financing Laws (MECSS), is in charge of checking the application of the laws concerning the financing of social security and of assessing all questions concerning the finances of social security.

I – COMMISSION FOR THE ASSESSMENT AND MONITORING OF PUBLIC POLICIES (CEC)

Set up by the reform of the Rules of Procedure of May 27, 2009, the Commission for the Assessment and Monitoring of Public Policies (CEC) allows the National Assembly to implement the evaluation function which is explicitly recognized by Article 24 of the Constitution.

Article 146-2 of the Rules of Procedure of the National Assembly provides that the CEC, chaired *ex officio* by the President of the National Assembly, also includes 36 members designated so as to ensure proportional representation of political groups and balanced representation of permanent committees.

As part of its missions, the scope of which was strictly defined by the Constitutional Council (Decision n° 2009-581 DC of June 25, 2009), the CEC ensures the following functions:

- To carry out the evaluation of transversal public policies: the CEC, on its own initiative or at the request of a standing committee. It evaluates public policies relating to areas of expertise broader than those of a standing

committee. Each group can automatically obtain the carrying-out of one evaluation per ordinary session (article 146-3 of the Rules of Procedure);

- To be kept informed of the conclusions of information missions: the CEC is kept informed of the conclusions of fact-finding missions, whether specific to a standing committee, common to several standing committees or created by the Conference of Presidents (article 146 -4 of the Regulations);

- To formulate proposals for the agenda of the week reserved as a priority for monitoring and assessment: in application of article 48 of the Constitution, the CEC can "*in particular, propose the organization in plenary sitting, of debates without a vote or question sittings relating to the conclusions of its reports or those of the reports of fact-finding missions*" of the standing committees or the Conference of Presidents (article 146-7 of the Regulations).

Work of the CEC
since 2009

XIIIth term of Parliament

2009-2010

– Implementation of article 5 of the Charter for the Environment concerning the application of the precautionary principle.
– Aid policy for disadvantaged areas.
– The efficiency of independent administrative authorities.

2011

– Assessment of the performance of social policies in Europe.
– General overhaul of public policies.
– Medical care at school.

2012

– The impact of the Lisbon Strategy on the French economy.
– Rural areas.
– Public housing and access to public housing for the disadvantaged.
– State medical aid.
– The evaluation of the mechanisms for the promotion of overtime.

XIVth term of Parliament

2012

– Follow-up assessment of the performance of social policies in Europe.
– Follow-up assessment of medical care at school.
– Follow-up assessment of the general overhaul of public policies.

2013

- Assessment of the support policy for companies.
- Assessment of the anti-smoking policy.
- Assessment of public support for exports.
- Assessment of France's cultural network abroad.
- Assessment of public policy concerning the social mobility of young people.
- Assessment of the adequacy between the supply and demand in the sector of professional training.

2014

- Assessment of the implementation of the 2008 "energy-climate" package in France.
- Assessment of the policy concerning the hosting of asylum seekers.
- Follow-up assessment of public aid to exports.
- Assessment of the policy of the fight against smoking
- Assessment of the policy concerning the fight against the use of illegal substances.
- Assessment of the customs policy in the struggle against fraud and trafficking.
- Assessment of the development of service to individuals.

2015

- Follow-up assessment on public policies concerning public policies for young people
- Assessment of public policies promoting social diversity in the national education system
- Assessment of the policy to welcome tourists
- Follow-up assessment of state medical support and of overall health coverage
- Assessment of public policies concerning the fight against air pollution
- Assessment of the digital modernization of the state
- Follow-up assessment of the policy concerning the fight against the use of illegal substances

2016

- Assessment of public aid to the spa industry

– Assessment of public policies in the fight against social exclusion: access to social rights

– Follow-up assessment of the policy concerning asylum seekers

– Assessment of the development of renewable energies and energy efficiency: follow-up assessment of the implementation of the “energy-climate” package

– Citizen consultation on the public policy in favour of equality between women and men

2017

– Assessment of the regulation of gambling and games of chance

– Assessment of aid to the ownership of property

XVth term of Parliament

2017

– Monitoring the assessment of the regulation of gambling and games of chance

2018

– Assessment of public policy evaluation systems
– Assessment of State action in the exercise of its sovereign missions in Seine Saint Denis
– Assessment of autism care
– Assessment of the organization of the evaluation function of the education system.

2019

– Assessment of the fight against financial delinquency
– Monitoring the Assessment of tourist reception policy
– Monitoring the Assessment of autism care
– Assessment of access to public services in rural areas

2020

– Assessment of the economic and social costs and benefits of immigration
– Assessment of mediation between users and the administration
– Assessment of access to higher education
– Assessment of the fight against counterfeiting

2021

– Assessment of industrial policy
– Assessment of relations between the State and its operators
– Monitoring the fight against financial delinquency
– Assessment of public health prevention policies

2022

– Assessment of the adaptation of anti-poverty policies to the health context
– Assessment of healthy and sustainable diet for all
– Assessment of public policies in favour of citizenship

XVIth term of Parliament

2023

– Assessment of the coverage of the shrinkage-swelling of clays
– Monitoring the assessment of access to public services in rural areas
– Monitoring the assessment of access to higher education
– Follow-up assessment of the fight against counterfeiting
– Follow-up assessment of state action in the carrying-out of its sovereign missions in the Seine-Saint-Denis Department

I – THE ASSESSMENT AND MONITORING MISSION (MEC)

The Assessment and Monitoring Mission (MEC) was based on the *National Audit Office* of the British Parliament and it operated from 1999-2016. It was set up within the Finance Committee in February 1999 following the conclusions of a working group on parliamentary monitoring and the efficiency of public spending which was at the origin of the Institutional Act on Finance Laws (LOLF). This group, at the end of its work, recommended the setting-up of a structure which would be responsible for the interviewing of political and administrative leaders on the management of their funds and which would carry out in-depth investigations into predetermined sectors of public policy.

This mission had the specificity of being co-chaired by an M.P. of the governing majority and an M.P. of the opposition. Its sixteen members all belonged to the Finance Committee and were appointed, in equal numbers representing the governing majority and the opposition, by the political groups. The Chair of the Committee and the General *Rapporteur* were *ex-officio* members. The other standing committees could request some of their members to attend.

The choice of themes dealt with by the Assessment and Monitoring Mission was decided by the *Bureau* of the Finance Committee so at to be co-ordinated with the overall work of the Committee.

The Assessment and Monitoring Mission worked in collaboration with the Court of Accounts which was consulted in advance on the choice of themes decided upon. Members of the Court of Auditors attended its meetings or were interviewed by it. A report requested from the Court of Auditors in advance could have been at the origin of this work.

Its reports were systematically entrusted to two, even three, M.P.s so that the ruling majority and the opposition could work together as well as other standing committees, and that consensual conclusions might be reached.

The working methods of the mission (essentially interviews but also questionnaires to the relevant actors, as well as more rarely *in-situ* visits) were close to those of all the fact-finding missions. The interviews were open to the public and to the press with certain exceptions, particularly when national defence issues were at stake.

The LOLF also provided the MEC with the widespread powers given to *rapporteurs* to summons witnesses and to have access to all documents, with the exception of those concerning questions of a confidential nature (national defence, state security, judicial confidentiality, medical secret etc.).

The conclusions of the Assessment and Monitoring Mission (which deliberated *in camera*) were submitted to the Finance Committee so that it decided whether or not to publish a report, and, in accordance with article 60 of the LOLF, when the work of the MEC led to observations which were transmitted to Government, the latter was required to provide a written reply within two months.

At the beginning of the XVth term of Parliament, which opened in June 2017, the Finance Committee renewed its monitoring and assessment methods. In order to involve all of its special *rapporteurs* in its program, it set up the Assessment Spring from the first half of 2018. The MEC has not resumed its work since then, so its most recent reports are those published in 2016.

Information Reports of the Assessment and Monitoring Mission during the XIVth term of Parliament (for the record)	
Title of the report	***Rapporteurs,* (names in italics indicate membership of another committee than the Finance Committee)**
• Cooperative armament programmes *(n° 1234, July 10, 2013)*	M. François CORNUT-GENTILLE (UMP), M. Jean LAUNAY (SRC) *M. Jean-Jacques BRIDEY (SRC) (Defence)*
• The optimization of support for the building of social housing, according to needs *(n° 1285, July 18, 2013)*	M. Christophe CARESCHE (SRC) *M. Michel PIRON (UDI) (Cultural Affairs)*
• Prevention and support by public authorities for programmes to safeguard employment *(n° 1299, October 2, 2013)*	M. Christophe CASTANER (SRC) *Mme Véronique LOUWAGIE (UMP) (Social Affairs)*
• Taxation of tourist accommodation (*n° 2108, July 9, 2014)*	Mme Monique RABIN (SRC) M. Éric WOERTH (UMP) *M. Éric STRAUMANN (UMP) (Economic Affairs)*
• The management of future investment concerning the *Research and Higher Education* mission *(n° 2662, March 18, 2015)*	M. Alain CLAEYS (SRC) *M. Patrick HETZEL (LR) (Cultural Affairs)*
• Consular chambers, their missions and their financing *(n° 3064, September 16, 2015)*	Mme Monique RABIN (SRC) *Mme Catherine VAUTRIN (LR) (Economic Affairs)*

Information Reports of the Assessment and Monitoring Mission during the XIVth term of Parliament (for the record)	
Title of the report	***Rapporteurs*, (names in italics indicate membership of another committee than the Finance Committee)**
• The financing and the oversight of the expenditure of external French language bodies *(n° 3357, December 16, 2015)*	M. Pascal TERRASSE (SRC) M. Jean-François MANCEL (LR) *M. Jean-René MARSAC (SRC) (Foreign Affairs)*
• Training and career management in the upper ranks of the civil service *(n° 3809, June 8, 2016)*	M. Jean LAUNAY (SER) *M. Michel ZUMKELLER (LR) (Law)*
• Future investment programmes (PIA) to finance ecological transition *(n° 3867, June 22, 2016)*	Mme Eva SAS (NI) *Mme Sophie ROHFRITSCH (LR) (Cultural Affairs)*
• Transparency and the financing of the public debt *(n° 3936, July 6, 2016)*	M. Nicolas SANSU (GDR) M. Jean-Claude BUISINE (SER) M. Jean-Pierre GORGES (LR)

III. – ASSESSMENT AND MONITORING MISSION FOR SOCIAL SECURITY FINANCING LAWS (MECSS)

The Assessment and Monitoring Mission for Social Security Financing Laws (MECSS) was set up within the Committee in Charge of Social Affairs in December 2004 in accordance with article 38 of Law n° 2004-810 of August 13, 2004 concerning health insurance. Institutional Act n° 2005-881 of August 2, 2005 concerning social security financing laws provided for its setting-up, broadened its scope for investigation and detailed its powers in articles L.O. 111-9, L.O. 111-9-1, L.O. 111-9-3 and L.O. 111-10 of the Social Security Code.

The MECSS permanently follows the implementation of social security financing laws and assesses any question concerning the financing of social security. It is jointly chaired by an M.P. of the governing majority and of the

opposition, the General *Rapporteur* of the Social Affairs Committee is an *ex officio* member and its sixteen members belong to the Social Affairs Committee and are appointed by the political groups. Its composition attempts to reproduce the political configuration of the Assembly. Members of the other standing committees may attend its meetings.

The choice of themes dealt with by the MECSS is decided by the *Bureau* of the Social Affairs Committee after consultation with the Court of Accounts.

The working methods (essentially interviews but also *in-situ* visits) are those of all the fact-finding missions. The interviews are open to the public and to the press with some exceptions. In addition, the MECSS has widespread powers to summons witnesses and to have access to all documents, as well as to carry out inspections *in situ* of State administrations, social security bodies and the relevant public establishments. Exceptions are made for questions of a confidential nature (national defence, State security, judicial confidentiality, medical secret etc.).

Since the Constitutional Act n° 96-138 of February 22, 1996, the Court of Accounts assists Parliament in the monitoring of the implementation of social security financing laws. Article 47-2 of the Constitution which itself was introduced by article 22 of the Constitutional Act n° 2008-724 of July 23, 2008, broadened the scope of this assistance regarding the assessment of public policies and thus of questions concerning the financing of social security. Therefore, members of this institution may also take part in the preparatory meetings and in the hearings of the MECSS. The Court of Accounts also carries out inquiries on bodies under its inspection remit and the MECSS can benefit from such inspections.

In addition, the MECSS has obtained the support of the General Inspection of Social Affairs.

The conclusions of the MECSS (which deliberates *in camera*) are presented to the Social Affairs Committee and the report is then published in the conditions determined by the *bureau* of the committee.

In accordance with article L.O. 111-9-3 of the Social Security Code, when the work of the MECSS leads to observations which are transmitted to Government or to a social security body, both of the latter are required to provide a reply within two months.

Information Reports of the MECSS since 2008

2008

– The Prescription, Consumption and Taxation of Medicines

– Long-term ailments

2009

– Results of the Young Children Welcoming Benefit

– The Fight Against Social Security Fraud

2010

– Functioning of Hospitals

2011

– Fight against social fraud

2012

– Health prevention

2013

– Work absences and daily sickness allowances

2014

– The financing of the family branch

– Patient transport

2015

– The implementation of the missions of the National Solidarity Fund for Autonomy

– The debt of public health establishments

– The management of the obligatory health insurance scheme for certain health insurance companies

2016

– Hospitalization at home

2017

– Inter-scheme personal medical data held by the National Health Scheme and provided to the SNIIRAM and then to the National System for Health Data (SNDS)

2018

– The evolution of the quality approach within EHPADs (care homes) and its assessment system

2019

– Hospital purchasing policy

2020

– Shared medical records and health data

– Outpatient surgery

2021

– Regional health agencies

– Territorial hospital groups.

File n°60

THE ROLE OF STANDING COMMITTEES IN THE MONITORING OF GOVERNMENT

Key Points

According to the Rules of Procedure of the National Assembly, the standing committees provide the National Assembly with the information necessary to enable it to carry out a monitoring role over Government policy. In practice, they have gradually begun to carry out the monitoring of Government action directly themselves.

This information is mainly gathered thanks to two instruments which the standing committees have been using more and more: hearings and fact-finding missions.

The Finance Committee has a specific role in the monitoring of the State budget on account of the investigative powers which its special *rapporteurs* possess. These powers are exercised particularly during the Spring Assessment, a moment dedicated to the evaluation of public policies, which was set up during the XVth term of Parliament.

The standing committees also play an increasing role in the monitoring of the implementation of laws, particularly by following up the publication of the necessary regulatory texts.

The constitutional revision of July 23, 2008 further strengthened the role of standing committees in the field of monitoring by granting them the power to be consulted on certain appointments by the President of the Republic.

According to Article 145 of the Rules of Procedure of the National Assembly, "*standing committees shall keep the House informed so that it can exercise its function of monitoring the policy of the Government*". Institutional practice, and various reforms of the Rules of Procedure, have gradually provided the standing committees with a direct monitoring power over Government action.

I. – THE DUTY TO INFORM

1. – Hearings

The standing committees may meet with a non-legislative agenda in order to hold hearings with key figures.

Article 5 *bis* of the Ordinance of November 17, 1958, concerning the functioning of the parliamentary assemblies, provides that an "*ad-hoc or standing committee may summon any person whose interviewing it may deem necessary, whilst taking into account, on the one hand, subjects of a secret nature which concern national defence, foreign affairs, the internal or external security of the State and, on the other hand, the respect of the principle of the separation of the judicial authority from that of the other powers*".

These provisions, which were introduced in 1996, grant the standing committees the right to summon any person of their choice (the fact of not replying to a summons is punishable by a €7,500 fine).

The standing committees thus frequently interview members of the Government, including the Prime Minister, European commissioners, experts or representatives of socio-professional circles or any other personality. During the XVth term of Parliament, 3,094 hearings were organized by standing committees and *ad hoc* committees.

These hearings may take place in the framework of the preparation of a bill, but they may purely and simply be for information reasons and present a certain periodicity (heads of institutions or organizations, managers of large companies, etc.).

In accordance with article 46 of the Rules of Procedure, these interviews are open to the press and are retransmitted live on the internet site of the National Assembly. However, the *bureau* of the committee has control over the public nature of its proceedings and may waive this rule by means of a reasoned decision which is made public.

2. – Fact-finding missions

Article 145 of the Rules of Procedure provides the standing committees with the possibility of setting-up temporary fact-finding missions.

These missions may be restricted to a single committee or be common to several committees, they may be of a short or longer length of time and they may or may not involve travel within France or abroad. Such missions are sometimes set up in order to prepare the examination of a bill or to monitor the implementation or assessment of a recently passed law.

The fact-finding missions are usually concluded with the presentation of a report, whose publication is authorized by the committee. Such a report may give rise to a debate without vote in plenary sitting or to a questions sitting.

The missions may be individual or collective and their make-up is decided upon by the committees. The reform of the Rules of Procedure of May 27, 2009, however strengthened the role of the opposition within them. In fact, according to article 145 of the Rules of Procedure, a mission which is made up of two members must include an M.P. belonging to an opposition group. A mission made up of

more than two members must ensure that the political configuration of the Assembly is reproduced.

In order to be able to quickly study certain questions, the committees have also set up, outside the regulatory framework, fact-finding missions lasting a few weeks and which give rise to an oral presentation rather than the publication of a written report. These are called “flash missions” or “working groups”.

3. – The granting of the powers of commissions of inquiry to the standing committees

The Law of June 14, 1996, introduced into the Ordinance of November 17, 1958 on the functioning of the parliamentary assemblies, the article 5 *ter* which grants the standing committees the possibility of asking their assembly to take advantage of the prerogatives of commissions of inquiry (the power of examination of all documents, summons to hearing with criminal penalty attached, the right of communication) for a specific mission which must not last more than six months.

In 2011, this possibility was broadened to “*the bodies set up within one of the parliamentary assemblies to monitor Government action or to assess public policies whose fields go beyond the scope of a single standing committee*”, (Law of February 3, 2011, aimed at strengthening the means of Parliament in matters pertaining to the monitoring of Government action and the assessment of public policies). Thus, the Commission for the Assessment and Monitoring of Public Policies (CEC) of the National Assembly, as well as the delegations for women’s rights and that for overseas France and territorial units of the two assemblies and the senatorial delegations for companies and that for economic forecasting may all have this prerogative. However, the fact-finding missions and the parliamentary delegation for intelligence of the do not possess this possibility but have other means of investigation. The OPECST (Parliamentary Office for Scientific and Technological Assessment may benefit from this prerogative expressly in application of article 6 *ter* of Ordinance n°58-1100 of November 17, 1958 (see below).

This provision was implemented for the first time by the Law Committee so as to ensure the parliamentary monitoring of the state of emergency decided upon after the attacks of November 13, 2015.

During the XVth term of Parliament, the Law Committee once more was able to use the prerogatives of a commission of inquiry for a one-month period to carry out its work in order to “get to the bottom of the events which took place during the demonstration in Paris on May 1, 2018.

II. – THE MONITORING ROLE

1. – Monitoring the budget and the financing of social security

The Institutional Act of August 1, 2001 concerning finance acts establishes the role of the Finance Committees of the National Assembly and the Senate, as regards budgetary monitoring. Article 57 of this law states that the finance committees of the National Assembly and of the Senate "*must follow and monitor the carrying-out of the finance laws and must assess all questions concerning public finances*". This mission is entrusted to the chair, the general *rapporteur*, the special *rapporteurs* (members of the committees who are responsible for the examination of all or part of the funding of a mission) or to one or several of their members appointed to do so. During each session of the XIVth term of Parliament, 45 special reports were filed.

The budgetary *rapporteurs*, both special and consultative, obtain much of the information they need in the replies to the questionnaires sent out before July 10, to the ministries concerned.

The special *rapporteur* has a twofold mission. On the one hand, during the examination of the budget, he examines the funds allocated within a mission and presents a report on this allocation, firstly to the committee and then in plenary sitting. On the other hand, he permanently follows and monitors their usage.

All year long, the special *rapporteurs* of the Finance Committee have thus the right to examine all documents concerning the implementation of the finance act as well as the management of the public companies which come within their field of competence; this monitoring can be carried out in the form of the publication of budgetary information reports.

Furthermore, the other committees may also decide to examine the appropriations of budgetary missions falling within their field of competence. They then appoint consultative *rapporteurs* from within their own ranks who, however, do not have the same investigative powers as their fellow members of the Finance Committee. Each year of the XVth term of Parliament, they issued a total of around sixty budgetary opinions.

Article 47-2 of the Constitution, introduced by the Constitutional Law of July 23, 2008, provides that the Court of Accounts assists the Parliament in the monitoring of the implementation of the finance act and of the law governing the financing of the social security.

To add to this traditional action of the special *rapporteurs*, the Finance Committee of the National Assembly set up, during the XVth term of Parliament, an annual series of meetings around the examination of the settlement bill called "Spring of Assessment". At the start of the year, each special *rapporteur* chooses a public policy in their field of competence and carries out its evaluation. The analysis is then presented during dedicated meetings of the finance committee,

called public policy evaluation committees (CEPP), in which ministers participate and respond on both budget execution and public policy.

This work can lead to the drawing-up of member's bills which are examined in plenary sitting during the monitoring week in June, at the same time as the settlement bill.

This work of evaluating public policies has replaced the Assessment and Monitoring Mission (MEC), created in 1999 and which was put on hold.

The Social Affairs Committee has set up a similar system entitled "Social Spring of Assessment", which focuses on certain articles of the social security financing law. The creation of a law for the approval of social security accounts (LACSS) by the institutional law of March 14, 2022 will make it possible to go further in this work. The Social Affairs Committee also maintained the activity of the Assessment and Monitoring Mission for the Laws Governing Social Security (MECSS), which published six reports during the XVth term of Parliament.

2. – Monitoring certain appointments

The constitutional revision of July 23, 2008 provided standing committees with an additional power: the right to be consulted on certain appointments and, if need be, to oppose them. The last paragraph of article 13 of the Constitution provides that an institutional law shall determine the posts or positions, concerning which, on account of their importance in the guaranteeing of the rights and freedoms or the economic and social life of the Nation, the power of appointment vested in the President of the Republic shall be exercised after public consultation with the relevant standing committee in each assembly. In this case the President of the Republic shall not make an appointment if the sum of the negative votes in each committee represents at least three fifths of the votes cast by the two committees.

In addition, the Constitution makes provision for the application of such provisions for appointments to the Constitutional Council, (article 56), of qualified people to the High Council of the Judiciary (article 65) and of the Defender of Rights (article 71-1)

The posts and positions concerned are determined by the Institutional Law of July 23, 2010 concerning the application of the fifth paragraph of article 13 of the Constitution. Fifty-five positions are currently concerned, in very different sectors (independent administrative authorities, national agencies, public establishments etc.). The Law of July 23, 2010 indicates which standing committee may provide each of these opinions.

In addition, specific legislative texts have also submitted the appointment of certain persons to the vote of the relevant parliamentary standing committees. The calculation of the majority is then defined in the text and may differ from the rules laid down in article 13 of the Constitution. Thus, article 19 of the Law of October 11, 2013, concerning transparency in public life, provides that the

members of the High Authority for Transparency in Public Life who are suggested by the presidents of the two assemblies are appointed if they gain three fifths of the votes cast.

Article 29-1 of the Rules of Procedure lays down the conditions in which the standing committees in charge of monitoring these appointments may exercise this prerogative. The committees have a limit of eight days after this person's identity has been made public. Since the reform of the Rules of Procedure of 2019, they have the obligation (and no longer purely the possibility, as was previously the case) of appointing a *rapporteur* who must belong to an opposition or minority group. The *rapporteur* draws up a questionnaire which is addressed to the person concerned, who must respond to it in writing before the hearing, so that all members of the committee can have access to the document.

The hearing is public and is followed by a secret ballot. When the appointment of the person requires a vote in the committees of both the National Assembly and the Senate, the count is carried out simultaneously.

During the XVth term of Parliament, 74 people were interviewed by the standing committees in application of the last paragraph of article 13 of the Constitution. 10 others were interviewed in application of specific legislative provisions.

3. – Monitoring the implementation of laws

Since 2004, at the end of a period of six months following the coming into force of a law whose implementation requires the publication of regulatory texts, a report on the implementation of the said law must be presented to the relevant committee. This report, which is provided for in the first paragraph of article 145-7 of the Rules of Procedure, describes the regulations which have been published and the decrees which have been issued in order to implement the said law, as well as the provisions which have not been subject to the necessary implementation instruments.

Since the reform of 2009, such a report is carried out by two M.P.s, one of whom must belong to an opposition group and one of whom must automatically be the *rapporteur* of the Government or Member's bill which is the subject of the implementation report. This system was supplemented by the 2019 reform, which requires the designation of the MP other than the *rapporteur* (it is therefore, in the majority of cases, the opposition MP) as soon as a text is referred to the committee for examination.

The 2014 reform of the Rules of Procedure also made provision for two M.P.s, one belonging to an opposition group, to present to the relevant committee a report assessing the impact of a law three years after it entered into force. This report deals with the legal, economic, financial, social and environmental

consequences of the law and points out the possible difficulties met upon the implementation of the said law.

4. – The follow-up to the committees' monitoring work

Any of these information reports can lead in plenary sitting to a debate, without vote, or to question sitting.

In addition, in application of article 145-8 of the Rules of Procedure, the committees have also the possibility of looking at the conditions in which, six months after the publication of the report of a fact-finding mission, the conclusions it presented, have been implemented.

File n°61

COMMISSIONS OF INQUIRY AND FACT-FINDING MISSIONS SET UP BY THE CONFERENCE OF PRESIDENTS

Key Points

Commissions of inquiry came into existence in France along with the parliamentary system.

This was because the right of inquiry of the assemblies was considered as a corollary to the right to monitor. Nonetheless the procedure was not laid down in the Constitution.

On account of having been linked to various crises during the Third and the Fourth Republics, commissions of inquiry during the Fifth Republic were strictly supervised in order to prevent any parliamentary intervention regarding the executive power and the judiciary.

However, thanks to the broadening of the scope of their investigation and to the publicity given to their hearings since 1991, commissions of inquiry are now an efficient means to gather information and to monitor, and their conclusions can have an impact on Government action. Since the constitutional revision of July 23, 2008, their status has been set down in article 51-2 of the Constitution which provides that "*committees of inquiry may be set up within each House to gather information, according to the conditions provided for by statute*".

Since 2003, the Conference of Presidents, upon the proposal of the President of the National Assembly, may set up temporary fact-finding missions.

I. – COMMISSIONS OF INQUIRY

1. – The setting-up of a commission of inquiry

Since 1991, the single term "commission of inquiry" has been applied to bodies which formerly were known either as "commissions of inquiry" per se (those which dealt with a specific situation) or "monitoring commissions" (those which dealt with the administrative, financial or technical management of public services or State-run companies).

The setting-up of a commission of inquiry is entirely a parliamentary initiative. It takes the form of a motion tabled by one or several M.P.s. This motion must set out the reasons for the request and must establish the object of the inquiry. It is then transmitted to the relevant standing committee. The National

Assembly is then, in principle, called to vote in plenary sitting on the advisability of setting up such a commission of inquiry.

Since 1988 however, a convention was established allowing each political group, including the opposition, the annual right to have one such motion requesting the setting-up of a commission of inquiry included on the order paper. This convention, which had originally fallen into abeyance, was strengthened and re-established by the reform of the Constitution. In its wording pursuant to the motion of May 27, 2009, each chair of an opposition or minority group may request once per ordinary session, with the exception of that preceding the renewal of the Assembly, a debate in plenary sitting on the setting-up of a commission of inquiry. For the creation of such a commission of inquiry to be rejected, the negative vote should garner the support of three-fifths of the members of the Assembly. Only M.P.s who are against such a creation take part in the ballot.

To allow this convention to become truly effective, the Rules of Procedure were modified in November 2014 so as to guarantee the automatic setting-up of a commission of inquiry requested by an opposition or minority group. It is thus enough for the chair of such a group to make the request and the Conference of Presidents will take note of and implement the setting-up of a commission of inquiry, as long as, nonetheless, the conditions required for its setting-up have been met. In addition to those concerning admissibility, a group may not request the setting-up of a new commission of inquiry as long as a previous commission of inquiry or a fact-finding mission, which is also governed by the convention, has not concluded its work. The 2014 reform of the Rules of Procedure also maintained the impossibility of exercising this right in the last year of a term of Parliament before the renewal of the Assembly.

a. The Admissibility of the Motion

The standing committee to which the proposal for a motion seeking the creation of a commission of inquiry is referred decides, in principle, on the admissibility of the request with regard to the texts and to its appropriateness. However, when the creation of a commission of inquiry is requested within the framework of the aforementioned convention, it only checks its admissibility.

According to the Rules of Procedure of the National Assembly, the motion has to "*precisely set out the facts warranting the inquiry or…specify the public services or entities whose management is to be investigated by the committee.*" This requirement is not particularly demanding in practice.

In addition, "*in accordance with the principle of the separation of powers*" according to the terms of the Constitutional Council (decision no° 2009-582 DC of June 25, 2009, cons. 5), article 6 of the ordinance of November 17, 1958, concerning the functioning of the parliamentary assemblies, prohibits the setting-up of a commission of inquiry concerning events which have led to legal proceedings and for as long as such proceedings continue. This is why the Rules

of Procedure of the National Assembly make provision for the President to notify the Minister of Justice as soon as such a motion has been tabled.

The question of the precise limits of the respective areas for parliamentary inquiry and judicial investigation has led to a complex jurisprudence; the interpretation which takes precedence is that the existence of legal proceedings does not prohibit the setting-up of a commission of inquiry, but nonetheless limits its field of investigation to events not covered by the proceedings. Thus the flexibility of the interpretation of this rule has enabled, for example, the setting-up of commissions of inquiry into the *Crédit Lyonnais* bank, the attacks on The *Bataclan*, the use of chloredecone and paraquat in the French West Indies or the attacks on the Paris *Préfecture* of Police.

Whatever the case, the work of a commission of inquiry is automatically suspended upon the beginning of a judicial inquiry concerning the events which led to the establishment of the original commission of inquiry.

b. The Make-up of Commissions of Inquiry

Although the Ordinance of 1958 provided originally for the commissioners to be appointed by majority vote, a compromise has always meant that political groups are represented proportionately.

The revision of the Rules of Procedure of May 27, 2009, strengthened the cross-party nature of the commissions of inquiry. Their members are appointed proportionally according to the strength of political groups, plus one non-aligned M.P. Their *bureau* must attempt to reproduce the political configuration of the Assembly and to ensure the representation of all its elements.

Either the position of chairman or *rapporteur* must automatically be filled by a member of an opposition or minority group. In the case of the implementation of the aforementioned convention it is up to the group which is at the origin of the request to indicate which of these two functions it intends to exercise.

The commissions of inquiry have a maximum of thirty-one members, who elect their *bureau* and *rapporteur* by secret ballot. This *bureau* must be comprised of a chairman, four deputy chairmen and four secretaries.

2. – The work of the commissions

a. Time Limits

The commissions of inquiry are of a temporary nature. Their mission comes to an end upon the filing of their report or at the latest six months from the date on which they were set up.

In addition, a commission of inquiry may not be reconstituted with the same mission within twelve months of the end of its original mission or of the end

of the work of a mission set up by the Conference of Presidents on the same subject.

b. Important Powers

According to the Ordinance of 1958, “Commissions of inquiry are created in order to gather information…with a view to submitting the conclusions to the assembly which established them”.

They organize their work according to the rules applicable to the standing committees, but they have specific prerogatives:

- *The right of direct summoning*: every person whose evidence before the commission of inquiry is deemed useful by the chairman of the commission of inquiry is bound to appear before the said commission of inquiry. This summons may be made through a bailiff or a police officer. The witness’s testimony is given under oath except for minors of under sixteen years old. The witness is, in addition, required to testify under the provisions of articles 226-13 and 226-14 of the Criminal Code, pertaining to professional secrecy. These obligations carry legal penalties if not carried out. In addition, the penalties applicable in the case of perjury or of bribery of a witness are equally applicable for parliamentary inquiries. Legal proceedings may be instituted upon the request of the chairman of the commission of inquiry or upon that of the Bureau of the Assembly, the action is taken after the report has been published. However, since the adoption of the law n° 2008-1187 of November 14, 2008, witnesses who give evidence are protected against defamation, libel and slander concerning testimony given before a commission of inquiry unless they are outsiders to the subject of the inquiry;

- The rapporteurs have very *specific powers*: They carry out their mission with access to all evidence. All information which can make their task easier must be provided to them. They are empowered to see all department documents with the exception of those which are classified and concern national defence, foreign affairs, and the internal or external security of the State. This must all be carried out within the notion of the respect of the principle of the separation of the legal authority from all the other branches of power;

- The *public nature of the hearings:* each commission of inquiry is free to organize the public nature of its hearings as it wishes, including television broadcasting. It may also, on the contrary, decide to meet “in camera”. In any case, the notion of secrecy continues to be applied to the other work of the commission, for example to its internal deliberations concerning the drawing up of its report. Thus, unless the report published at the end of its work mentions it, the internal deliberations of the commission cannot be disclosed.

Each commission of inquiry has a secretariat made up of civil servants of the National Assembly. The numerous hearings which it carries out are usually retransmitted live on the Assembly website and are presented in minutes, which are contained in annexes to its report. It may carry out missions in France (or, if necessary, abroad) and has a special budgetary allocation in the budget of the National Assembly for that purpose.

c. The Conclusion of its Work

When the commission of inquiry adopts the report, the submission of the latter is mentioned in the Official Journal. The report is sometimes delivered in person to the President of the National Assembly. It has happened, on very rare occasions that a commission of inquiry does not adopt a report: the documents in its possession are then archived and cannot give rise to any publication or debate (this was the case of the commission of inquiry into the financing mechanisms of trade union organizations of employers and employees, in November 2011).

The report is then published, unless the National Assembly meeting "*in camera*" decides otherwise, following a request which must be made within five days of the filing. This provision has, until now, never been applied. In practice, at the end of the deadline, the report is published and a press conference is organized to present the main conclusions. The report of a commission of inquiry may also be debated in plenary sitting without a vote.

Anyone who divulges or publishes any information relative to the non-public work of such a committee of inquiry within twenty-five years, unless the report published at the end of the committee work has made reference to such information, will be subject to legal penalties. M.P.s who have been subject to a legal or disciplinary penalty on account of infringing the obligation of secrecy during non-public meetings of a commission of inquiry may not be reappointed to another commission of inquiry during the term of Parliament.

d. The powers of investigation conferred on a standing committee or a fact-finding mission

Article 5 ter of the ordinance of November 17, 1958 relating to the functioning of parliamentary assemblies provides that the prerogatives of a commission of inquiry may be attributed to a standing or *ad-hoc* committee or to a body responsible for monitoring the action of the Government.

These provisions were implemented for the first time during the XIVth term of Parliament, upon the initiative of the Law Committee, in order to ensure parliamentary monitoring of the state of emergency decided after the attacks of November 13, 2015. During the XVth term of Parliament, the Law Commission was given such prerogatives in 2018 to "shed light on the events that occurred during the Parisian demonstration of May 1, 2018", as well as, in 2020, the fact-finding mission set up by the Conference of Presidents on the impact, management and consequences of the Covid-19 epidemic.

As with the commissions of inquiry themselves, these powers are conferred for a period of six months and are exercised within the same limits.

3. – The ability to influence without the power to order

a. Orienting Governmental Action

The reports of the commissions of inquiry have conclusions and proposals. These reports naturally reflect the opinion of the majority of the commission, but it is customary to include in a separate section of the report, called “contributions of groups and of members”, the opinion of minority commissioners.

The work of a commission of inquiry may lead directly to the tabling of a bill intended to remedy the inadequacies of the legislation revealed during the investigation.

The conclusions of the reports may lead to a debate without vote. M.P.s may also refer to them by using the procedures of classic parliamentary law, in particular by asking questions to the Government.

The reform of the Rules of Procedure of the National Assembly, which is a result of the motion of May 27, 2009, makes provision, that a period of six months following the publication of the conclusions of the inquiry, for a member of the relevant standing committee, appointed by the said committee, to present a report to it on the implementation of the recommendations put forward by the said commission of inquiry.

b. Leading to Judicial Action

In carrying out their investigations, the commissions of inquiry may uncover criminal actions. Although they may not make a legal judgement on such actions or give a verdict on the penalties to be applied, the commissions of inquiry may transmit such information, upon his request, to the Minister of Justice with a view to opening a judicial inquiry or they may refer them directly to the State Counsel’s Office in accordance with article 40 of the Code of Criminal Procedure

Commissions of inquiry set up in the National Assembly during the XVth term of Parliament

– Commission of inquiry on the decisions of the state regarding industrial policy, notably in the *Alstom, Alcatel and STX* cases.

– Commission of inquiry into the equal access of French people to health care

– Commission of inquiry into industrial food

– Commission of inquiry into the fight against small far-right groups in France

– Commission of inquiry into the means of the security forces

– Commission of inquiry

– Commission of inquiry into the economic, industrial and environmental impact of renewable energies on the transparency of financing and on the social acceptability of energy transition policies

– Commission of inquiry into the inclusion of disabled students in schools and universities of the Republic, fourteen years after the law of February 11, 2005

– Commission of inquiry into the situation and practices of large-scale supermarkets and its groups in their commercial relations with suppliers

– Commission of inquiry into the use of chlordecone and paraquat in the territories of Guadeloupe and Martinique

– Commission of inquiry into the attacks at the Paris police headquarters (*Préfecture*)

– Commission of inquiry responsible for evaluating research, prevention and public policies to be carried out against the spread of Aedes mosquitoes

– Commission of inquiry into obstacles to the independence of the judiciary

– Commission of inquiry to combat social benefit fraud

– Commission of inquiry into the evaluation of public environmental health policies

– Commission of inquiry to measure and prevent the effects of the covid-19 crisis on children and youth

– Commission of inquiry relating to the state of affairs, ethics, practices and doctrines of production and maintenance of order

– Commission of inquiry into the fight against illegal gold panning in Guyana

– Commission of inquiry relating to the control of water resources by private interests and its consequences

– Commission of inquiry on migration

– Commission of inquiry into possible dysfunctions of justice and the police in the so-called Sarah Halimi affair

– Commission of inquiry into prison policy

– Commission of inquiry into deindustrialization

Powers of investigation entrusted to a standing committee or a fact-finding mission

– Work carried out to "*shed light on the events that occurred during the Parisian demonstration of May 1, 2018*" by the Law Commission

– Work carried out on the impact, management and consequences of the health crisis linked to Covid 19 by the fact-finding mission of the Conference of Presidents created on this subject

II. – THE FACT-FINDING MISSIONS SET UP BY THE CONFERENCE OF PRESIDENTS

Article 145, paragraph 4 of the Rules of Procedure of the National Assembly grants the Conference of Presidents the possibility of setting-up fact-finding missions upon the proposal of the President of the National Assembly. The Constitutional Council has made it clear that such missions should be temporary and limit their role to fact-finding.

The setting-up of such missions within the Conference of Presidents, confers a certain formality to work on sensitive subjects or current issues which interest all the political groups and all the committees. This is even more the case as the President of the National Assembly may chair such missions (fact-finding missions on religious symbols at school, on health insurance and on questions relating to history and remembrance, as well as on the impact, management and consequences of the Covid-19 epidemic).

Since 2009, the position of chairman or of *rapporteur* is automatically given to an M.P. belonging to an opposition group, if these two positions are not carried out by the same person.

The reform of the Rules of Procedure of November 2014, provided each chair of an opposition or minority group with a convention (“right to a turn”) allowing them to obtain the setting-up of a fact-finding mission, if they have not already used this right during the same sitting to obtain the setting-up of a commission of inquiry.

It is then up to the group which is at the origin of the request to indicate whether it intends to exercise the function of chair or *rapporteur*.

This work involves hearings and sometimes even travels in France and abroad. The reports may lead to a debate without vote, in plenary session. Depending on the theme of the mission, it can lead to the tabling of a Members' bill, co-sponsored by all the members of the mission.

Fact-finding missions set up by the Conference of Presidents during the XVth term of Parliament

- Fact-finding mission on the management of major climatic events
- Fact-finding mission on the implementation of laws
- Fact-finding mission on monitoring negotiations linked to Brexit and the future of relations between the European Union and France with the United Kingdom
- Fact-finding mission on the revision of the law relating to bioethics
- Fact-finding mission on the obstacles to energy transition
- Fact-finding mission on social assistance for children
- Fact-finding mission on French family policy
- Fact-finding mission on the fire at an industrial site in Rouen
- Fact-finding mission on the emergence and evolution different forms of racism
- Fact-finding mission on the impact, management and consequences in all its dimensions of the health crisis linked to the Coronavirus-Covid 19 epidemic
- Fact-finding mission on national and European digital sovereignty
- Fact-finding mission on the institutional future of New Caledonia
- Fact-finding mission on national resilience
- Fact-finding mission on the application of related rights for the benefit of agencies, publishers and professionals in the press sector
- Fact-finding mission on electoral turnout

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- Fact-finding mission on electoral turnout

File n°62

THE RESOLUTIONS OF ARTICLE 34-1 OF THE CONSTITUTION

Key Points

The Constitutional Law n° 2008-724 of July 23, 2008 introduced article 34-1 into the Constitution authorizing the assemblies to pass resolutions.

A resolution is an instrument by means of which the Assembly provides an opinion on a specific question.

A draft resolution is tabled, on behalf of his group by a group chairman or by any M.P. and is subject to a double monitoring. According to article 34-1, paragraph 2 of the Constitution, the Government has the possibility of declaring it inadmissible before its inclusion on the agenda if it considers that its adoption or rejection could be considered an issue of confidence or if it contains an injunction to the Government. In addition, if it deals with the same subject as a previous draft examined over the same ordinary session, it may not be included on the agenda.

The draft resolution is meant to be examined during the sittings where the agenda is set by the Assembly. Inclusion on the agenda is decided during the Conference of Presidents, at the request of a committee or a group chairman, as soon as a minimum time period of six full days after its tabling, is respected.

The passing of resolutions is one of the ways for Parliament to affirm itself and to exercise a distinctive aspect of its legislative voice. A resolution is an instrument by means of which the Assembly provides an opinion on a specific question.

Before 1958, resolutions were a traditional technique for Parliament to express itself and their adoption could lead to a calling into question of confidence in the Government.

This practice was outlawed by the Constitution of the Fifth Republic in the name of rationalized parliamentarianism. A decision dating from June 24, 1959 included a limitation by the Constitutional Council of the field of resolutions as Government accountability could only become an issue of confidence in the conditions set down by articles 49 and 50 of the Constitution. Thus Parliament was only allowed to pass resolutions which deal with measures of an internal nature.

A first breach was made in the wall by means of the constitutional revisions of June 25, 1992 and January 25, 1999. Article 88-4 of the Constitution

thus allowed the assemblies to adopt resolutions dealing with drafts of or proposals for European acts.

The constitutional revision of July 23, 2008 followed upon this opening by introducing a new procedure in the conditions set by article 34-1 of the Constitution and by articles 1-6 of the Institutional Law n° 2009-403 of April 15, 2009. A certain number of criteria have been defined in order to avoid any misuse of the procedure, which could be regarded as a vote of confidence in the Government.

I. – THE TABLING OF DRAFT RESOLUTIONS

According to article 1 of the Institutional Act n° 2009-403 of April 15, 2009, draft resolutions may be tabled either by one or several members of the Assembly or by a group chairman.

1. – Presentation of the draft resolutions

No legislative or regulatory provision imposes any standard presentation for draft resolutions. There is no particular formal requirement (stamp, presentation by article or by paragraph, use of formulae, existence of a presentation of the case or even a limit to the length of the text).

2. – monitoring of admissibility by government

After tabling, the draft resolution is immediately transmitted by the President of the National Assembly to the Prime Minister who has the possibility of declaring it inadmissible in the conditions set by the second paragraph of article 34-1 of the Constitution and by article 3 of the institutional act.

In fact, these drafts cannot be included on the agenda if the Government considers that their adoption or rejection could be construed as an issue of confidence or if they contain an injunction to the Government. In the case of inadmissibility, the Government informs the President of the National Assembly of its decision which is the subject of an announcement in the *Journal officiel* (Laws and Decrees section). The author of the text is also informed by the President of the National Assembly.

II. – INCLUSION ON THE AGENDA

1. – Such draft resolutions are meant to be examined during the sittings where the agenda is set by the National Assembly

The draft resolution is meant to be included on the agenda during the ordinary session, in principle, during the weeks given over to the examination of

texts that the Assembly wishes to have debated or the weeks reserved to the monitoring of Government action and the assessment of public policies.

However, inclusion on the Government priority agenda is possible in the conditions laid down by article 48 of the Constitution and article 48 of the Rules of Procedure. In this case, the Government may request inclusion on the governmental agenda, so informing the President of the National Assembly at the latest, the day before the meeting of the Conference of Presidents.

In addition, a draft resolution could even be considered during an extraordinary session: in this case the decision to examine it lies with the President of the Republic.

2. – Inclusion on the agenda is decided at the conference of presidents

Inclusion on the agenda is decided at the Conference of Presidents in the conditions set down by articles 48 and 136 of the Rules of Procedure.

Two cases can be singled out:

- In principle, the group and committee chairmen address their drafts for inclusion on the agenda to the President of the National Assembly at the latest four days before the meeting of the Conference of Presidents;

- Nonetheless, article 136 of the Rules of Procedure allows group chairmen to inform the President of the National Assembly at the latest forty-eight hours before the holding of the Conference of Presidents.

The following cannot be included on the agenda:

- Draft resolutions dealing with the same subject as a previous draft discussed during the same ordinary session which indeed led to the withdrawal of a text from the agenda during the XVth term of Parliament[1];

- Draft resolutions tabled for less than six full days;

- Draft resolutions against which the Government has informed the President of the National Assembly that it will claim inadmissibility in accordance with the second paragraph of article 34-1 of the Constitution.

Article 146-1-1 of the Rules of Procedure of the Assembly, resulting from the resolution of June 4, 2019, now allows the Conference of Presidents to include, during a week devoted primarily to monitoring the execution of finance

[1] *Draft resolution n° 4726 relating to the recognition and condemnation of violence, crimes against humanity and the risk of genocide against the Uyghurs, which was removed from the agenda of February 4, 2022 after the The National Assembly examined, on January 20, 2022, a proposal, n° 4760, with the same subject, relating to the recognition and condemnation of the genocidal nature of the violence and crimes against humanity perpetrated against the Uighurs.*

laws and social security financing laws, draft resolutions tabled pursuant to article 34-1 of the Constitution and relating to the execution of these laws.

III. – THE EXAMINATION OF DRAFT RESOLUTIONS

Draft resolutions tabled before the Assembly are not sent to a committee. They are examined and voted on in plenary sitting but may not be subject to amendments.

A draft resolution cannot be rectified by its author once it has been included on the agenda. In fact, such a possibility would not allow the Government to decide on its admissibility as its decision has to be transmitted to the President of the National Assembly before the inclusion on the agenda of the draft concerned.

Since the creation of this category of resolution in 2008 and up to April 28, 2022, 534 resolutions have been tabled, one was declared inadmissible[1], 110 were examined and 78 adopt

[1] *This was Draft Resolution N° 1895 (XIIIth term of Parliament) aimed at implementing article 11 of the Constitution on the extension of the referendum, relating to the establishment of a shared initiative referendum, and which, in its initial version, "request[ed] the Government to present as soon as possible the draft institutional law implementing the reform of article 11 of the Constitution". Following the declaration of inadmissibility by the Government on the grounds that it included an injunction against it, this proposal was corrected to be entitled draft resolution "considering urgent the implementation of article 11 of the Constitution on the extension of the referendum" and to replace, in such a structure, the request to submit a bill with the wording that the National Assembly "considers urgent" the implementation of the reform of this article 11. Thus rectified, this draft resolution was discussed during the second sitting of October 15, 2009 and rejected during the first sitting of the following October 20.*

File n°63

QUESTIONS

Key Points

Questions, in their different oral and written forms, are the oldest parliamentary means of monitoring Government activity.

These procedures, which do not entail a vote and are of an individual nature, enable the M.P.s to be kept informed on specific subjects and current affairs without bringing a censure motion against the Government.

Questions represent the most direct (and for oral questions, the most immediate) form of monitoring of Government action by the Parliament.

I. – ORAL QUESTIONS

The right to question the Government during plenary sittings was established by the 1958 Constitution and was strengthened by the constitutional revisions of 1995 and 2008. Henceforth "*during at least one sitting per week, including during the extraordinary sittings, (…) priority shall be given to questions from Members of Parliament and to answers from the Government*" (final paragraph of article 48 of the Constitution).

In this framework, the National Assembly, in agreement with the Government freely manages its oral question sittings. The conditions for tabling a question are laid down by the *Bureau* and the organization of the sittings is carried out by the Conference of Presidents.

1. – Oral questions without debate

Oral questions are asked by an M.P. to a minister. This prohibits all collective questions (in particular those which could be asked by the chairman of a political group or of a standing committee).

They must be drafted briefly and be limited to those elements absolutely essential for the understanding of the question. The draft of the question, which is very often of a local nature for the M.P. who is the author, is then presented to

the President of the National Assembly who in turn notifies the Government and it is published in a special edition of the *Journal officiel*.

Since the constitutional reform of July 23, 2008 and in accordance with article 134, paragraph 1, of the Rules of Procedure, the sittings of oral questions without debate take place mainly during the monitoring weeks. The number of questions asked per sitting varied between 32 and 34 during the XVth term of Parliament and the distribution of questions is proportional between the groups, with, at least, half of the questions being asked by the Opposition. There are now 34 questions per sitting, 12 sittings being distributed during the ordinary session. The available time for each question, including the minister's answer and a right to reply, is 6 minutes.

2. – Government question time

Drawn up by the Conference of Presidents, the procedure of Government question time was implemented in 1974, in addition to the Rules of Procedure. It was designed to last for one hour per week. Upon the introduction of the single parliamentary session in 1995, two sittings of one hour each were given over to this procedure on Tuesday and Wednesday afternoons, during the ordinary session. In addition, since the constitutional revision of July 23, 2008, one sitting of one hour per week was given over to questions during extraordinary sessions.

The organization of Government question time was changed by the reform of the Rules of Procedure resulting from the resolution of June 4, 2019, which provided that "at least" half of the questions would be asked by the opposition, then by decisions taken by the Conference of Presidents. A single sitting, of two hours, is held on Tuesday afternoon, including during extraordinary sessions. It contains 28 questions, two-thirds of which are asked by opposition groups. Non-aligned Members may ask one question per ordinary sitting.

A right of reply allows the author of each question to have a total speaking time of two minutes to be divided between the question and a possible reply, the minister questioned having within the same limits a right of counter-reply. A public time device is in operation in the Chamber so that everyone can now check that these rules are respected.

During the sitting, the President calls out the order of the questions, in such a way as is possible, so as to have questions alternate between those coming from the governing majority and those asked by an opposition group. The first question is automatically asked by a member of the opposition or of a minority group.

Questions to the Government are not tabled, notified or published in advance. In principle, their content is not communicated to the Government and only the names of the authors are transmitted one hour before the opening of the sitting. The spontaneous nature of these questions and the presence of the entire Government ensure a substantial audience at these sittings which, in addition, on

account of their being televised, represent one of the high points of the parliamentary week.

The content of the questions is entirely open (only insults and threats are prohibited). In practice, the dual procedure of oral questions and questions to the Government has enabled the first to be given over to questions of local interest and the second to political questions of a more general nature.

3. – Questions to a minister

This novel procedure, based on questions and answers limited to 2 minutes, was used, more and more frequently, during the XIVth term of Parliament (41 question sittings in all) and even more during the XVth term of Parliament (52 question sittings in all).

II. – WRITTEN QUESTIONS

This procedure, for which provision is made in the Rules of Procedure of the National Assembly, also represents an individual prerogative of the M.P.s. It is the only parliamentary procedure of this kind which takes place outside the framework of the plenary sitting and whose results come at a later date.

Written questions are asked by an M.P. to a minister. Only those dealing with the general policy of the Government are asked to the Prime Minister.

Written questions must be drafted briefly and be limited to those elements absolutely essential for the understanding of the question. They must include no accusation of a personal nature regarding any person mentioned. In addition, the principles of separation of powers and immunity of the Head of State prohibit the author from calling into question the actions of the President of the Republic.

The draft of the written question is then presented to the President of the National Assembly who in turn notifies the Government. Since 2008, M.P.s table their questions electronically using the specialized internet portal. The written questions are published each week, both during and outside sessions, in a special supplement of the *Journal officiel* which includes the answers of ministers to previously asked questions. Since January 1, 2016, this supplement is dematerialized, and the original version may be consulted on the site of the National Assembly.

The replies to questions, in principle, have no legal validity and do not bind the administration, except in fiscal matters where they are considered as an expression of an administrative interpretation of the law.

On account of its easy use and because of the fact that it has no limit, made especially simple by new computer technology, the written questions procedure is very popular. It allows the M.P.s to question ministers on issues often directly concerning their constituents, when they so desire (even during

recess) and as often as they so wish. The consequence of this has been an unbridled increase in the number of written questions: the total has risen from 3,700 written questions tabled in 1959, to 12,000 in 1994 to 20,066 in 2015. At the time of writing, the average response time was 180 days instead of the regulatory two months and the overall response rate was around 70%.

Several procedural reforms have aimed at improving the rate of reply and the time limit for replies:

- The publication of the list of questions to which no reply has been given within a two-month limit;

- The possibility for M.P.s to resend questions which have been unanswered for three months;

- The implementation of the “marked questions” procedure, which allows the chairs of the groups to choose, according to a distribution curve per group, 28 “marked” questions mentioned in the *Journal official* and to which ministers commit to reply within a ten-day period.

To incite the Government to improve the decrease in the rate and the respect of the time limits to questions, in the framework of a continual increase in the number of written questions, the Reform of the Rules of Procedure of the National Assembly, adopted on November 28, 2014, modified article 135 of the Rules of Procedure which, as of now, makes provision for the fact that: “*the Conference of Presidents sets down, before the beginning of each ordinary session, the maximum number of written questions which can be asked by each M.P. until the beginning of the following ordinary session”.* The Conference of Presidents of June 9, 2015, decided that 52 was the maximum number of questions which could be tabled by each M.P. per session: this figure was slightly above the average total number of written questions tabled by each M.P.

Since October 1, 2015, this quota of 52 questions has been renewed for each session by successive Conferences of Presidents.

Since October 30, 2023, the National Assembly website has offered statistics relating to the Government's responses to written questions from M.P.s and a ranking of ministries updated each week.

C – EUROPEAN AND INTERNATIONAL QUESTIONS

File n°64

MAKING GOVERNMENT ACCOUNTABILITY AN ISSUE OF CONFIDENCE

Key Points

Although article 20 of the 1958 Constitution states that the Government "shall be accountable to Parliament", article 50 clearly indicates that only a vote by the National Assembly can lead to the resignation of the Government.

Article 49 of the Constitution lays down three procedures for making Government accountability an issue of confidence before the National Assembly:

- Making the Government's programme or a statement of general policy an issue of confidence in the Government (article 49, paragraph 1). This is commonly known as "a question of confidence";
- The tabling of a motion of censure by M.P.s (article 49, paragraph 2);
- Making the passing of a bill an issue of confidence in the Government (article 49, paragraph 3).

In practice M.P.s' use of these different procedures is extensively conditioned by the fact that a majority in the Assembly usually supports the Government.

The Fifth Republic set up a hybrid political regime with certain characteristics of a presidential regime, and the essential elements of a parliamentary regime, notably the possibility for the National Assembly to hold the Government to account.

Article 20 of the 1958 French Constitution provides that the Government "*shall be accountable to Parliament in accordance with the terms and procedures set out in articles 49 and 50*". These terms and procedures reflect the desire of the framers to bring together two ideas often seen as opposed: governmental accountability and governmental stability.

Article 50 limits the power of censure solely to the National Assembly: "*When the National Assembly passes a resolution of no-confidence, or when it fails to endorse the Government programme or general policy statement, the Prime Minister shall tender the resignation of the Government to the President of the Republic*". Such cases are the only ones requiring the Prime Minister to tender the resignation of his Government.

Article 49 of the French Constitution lays down three procedures for making Government accountability an issue of confidence before the National

Assembly. The article also provides in its last paragraph for a procedure of approval of a statement of general policy by the Senate. A negative vote in this case would not lead to the resignation of the Government.

In addition, the constitutional revision of July 23, 2008, introduced two new monitoring procedures which on no account may call confidence in the Government into question: the passing of a resolution by one of the two assemblies (article 34-1) and declarations giving rise to a vote (article 50-1). In these two cases a negative vote would not force the Government to resign.

I. – ARTICLE 49, PARAGRAPH 1: MAKING THE GOVERNMENT'S PROGRAMME OR A STATEMENT OF GENERAL POLICY AN ISSUE OF CONFIDENCE IN THE GOVERNMENT

1. – Procedure

This procedure is initiated by the Government and must be discussed in the Council of Ministers.

The Prime Minister alone may make the Government's programme or a statement of general policy an issue of confidence in the Government before the National Assembly.

According to article 152 of the Rules of Procedure of the National Assembly, it is the task of the Conference of Presidents to organize the debate. Article 132 stipulates that it must decide upon the overall time allotted to political groups (with half of the time being given to the opposition) and to non-aligned M.P.s. However in practice debates have been organized according to the circumstances presented by each individual case, (account being taken or not of the numerical size of political groups, explanations of votes etc.).

An absolute majority of votes cast is required. The vote is by public ballot at the rostrum or in the rooms adjoining the Chamber.

2. – Practice

The seeking of the confidence of the National Assembly is not obligatory upon a Government's entering office. Certain Governments have never done so, either because they wished to show that they held their legitimacy solely from the fact of having been appointed by the President of the Republic, or because, as was the case during the IXth term of Parliament of the Fifth Republic from 1988 to 1993, they did not command an absolute majority in the Assembly.

However, since 1993, almost every government – with the exception, for example, since 2002, of governments appointed immediately after the presidential election and before the general election organized a few weeks

later[1], has sought the confidence of the National Assembly within a few days of its appointment.

In addition, several Governments have, during their term, notably at the time of a specific event, sought the confidence of the National Assembly.

In all, article 49, paragraph 1, has been used 41 times since 1958[2].

II. – ARTICLE 49, PARAGRAPH 2: THE TABLING OF A MOTION OF CENSURE INITIATED BY MEMBERS OF PARLIAMENT

1. – Procedure

Members of Parliament may table a motion of censure through the President of the National Assembly. To be admissible, such a motion must be signed by at least one tenth of the members of the Assembly (i.e. 58 members when all constituencies are represented). Nonetheless, in order to avoid the over-use of such motions, each member may only sign such a motion three times during a single ordinary session and once during a single extraordinary session (the motions of censure following the making of a bill an issue of confidence in the Government, in accordance with article 49, paragraph 3 of the Constitution, are not included in this count). After the tabling of the motion, no signature may be added or removed. The names of signatories are listed in the verbatim minutes of the debates published in the *Journal Officiel.*

The discussion preceding the motion of censure is organized in exactly the same way as the debate preceding the motion of confidence with the stipulation that the first speaker must be one of the signatories of the motion of censure and not the Prime Minister. In practice, the organization of the discussion is set down by the Conference of Presidents

"Rationalized parliamentarianism", with its desire to provide governmental stability, has inspired two mechanisms:

- The tabling of a motion of censure leads to a 48-hour period during which no vote on the motion may be taken so as to avoid the possibility of votes being cast too impetuously. The Rules of Procedure of the National Assembly also stipulate the maximal time limit. They provide the Conference of Presidents with the task of fixing the timetable of the debate which must take place before the third day of sitting following the end of the limit set down by the Constitution;

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[1] *The Prime Ministers of the Governments known as "Raffarin I", "Fillon I", "Ayrault I" and "Philippe I" thus did not present a general policy statement before the National Assembly, whose work was suspended in view of an upcoming general elections. But, reappointed after this election with governments with modified compositions, these Prime Ministers presented a general policy statement in the first days following the constitution of the bodies of the Assembly.*

[2] *The last debate organized on this basis dates back to July 15, 2020 (Government known as "Castex").*

- Only the members in favour of the motion of censure take part in the vote (which is held in the adjoining rooms to the Chamber and which is open for 30 minutes). The motion is only carried if it is supported by the absolute majority of the members of the National Assembly.

2. – Practice

Of the 61 motions of censure tabled and discussed in application of Article 49, paragraph 2 since 1958, only one has ever been passed and that was in 1962. This motion was aimed at showing the National Assembly's hostility less towards the Government and more towards the plan of General de Gaulle, the then President, to have the head of state elected by direct universal suffrage. The General replied to the censure of the Government by announcing the dissolution of the National Assembly. The subsequent general election returned a majority to the Assembly in favour of the General's policy.

The 'majority phenomenon' has substantially reduced the impact of the motion of censure. Nowadays it is mainly used as a procedural weapon allowing the opposition to prompt a formal debate.

III. – ARTICLE 49, PARAGRAPH 3: MAKING THE ADOPTION OF A BILL AN ISSUE OF CONFIDENCE IN THE GOVERNMENT

1. – Procedure

Making Government accountability an issue of confidence can be the result of the combination of two initiatives: that of the Prime Minister to seek this confidence before the Assembly over the passing of a Government or Member's bill in discussion in the Assembly, followed by that of the Members who reply by tabling a motion of censure.

The Prime Minister may make the passing of a finance bill or of a social security financing bill an issue of confidence in the Government. He may also use this procedure for one other Government or Member's bill per ordinary or extraordinary session. This limitation was introduced by the constitutional revision of July 23, 2008. Previously the Government could use the procedure as often as it considered it necessary and for any type of bill (during the IXth term of Parliament for example, the Government used article 49, paragraph 3 of the Constitution 39 times).

Prior debate in the Council of Ministers is required, as for the procedure making a Government programme or statement of general policy an issue of confidence.

The Prime Minister's decision brings about the immediate suspension, for twenty-four hours, of the discussion on the Government or Member's bill concerning which confidence has been sought. A motion of censure which fulfils

the previously mentioned conditions of admissibility may be tabled during this period. Two directions may then be taken:

- If no censure motion is tabled then the Government or Member's bill is considered passed;

- If a censure motion is tabled, it is debated and voted upon in the same conditions as those applying to motions submitted 'spontaneously' by members. If the motion is rejected, then the Government or Member's bill is considered passed. If the motion is carried then the bill is rejected and the Government is overthrown.

2. – Practice

The use of article 49, paragraph 3 of the Constitution has varied since 1958. It was rarely used at the beginning of the Fifth Republic. However certain Governments had wide-scale recourse to it because they commanded a very small majority in the National Assembly (the Barre, Rocard, Cresson and Bérégovoy Governments in particular). However, contrary to its original rationale, the procedure has been particularly used to enable the pushing through of legislation on which a large number of amendments have been tabled.

Nonetheless this use of the ultimate weapon against obstruction is not as easy as it used to be since the constitutional revision of July 23, 2008 attempted to limit the number of such uses per session.

This instrument was nevertheless used six times, on two different bills, under the XIVth term of Parliament, once again under the XVth term of Parliament, and 11 times, on three different bills, since the start of the XVIth term of Parliament.

File n°65

DECLARATION OF WAR AND ARMED INTERVENTIONS ABROAD

Key point

The powers of Parliament concerning defence policy were, for a long time characterized by relative weakness, both on account of the letter of the Constitution but also because of institutional practice since General de Gaulle.

The constitutional reform of July 23, 2008 by increasing both the information which must be provided to Parliament and its monitoring of external operations, represented a major innovation in the world of the armed forces.

At the same time, citizens seem increasingly concerned by defence issues, in a context where threats no longer primarily weigh on borders but directly concern their security.

In contrast with the situation of other large democracies, the French Parliament has played, until very recently, a rather modest role in the implementation of defence policy.

Many articles of the Constitution underline the predominance of the Executive, and first of all, the President of the Republic. Indeed, the Head of State is also the Commander-in-Chief of the armed forces and presides over the higher national defence councils and committees (article 15). He is the guarantor of national independence and of territorial integrity (article 5). In the case where serious and immediate threats endanger these vital interests, article 16 grants him/her the possibility of taking the "*measures required by these circumstances*"[1].

The Government and the Prime Minister are also cited, article 20 providing that the Government "*has the armed force*" and article 21 designating the Prime Minister as "*responsible for defence national*".

Thus, until 2008, *de facto*, Parliament was restricted in these matters, according to article 35, to merely authorizing a declan of war. This provision has never been used since the beginning of the Fifth Republic.

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[1]. *The Constitutional Act of July 23, 2008 restricted the powers of the President of the Republic in the implementation of this article.*

However, many reports and proposals have called for the increasing of the power of Parliament in such issues. This has been all the more the case given that the number and the cost of external operations (OPEX) have grown substantially and that their nature has developed, in that they have moved from peace-keeping operations to actions which involve, more and more frequently, real combat operations.

This question was thus looked at quite deeply by the Reflection and Proposal Commission on the Modernization and Re-balancing of the Institutions of the Fifth Republic, chaired by Mr. Edouard Balladur, former Prime Minister. The constitutional reform of July 23, 2008 which followed, added to article 35 by introducing an information and monitoring procedure of Parliament on the OPEX.

Thus, the Government must give prior information to Parliament concerning its decision to have the armed forces intervene abroad at least three days before the beginning of the intervention, and must detail the objectives of the intervention; the mechanisms for providing this information are, nonetheless, at the discretion of the Government. The information which is so transmitted may give rise to a debate which is not followed by a vote.

The idea motivating this reform is that an intervention will be all the more legitimate if the political objectives are transparent and the support of the national representation is affirmed.

After the intervention, in the case of the extension of external operations, the principle which is implemented is that of parliamentary authorization. This applies when the length of the intervention exceeds four months. Once this vote has been acquired, there is no longer any obligation for the government to return to Parliament, regardless of the duration of the operation.

Since 2008, the Assembly has had to make seven such decisions in accordance with article 35, paragraph 3 of the Constitution: three times during the XIIIth term of Parliament and four times during the XIVth term:

- On September 22, 2008, for the extension of the intervention of the armed forces in Afghanistan;

- On January 28, 2009, for the extension of five interventions were authorized in Chad, in the Central African Republic, in Côte d'Ivoire, in Lebanon and in Kosovo;

- On July 12, 2011, for the extension of the intervention of the armed forces in Libya;

- On April 22, 2013, for the extension of the "Serval" operation in Mali.

- On February 25, 2014, for the extension of the intervention in Central Africa (operation Sangaris);

- On January 13, 2015, for the extension of the intervention in Iraq (operation Chammal);

- On November 25, 2015, for the extension of the commitment of the air force over Syrian territory.

Each time, Parliament authorized the extension of operations.

The Government may also include on the agenda of the assemblies a debate on defence issues under article 50-1 of the Constitution. This was particularly the case on February 22, 2022, regarding France's commitment to the Sahel, or even on March 1, 2022, regarding Russia's decision to wage war against Ukraine.

In addition, the 2019-2025 military programming law provides, in article 4, that "*Ongoing external operations and internal missions are the subject of information to Parliament each year, no later than June 30. As such, the Government communicates to the relevant standing committees of the National Assembly and the Senate an operational and financial report relating to these external operations and internal missions.* »

As external interventions are often linked to defence agreements, this also led to the broadening of thinking on the improvement of the information provided to Parliament on this issue.

In fact, since such agreements are not part of the international agreements listed in article 53 of the Constitution, there is no obligation for them to be ratified by virtue of a law. Nonetheless, in accordance with a commitment made by the President of the Republic (at the time Mr. Nicolas Sarkozy), the list of such defence agreements in force on January 1, 2008, was published in a white paper on defence and national security of the same year.

The military programming law for 2009-2014 completed these provisions by allowing for the fact, in the annexed report, that Parliament would henceforth be informed of the conclusion and guidelines of defence agreements.

File n°66

THE RATIFICATION OF TREATIES

Key Points

Article 53 of the Constitution makes provision for parliamentary intervention, in certain conditions, to authorize the ratification or approval of international conventions. The Foreign Affairs Committee plays an essential role in this procedure. It is, in particular, the lead committee concerning agreements put before Parliament. The parliamentary assemblies may not however amend the actual text of international conventions nor may they express reservations concerning them.

In plenary sitting, a procedure referred to as “simplified examination” is thus often used.

The ratification of treaties follows very specific rules, whether they be constitutional provisions or parliamentary procedure.

I. – CONSTITUTIONAL PROVISIONS

In accordance with article 52 of the Constitution, the President of the Republic negotiates and ratifies treaties. In addition, he is kept informed by the Government of all negotiations leading to the conclusion of an international agreement, even if such an agreement is not subject to ratification.

Article 53 of the Constitution provides that several categories of treaties and agreements may only be ratified or approved by virtue of a law. This provision deals with:

- Peace treaties,
- Commercial treaties,
- Treaties or agreements relating to international organizations,
- Treaties that commit the finances of the State,
- Treaties that modify provisions which are matters for statute,

- Treaties relating to the status of persons,

- Treaties that involve the ceding, exchange or addition of territory.

In addition, agreements concluded with the European Union are submitted to Parliament when they deal with a field of competence shared between the European Union and its member states.

Contrary to the American Senate, which only authorizes the ratification of treaties and not of executive agreements, no difference is made in France between treaties and agreements as the abiding practice, supported by jurisprudence, considers that the only criterion according to which an international commitment should or should not be submitted to Parliament is practical and not formal.

The concrete criterion concerning the competence of Parliament could force it to decide upon the content of the reservations of a treaty insofar as they could have an important influence on the international commitment of France.

Nonetheless, a different practice has been established. The reservations which a Government might envisage presenting to a text are not included in the bill authorizing its ratification, but are transmitted to the committee, which, most of the time, mentions them in its report so that Parliament may be informed of them. This flexible solution, which allows M.P.s to deliberate and, if the case applies, to debate the relevance of the reservations, has the advantage of not imposing a return to Parliament of the bill, if there is a change in the content of the reservations or if they are withdrawn after.

In application of the Institutional Law of April 15, 2009, the documents which are attached to the law, so as to clarify the aims sought by the agreements and treaties and so as to assess the economic and financial or legal consequences, make reference, if the case may be, to the reservations or to the interpretative declarations of France.

The provisions laid down in article 53 of the 1958 Constitution, which substantially repeat those stated in the 1946 Constitution, mean that a third of treaties and agreements concluded by France are submitted to Parliament before they come into effect. The *Conseil d'Etat* makes sure, in particular, that every agreement bearing a financial burden is the subject of a bill authorizing its ratification.

The interpretation of this last criterion has changed: after having considered, in 2009, that every international agreement had to be approved by Parliament, when it created "*a direct or immediate increase in expenditure*" whatever the amount and the nature. This led to a huge increase in the number of referrals and the *Conseil d'Etat* softened its position, as of 2011, considering that an agreement does not have to be submitted to Parliament from the moment

that it does not contain "*any commitment which exceeds through its limited amount and its nature, expenditure linked to the normal, current functioning of administrations in the framework of their habitual competences*".

The *Conseil d'Etat* scrupulously applies the respect of the prerogatives of Parliament since it accepted that international treaties had a higher value to that of a law (Nicolo judgement from 1989). After a judgement handed down by the National Assembly on December 18, 1998 (concerning a company in the Industrial Zone of Blotzheim), it affirmed that the treaties whose ratification had taken place without it having been authorized by law, although they should have been in accordance with the terms of article 53 of the Constitution, could not be considered as having a higher authority than the law. This reasoning was, later, followed by the Court of Cassation. Since 2003, the *Conseil d'Etat* annuls the decree for the publication of an international agreement as soon as it considers should have been submitted to Parliament.

Furthermore, in article 11, the Constitution provides that the President of the Republic may submit to referendum, thus without the intervention of Parliament, "*any Government bill…which provides for authorization to ratify a treaty that, although not contrary to the Constitution, would affect the functioning of the institutions*".

A law authorizing the ratification of a treaty may, as for any other law, be referred to the Constitutional Council before its promulgation, notably upon the request of 60 M.P.s. However, a referral may also be made to the Constitutional Council before the passing of the law authorizing the ratification. Since the Constitutional Law of June 25, 1992, article 54 of the Constitution states that, like the President of the Republic, the Prime Minister and the presidents of each of the assemblies, parliamentarians (at least 60 M.P.s or Senators) may make an application to the Constitutional Council for an adjudication on the compliance of an international convention with the Constitution. If the convention is declared to be non-compliant with the Constitution, the authorization to ratify or approve it may only be given after a constitutional revision. This procedure has been used several times by the President of the Republic for treaties concerning the European Union and more recently by parliamentarians for a trade agreement between the European Union and Canada.

However, the priority ruling on constitutionality procedure may not be applied to an international agreement. The *Conseil d'État* and the Court of Cassation, both consider that the question of the compliance of an international agreement to the Constitution cannot be submitted to the Constitutional Council after such an agreement has entered into force. They cite the principle, recognized by the Vienna Convention of 1969, that the states bound by a treaty cannot use barriers placed by their internal judiciary to avoid honouring their international obligations.

As the conduct of diplomatic negotiations is a prerogative of the Executive, the legislative acts for the ratification or the approval of an international convention are initiated by Government. Thus, it is not possible to table a member's bill authorizing the ratification of a treaty. There are, however, certain cases of authorization which can result from the adoption of a governmental or parliamentary amendment during the examination of an ordinary law bill. In a recent decision[1], the Constitutional Council censured a provision introduced by an amendment which sought to authorize a fiscal convention for the reason that such a provision did not have its place in a finance law, but it did not make a decision, at that moment, on the question of knowing if a ratification authorization could be introduced by means of an amendment.

After Parliament has authorized ratification or approval, the ratification or approval does not necessarily occur immediately. This could be the case when all the states of the European Union decide to ratify an agreement the same day. However, it is also possible that France decides to wait until it has made its internal law compliant with the stipulations of the convention: this was the case, for example, for the enforcement of the OECD convention against corruption. In addition, as regards diplomatic matters, the vote of the parliamentary assemblies does not bind the Executive: the decision to ratify or approve a convention may also be postponed on a discretionary basis, even after the promulgation of the authorization law.

II. – PARLEMENTARY PROCEDURE

1. – Examination in committee

When a bill authorizing the ratification of a treaty or the approval of an agreement is tabled at the National Assembly, it is systematically sent to the Foreign Affairs Committee whatever its subject (the rule is different in the Senate where, for example, fiscal conventions are sent to the Finance Committee).

The Foreign Affairs Committee examines around forty such conventions, dealing with very different subjects, per annum. This makes it the standing committee which holds the record, every term of Parliament, for the number of bills examined.

The high number of agreements which France signs and which are submitted to Parliament means that there is often a prolonged time-frame between the date of the signature of an agreement and its ratification. This time-frame is, on average, three years and two months, which is explained by the length of the administrative phase (between the signature and examination in the Council of Ministers, on average 23 months are needed), but also by the parliamentary phase (12 months on average), whilst between the promulgation

[1] *Decision n° 2016-743 DC of December 29, 2016.*

of the law and the tabling of the ratification instrument, the average time-frame is three months[1].

To attempt to reduce these periods, the chairs of the foreign affairs committees of the National Assembly and of the Senate decided, jointly, to set up a specific examination procedure for the texts which had already been examined by one of the two assemblies. At the National Assembly, when the committee examines an agreement which has already been the subject of a report of the Senate, the *rapporteur* may only present a summary report to the committee.

This procedure, which is not systematic, does not stop the *rapporteur* from carrying out an in-depth analysis of the bill based on the Senate report and the replies of the Government departments to the questions the *rapporteur* of the Senate has asked.

If necessary, procedural deadlines can be considerably reduced, as was the case for the approval of the Council decision of December 14, 2020 relating to the system of own resources of the European Union, the authorization law of which was promulgated on February 8, 2021, thus, eight weeks after the agreement reached in Brussels.

2. – Simplified examination procedure in plenary sitting

In accordance with article 103 of the Rules of Procedure, the Conference of Presidents may decide that a bill be put directly to a vote without any speaker having spoken. This procedure enables the legislative load of the plenary sitting to be lightened and leads to better management of the time for legislation to be passed. It is quite regularly used for the examination of international conventions.

In accordance with article 103, the request is presented, before examination in committee by the Government, by the President of the National Assembly or by a group chair. It is presented after examination in committee by the chair of the lead committee after consultation with the committee.

In practice, the Conference of Presidents determines which international agreements can be subject to this simplified procedure the Chair of the Foreign Affairs Committee and the Government have consulted with each other.

These provisions do not at all limit the competence of the National Assembly as, on the one hand, the examination has taken place in committee and, on the other hand, the Government, the Chair of the Foreign Affairs Committee or the chair of a political group may oppose the simplified examination

[1] *One month to prepare the instrument, one month to give notice of it and a variable time to table it (in the case of a multilateral agreement) or to exchange the instruments (in the case of a bilateral agreement). Preparing the decree for the publication of the instrument in the Journal officiel takes approximately one month.*

procedure, after the decision of the Conference of Presidents and up until 1pm the day before the discussion.

During the XIVth term of Parliament, 156 agreements were the subject of the simplified examination procedure in plenary sitting upon the request of the committee and 23 were the subject of debate in plenary sitting. These debates were held either because the committee considered that the importance of the agreements justified them or because the chair of a group opposed the procedure.

During the XVth term of Parliament, 58 agreements were the subject of the simplified examination procedure in plenary sitting and 51 were the subject of debate (at the request of a group chair).

3. – The right to amendment

The provisions of a treaty submitted to Parliament cannot be amended as the Constitution reserves to the Executive the power to negotiate and ratify treaties. Until 2003, article 128 of the Rules of Procedure of the National Assembly formally prohibited the tabling of amendments on bills authorizing the ratification of an international agreement.

A revision of the Rules of Procedure of the National Assembly lifted this explicit prohibition, making the tabling of amendments possible. However, the Constitutional Council added that this change could not be interpreted "*as providing the members of Parliament with the competence to attach reservations, conditions or interpretive declarations to ratify a treaty or to approve an international agreement not subject to ratification*"[1]

The right to amendment is thus strictly limited to the mechanism of the bill and cannot be applied to the convention itself. It simply allows the scope of parliamentary authorization to be broadened to several international conventions or to delete the mention of a convention when the bill authorizes simultaneously the ratification of several bills.

However, during the XIVth term of Parliament, the Foreign Affairs Committee accepted to approve the ratification of the agreement concluded with the United States on the compensation of certain victims of the Holocaust deported from France, only after having obtained a correction in the formulation of the first article of this agreement. As it is not possible to amend an international agreement, this correction was obtained by way of an exchange of diplomatic notes, on the basis of article 79 of the Vienna Convention which allows corrections of material mistakes[2].

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[1] *Decision of the Constitutional Council n° 2003-470 DC of April 9, 2003.*

[2] *See the legislative file of Law n° 2015-892 of July 23, 2015.*

4. – Adjournment (Until 2019)

Up to 2019 it could happen that Parliament delayed the passing of a ratification bill.

A procedure, laid down in article 128 of the Rules of Procedure, allowed this to be done formally through the adoption of an “adjournment motion”. In fact, this article provided that the National Assembly could decide to pass, to reject or to adjourn the ratification bill and that it was possible to table, on the ratification bill, a motion of prior rejection or an adjournment motion.

The adoption of an adjournment motion had the same effect as the adoption of a return referral to committee motion on an ordinary bill, i.e. the Government had the possibility of setting the date and the time at which the Foreign Affairs Committee must present a new report.

An adjournment motion could also be adopted by the Foreign Affairs Committee without having the legal effect of postponing the examination in plenary sitting.

This procedure was implemented in June 1994 concerning Greece’s membership of the Western European Union: the committee adopted an adjournment motion, but the motion tabled in plenary sitting was rejected and the bill was passed.

It was also used in January 1994 concerning a bill on representatives of the European Parliament. An adjournment motion was adopted by the committee and then in plenary sitting; the bill was included again on the agenda of the National Assembly two weeks later, after M.P.s had obtained more precise details concerning the sessions of the European Parliament in Strasbourg.

During the examination of a bill authorizing the ratification of six conventions of the International Labour Organization on seafarers in 2003, the Foreign Affairs Committee adopted an adjournment motion, which led the Government to postpone the discussion for several months.

In 2004, an adjournment motion was also adopted by the Foreign Affairs Committee during the examination of a bill authorizing the ratification of a decision concerning the statutes of the European System of Central Banks and of the European Central Bank (ECB). After the adoption of this motion and after hearing evidence from the Minister of Foreign Affairs, the committee passed the law and an adjournment motion tabled in plenary sitting was rejected.

This motion was deleted by the resolution of June 4, 2019 modifying the Rules of Procedure of the National Assembly.

However, in practice, the same result as a motion to adjourn can be achieved when the committee can, when it has decided to adopt the bill submitted for its examination, inform the Government of its remarks on the inappropriate

nature of its inclusion on the agenda of the plenary sitting. Thus, for example, under the XVth term of Parliament, two bills on which the Foreign Affairs Committee had submitted a report (extradition agreement with Hong Kong, mutual legal assistance and extradition conventions with Mali) were not included on the agenda of the plenary sitting, due to the evolution of the internal situation of the two countries, causing political difficulties for the continuation of the legislative authorization process.

File n°67

THE NATIONAL ASSEMBLY AND EUROPEAN ISSUES

Key Points

The role of the National Assembly in the formulation of Community instruments is mainly carried out through the application of article 88-4 of the Constitution.

This article in the wording resulting from the Constitutional Act of July 23, 2009, provides that the Government submits to Parliament every draft of or proposal for a European Union instrument.

It also provides that the assemblies may pass European resolutions on these instruments, as well as on any document issuing from a European Union institution. These resolutions, even if they are not legally binding, nonetheless can have quite a political impact.

The European Affairs Committee of the National Assembly plays a central role in the implementation of this procedure.

In addition, the Treaty of Lisbon provides Parliaments with the mission of overseeing the respect of the principle of subsidiarity. To this end, article 88-6 of the Constitution provides that the National Assembly may issue reasoned opinions as to the conformity of draft proposals for European Acts with the principle of subsidiarity. This procedure had already been put into practice in an informal way as of the second half of 2006.

After the European decision-making process, the National Assembly may institute proceedings before the Court of Justice of the European Union against a European Act concerning the violation of the principle of subsidiarity. This procedure is automatic upon the request of 60 M.P.s or 60 Senators.

The French Parliament also implements the transposition of European directives which require the adoption of national legislative measures.

All these provisions have allowed French M.P.s to better take on ownership of European issues

I. – PARLIAMENTARY INTERVENTION AT THE STAGE OF THE FORMULATION OF EUROPEAN INSTRUMENTS

1. – The procedure of article 88-4 of the Constitution

The field of European instruments monitored by the French Parliament has been progressively and continuously broadened.

Introduced into the Constitution in 1992, on the occasion of the constitutional revision prior to ratification of the Maastricht Treaty, article 88-4 first of all required the Government to lay before the National Assembly and the Senate any drafts of or proposals for instruments of the European Communities or the European Union

containing provisions which are matters for statute, as soon as they had been transmitted to the Council of the European Union. On top of this obligation, as part of the ratification process of the Amsterdam Treaty in 1999, the Government was provided with the possibility of laying before the assemblies, European texts which, though not statutory in character, can be considered as likely to give rise to Parliament taking a position.

To complete this process, the constitutional revision of 2008 extended the spectrum of instruments which must be submitted to the assemblies by the Government, to all drafts of or proposals for acts of the Communities or of the European Union transmitted to the Council.

The General Secretariat for European Affairs (SGAE) is in charge of, under the authority of the Prime Minister, of the inter-ministerial coordination on European affairs, and oversees the correct implementation of this procedure, as well as providing the assemblies with the information necessary to assist in the examination of the bills.

a. The Pivotal Role of the European Affairs Committee

- The composition of the European Affairs Committee and its functioning

Up until 1979, no internal body of the National Assembly nor the Senate, was specifically tasked with following European issues. Each of the Assemblies in fact appointed representatives to sit in the European Parliament and to present, each year, an information report on the activities of that institution to the Foreign Affairs Committee. However, from 1979 on, the election of M.E.P.s by universal suffrage, has broken this institutional link and led to the setting-up in both the National Assembly and the Senate of a Delegation for the European Communities, renamed “Delegation for the European Union” in 1994.

The constitutional revision of July 23, 2008 provided these bodies with a constitutional status by setting up in each assembly a Committee in Charge of European Affairs (article 88-4 of the Constitution). Taking this change into account, article 151-1 of the Rules of Procedure of the National Assembly in its wording resulting from the motion of May 27, 2009 set up a European Affairs Committee whose operation is close to that of a standing committee but whose missions, set down by law, are quite unusual.

- ° Its composition

There are four particularities which one finds in the vast majority of European affairs committees of the member states of the European Union which must be highlighted:

The number of its members is quite limited. Whilst the standing committees each have 73 members, the Rules of Procedure set the number of members of the European Affairs Committee at 48;

- Its members also belong to another standing committee. This is referred to as the principle of double-membership and its aim is to spread awareness of European issues throughout parliamentary work. In this way, the Rules of

Procedure provide that the members be appointed in such a way as to ensure not only, as for every standing committee, a proportional representation of all political groups but also a balanced representation of all standing committees;

- Its members are appointed for the entire term of the Parliament. This specificity is linked to the very rhythm of the passing of European acts which is slower than that of national laws;

- The Committee may invite the French members of the European Parliament to take part in its work, with a consultative voice.

- For everything else – the make-up of the *bureau* (a chair, four deputy chairs and four secretaries), invitations to speak, votes and hearings of members of the Government – the organization is the same as for standing committees. Thus, the chair of the Committee takes part in the Conference of Presidents.

- ° *Its functioning*

When the House is sitting, the European Affairs Committee usually meets once or twice a week, usually on Tuesday and Wednesday afternoons (Wednesday morning is given over to meetings of the standing committees) or on Thursday mornings. The subjects of these meetings, 204 of which took place during the XVth term of Parliament (2017-2022) can vary:

They concerned the interviewing of a minister (35 hearings of which 7 were pre-Council hearings before a meeting of the European Council dealing with their field), of a European commissioner (21) or of a well-known figure. Alternatively, they can deal with the examination of information reports, of European acts, draft European resolutions, draft opinions on subsidiarity, etc.

These meetings may be open to French M.E.P.s or, when they so express the desire, to German M.P.s from the *Bundestag*. They are, in principle, open to the press and transmitted on the internet site of the National Assembly. Sometimes the Committee meets jointly with one or several standing committees (40 such meetings took place during the XVth term of Parliament), as well as, with the European Affairs Committee and other standing committees of the Senate (4 meetings). In addition, the European Affairs Committees of the National Assembly and the Senate have set up, since 2010, regular meetings with French Members of the European Parliament so as to discuss the major texts on the European Union agenda. During the XVth term of Parliament five meetings, including a round table, were an opportunity to discuss issues such as the Union's multiannual financial framework (MFF).

The committee also organized 16 round tables which allowed it to establish an open dialogue with civil society, in particular on subjects which have previously been the subject of information reports (on climate neutrality, on the common fisheries policy, etc.).

- Its role of inquiry and of monitoring

The European Affairs Committee examines all drafts of or proposals for European instruments which the Government submits to Parliament in application of

article 88-4 of the Constitution (see article 151-2 of the Rules of Procedure of the National Assembly). Approximately 1500 European texts are thus submitted annually to the Committee.

Texts deemed of minor importance or that do not involve any specific difficulty may be tacitly approved.

The other texts are either presented in report form or orally (a "communication") by the Chairman of the Committee or a specially appointed *rapporteur*.

As regards each of the texts which it formally examines, the European Affairs Committee can decide:

- To approve the draft of or the proposal for a Community instrument;

- To defer taking a decision when it feels it lacks information to assess the scope of the text and it may possibly appoint an information *rapporteur* tasked with addressing in greater depth the examination of the document;

- To oppose the adoption of the draft of or the proposal for a Community instrument.

Its decision may be accompanied by:

- The adoption of conclusions (text of a political character expressing the Committee's point of view);

- The adoption of a motion for resolution which, as it expresses a position of the National Assembly, in application of article 88-4 of the Constitution, will be communicated to one of the eight standing committees.

b. The "Parliamentary Scrutiny Reserve" Mechanism

The idea of parliamentary scrutiny reserve was introduced in 1994 and was defined by the Prime Minister's circular of June 21, 2010 concerning the participation of Parliament in the European decision-making process. It means that the National Assembly and the Senate are entitled to vote – for or against – a proposal for an instrument before its adoption by the Council of the European Union. It lays down that the Government, before making any pronouncement within the Council of the Union, must check that Parliament has not announced its intention of taking a position on a proposal for a European instrument by granting it, for this purpose, a minimum period of eight weeks beginning upon their transmission in the case of draft legislative instruments and four weeks in the case of other draft instruments. These time periods are part of the eight-week interval, laid down by the protocol on the role of national parliaments, appended to the Lisbon Treaty, during which the Council of the Union cannot adopt a common position or a decision with respect to a legislative proposal received from the Commission.

There is however an emergency examination procedure which allows the Government to ask the Chairman of the European Affairs Committee to reach a

decision on a draft European instrument, without convening the Committee, when the European schedule requires the urgent adoption of a text.

c. The Adoption of Motions Concerning Drafts of or Proposals for European Instruments

Whilst the adoption of conclusions only expresses the position of the European Affairs Committee, motions for resolution express that of the National Assembly as a whole.

Any M.P. may table a draft European resolution which may deal, since 2008, not only with documents transmitted by the Government but also with any document issuing from an institution of the European Union.

These drafts are sent for prior examination to the European Affairs Committee, which must, upon the request of the Government, a group chairman or a chairman of a standing committee, file its report within a month of the request. The European Affairs Committee may also, as has been seen, itself take the initiative of tabling a draft resolution.

One of the eight standing committees of the National Assembly then examines the text adopted by the European Affairs Committee or, when it has been rejected, the original motion for resolution. If it does not reach a decision within one month of the report being tabled by the European Affairs Committee, the text is considered as having been tacitly approved.

Within fifteen days of the publication by electronic means by the standing committee of the adopted or taken-as-adopted text, the motion for resolution can be included on the agenda of the National Assembly, upon the request of a group chairman, a committee chairman, the chairman of a committee or the Government. If no request for inclusion on the agenda is made or if the Conference of Presidents rejects this request or makes no decision on it, the text adopted or taken-as-adopted by the lead committee is considered final. It is transmitted to the Government and published in the *Journal officiel* ('Laws and Decrees' edition).

The use of article 88-4 of the Constitution represents the contribution of Parliament to the drawing-up of the French position during negotiations within the Council. It can also be the way for the National Assembly to enter into direct dialogue with the institutions of the European Union.

In any case, the parliamentary resolutions of article 88-4 are not legally binding and their impact is exclusively political. France does not recognize the notion of "negotiation mandate" used in Scandinavian countries where the Government is tied to the position of the Parliament.

d. Dynamic Implementation

During the XVth term of Parliament, the National Assembly adopted 32 European resolutions (as opposed to 77 during the XVth term of Parliament, of which 23 were upon the conclusion of a report by the European Affairs Committee and 9 upon the initiative of an M.P. It rejected 3, relating respectively to parliamentary monitoring of the final burial of waste located on a storage site, to the recognition of an

“electrical exception” in the law of the Union and to the financing of the ecological transition.

The number of conclusions adopted by the European Affairs Committee on documents submitted by Government in application of article 88-4, was 6 during the XVth term of Parliament.

5 motions for resolutions were examined in plenary sitting during the XVth term.

2. – the monitoring of subsidiarity

Article 88-6 of the Constitution lays down the mechanisms for the implementation in France of the monitoring of subsidiarity which has been provided to national Parliaments by the Lisbon Treaty.

The adoption mechanism for resolutions concerning the conformity of a European Act with the principle of subsidiarity (see articles 151-9 and 151-10 of the Rules of Procedure of the National Assembly) is identical to that for European resolutions laid down in article 88-4 of the Constitution. The time limits for examination set for the European Affairs Committee and for the standing committees are however reduced from one month to fifteen full days so as to allow the National Assembly to express an opinion within the eight weeks provided by the Treaty of Lisbon to national Parliaments in order to give their view. It must be noted that this procedure has a real legal impact: draft acts which are rejected by half of national Parliaments could themselves be rejected, as of first reading and by simple majority, by the Council or by the European Parliament.

During the XVth term of Parliament, the National Assembly adopted one resolution with a reasoned opinion contesting the compliance of a legislative instrument to the principle of subsidiarity (as opposed to 5 during the XIVth term of Parliament). This dealt with a draft text establishing the rules for aid for strategic plans established by Member States within the framework of the common agricultural policy (CAP).

The same procedure applies to the adoption of resolutions concerning the institution of proceedings, within the two months following the publication of the relevant acts, before the Court of Justice of the European Union for the violation of the principle of subsidiarity. Nonetheless, in accordance with the last paragraph of article 88-6 of the Constitution, the institution of such proceedings is automatic when it is supported by, at least, sixty M.P.s. As yet the National Assembly has not used this procedure.

II. – THE OPENING-UP OF THE NATIONAL ASSEMBLY TO EUROPE

1. – Europe at the Palais Bourbon

The connection of French M.P.s to major European issues takes various forms, linked to the desire for a greater democratization of European processes.

Article 151-1-1 of the Rules of Procedure of the National Assembly, in the wording resulting from the text passed on May 27, 2009, provides that the European Affairs Committee may give a European perspective during the examination of national Government or Members' bills dealing with an area covered by the activity of the European Union. It can do this by presenting observations, on the one hand, to the lead committee for the Government or Member's bill and on the other hand, in plenary sitting when the Conference of Presidents invites it to do so. In this framework, the European Affairs Committee formulated observations on 8 Government bills during the XVth term of Parliament, taking up, for example, the bill to combat climate change and strengthen resilience to its greenhouse effects.

At the beginning of the XVth term of Parliament, the European Affairs Committee designated, among its members, representative M.P.s from the different political groups. The latter are responsible for ensuring good coordination between the work of their original standing committee and that of the European Affairs Committee.

Extending this dynamic, work was carried out jointly with the standing committees: joint hearings of commissioners, production of joint information reports with the Defence Committee (on the assessment of permanent structured cooperation, European public procurement contracts in the field of defence and external military operations).

The organization of debates on European issues in the National Assembly has taken several forms. On the one hand, the examination in plenary sitting of European texts such as the reform of the method of election of representatives to the European Parliament, allowed discussions on the matter with all M.P.s. On the other hand, the Government's declaration relating to the programme of the French Presidency of the Council of the Union (PFUE) was followed by a debate on December 15, 2021, in application of article 50-1 of the Constitution. This sequence allowed the deputies to become aware of the priorities of the PFUE and to discuss the directions announced.

In addition, since 2003, the National Assembly has had an office and a permanent representation to the European Union in Brussels. The main aim of this representation is to strengthen the information provided to parliamentarians on the activities of the Union's institutions, to keep them informed of the realities of Europe, in particular by organizing working visits to Brussels and to Strasbourg to encourage inter-parliamentary cooperation. This office is at the disposal of the various bodies of the National Assembly and of all M.P.s.

2. – Dynamic links with the european institutions and national parliaments of other member states

As national parliaments are becoming more and more involved in European affairs, so cooperation is strengthening between national and European parliamentary institutions. Parliamentarians have thus increased their visits to Brussels and to the capitals of the European Union to debate various subjects with their European counterparts.

The European Affairs Committee is thus very attached to creating close links with the European Parliament. It has regular relations with the committees of the Parliament and their *rapporteurs*. In a similar vein, a joint meeting is systematically

organized during the so-called “constituency” week with French members of the European Parliament jointly with the European Affairs Committee of the Senate.

The National Assembly also works with the other national Parliaments, in particular with the Bundestag.

The setting-up, in 2019, of the Franco-German Parliamentary Assembly reinforced this approach, by allowing in-depth dialogue on subjects of mutual interest. In addition to the holding of 10 plenary sittings, the establishment of thematic working groups (on disruptive innovation and artificial intelligence, etc.) encouraged the adoption of common positions and actions. The “*Montecitorio* Triangle” format, bringing together the European Affairs Committees of the National Assembly, the assemblies of the German Bundestag and the Italian Chamber of Deputies, was also inaugurated in February 2020, while the “Weimar Triangle” (France, Germany, Poland) met in June 2021.).

The European Affairs Committee has also strengthened its joint work with the European Commission through the so-called “political dialogue” procedure (transmission of its positions to the Commission, along with the replies of the Commission) and by increasing the hearings of commissioners.

The European electronic platform of information exchange between national Parliaments (IPEX) is a means to strengthen parliamentary monitoring, in particular in the field of the respect of the principle of subsidiarity.

This cooperation is also exercised in the framework of the COSAC (Conference of Parliamentary Committees for Union Affairs of Parliaments of the European Union) which brings together every semester in a plenary sitting, in the country holding the presidency of the European Union, six representatives of the European affairs committees of each Parliament of the European Union and six representatives of the European Parliament and which allows questions to be asked to the current presidency of the Union and allows the adoption of political contributions on European subjects.

3. – The parliamentary dimension of the french presidency of the council of the european union (pfue)

France held, for the first time since 2008, the presidency of the Council of the European Union in the first half of 2022. This rare responsibility was taken on in a particular context, marked both by geopolitical instability, by the major transitions taking place, by the consequences of the health crisis and by the French electoral deadlines. Parliament was fully mobilized during this period, with the National Assembly and the Senate putting Europe at the heart of their work and sharing the organization of important events.

Firstly, the meetings with the Conference of Presidents of the European Parliament, on December 9, 2021, and with the College of European Commissioners, on January 7, 2022, opened the parliamentary dimension of the PFEU.

The two meetings of the Conference of Bodies Specializing in Community Affairs (COSAC), founded in 1989, were organized in conjunction with the other Member Parliaments of the “presidential troika” (Slovenia, Czech Republic), which also includes the European Parliament. On the one hand, the Senate hosted the meeting of the Presidents of COSAC (“small” COSAC) on January 13 and 14, 2022, which made it possible to initiate new working methods to strengthen the substance and visibility of inter-parliamentary cooperation, and on the other hand, the National Assembly hosted the plenary meeting of COSAC (“large” COSAC) on March 3, 4 and 5, 2022, which notably gave rise to the adoption of a declaration in support of Ukraine attacked by the Russian Federation.

The parliamentary dimension of the PFUE also includes spaces for exchanges and specific monitoring bodies. Thus, the Conference on the Common Foreign and Security Policy (CFSP) and the Common Security and Defence Policy (CSDP), created in 2012, was held on February 24 and 25, 2022 to address the war in Ukraine and its implications for the Union's external action. Furthermore, the Europol Parliamentary Control Group (PCGC), established in 2017 and co-chaired by the European Parliament and the Presidency Parliament, met on February 28, 2022. Finally, the inter-parliamentary meetings of the “ Budget Conference", provided for by Article 13 of the Treaty on Stability, Coordination and Governance within the Economic and Monetary Union, allow collective involvement of national parliaments at the main stages of the European Semester. This event, co-organized by the European Parliament, the National Assembly and the Senate, took place on March 15 and 16, 2022.

Thematic inter-parliamentary meetings, which have tended to develop since the 2010s but whose organization remains optional, were an opportunity for the National Assembly and the Senate to focus on priority issues. In this regard, conferences on digital and space questions, on March 2, 2022, on the strategic autonomy of the Union, on March 13 and 14, 2022, as well as on migration challenges, on May 15 and 16, 2022, were led by the chairs of the standing committees. The conference on European policies serving citizens (CAP, Green Deal and regional funds) was held in *Center-Val de Loire* on March 20 and 21, 2022, illustrating the territorial importance of European mechanisms.

Above all, COSAC under the French presidency initiated an innovative approach, likely to strengthen the influence and effectiveness of parliamentary cooperation. In this context, the unprecedented creation of working groups has a triple interest: (i) giving more substance to parliamentary cooperation and visibility to the work of COSAC; (ii) promoting better understanding of the differences between national parliaments; (iii) better structuring the organization of debates during COSAC plenary meetings.

Following the meeting of COSAC Presidents on January 14, 2022, two working groups on the theme of belonging were thus established - one on the place of values at the heart of the feeling of belonging to the Union, the other on the role of national parliaments within the Union. The concluding report of each working group, unveiled in June 2022, includes recommendations which would usefully improve the action of European institutions in the service of citizens. The one relating to the place of values at the heart of the feeling of belonging to the Union identifies three priority areas:

- to specify the content of the concepts of European values and the rule of law;
- to strengthen the mechanisms for monitoring compliance with these;
- to better involve COSAC in this monitoring.

Finally, the Conference of Presidents of the Parliaments of the European Union, which meets once a year, debates and adopts conclusions on the major subjects of current European affairs.

File n° 68

THE INTERNATIONAL ACTIVITIES OF THE NATIONAL ASSEMBLY

Key Points

At the outset, international relations were an area in which the leeway for action of the National Assembly had certain limits. The Assembly has nonetheless gradually become more and more involved in this field to the extent that some people do not hesitate today to use the concept of "parliamentary diplomacy". This bears witness to the continued increase in the international activities of Parliaments.

In this field, the President of the National Assembly plays a central part and the *Bureau*, standing committees and friendship groups play the roles of the other actors in the international activity of the Assembly.

Alongside the classical activities of Parliament in the international field (passing of laws authorizing the ratification of treaties, monitoring of the Government's foreign policy, approval of the State budget for international action), the National Assembly has developed a variety of other activities: establishment of relations with other Parliaments, implementation of inter-parliamentary cooperation programmes, involvement in the work of international parliamentary assemblies and involvement in election observation missions.

I. – PARLIAMENT AND INTERNATIONAL RELATIONS: A DELICATE COUPLING

The question as to whether Parliament could be an actor in foreign policy was already asked very early on in French parliamentary history. By setting up a committee "*tasked with being aware of the treaties and external relations of France in order to inform the Assembly*", the assemblies of the Revolution gave a first answer to this question without dismissing two basic objections: the risk of treading on the powers of the Executive and that of bringing to light matters which often bore the stamp of confidentiality. This conundrum was summed up by Eugène Pierre, the Secretary General of the Chamber of Deputies, at the very beginning of the 20th Century, in his treatise on electoral and parliamentary political law, written in 1902: "*negotiating cannot be in the hands of the many and matters which deal with the relations of a people and its neighbours cannot be handled in the uproar of a deliberative assembly. True principles require a*

Government to have its hands unshackled for all diplomatic negotiations but it must never commit its signature, which is that of the Nation, definitively, without the prior assent of the representatives of the Nation".

It is certainly true that diplomacy is, in essence, a kingly function, but it is also the case that Parliament has gradually entered this field to the extent that the concept of "parliamentary diplomacy" was born.

This bears witness to the growing role played by international action in the activities of the Assembly and not to a form of autonomous or parallel diplomacy which is being developed within Parliament. The international action of Parliament is, thus first of all, bound up in the continuity of state diplomacy. It is a complement to such diplomacy and M.P.s are often the promoters or the authorities tasked with presenting it.

A combination of several factors can explain this development:

- European construction has gradually blurred the separation between internal and external affairs;

- Globalization has shown that problems encountered in many areas (the environment, health, transport, telecommunications, migratory movements etc.) go far beyond the national scale;

- Decolonization and the democratization of the countries of central and eastern Europe has had the consequence of strongly increasing the requests for inter-parliamentary cooperation;

- The greater participation of "civil society" in public affairs, including those dealing with the international stage, has led Parliaments to become more involved in the field of international relations.

II. – THE ACTORS OF THE INTERNATIONAL ACTIVITY OF THE NATIONAL ASSEMBLY

1. – The president of the National Assembly

The President of the National Assembly is one of the most important political figures of the Republic and is indeed the fourth figure in terms of protocol. He meets with a very large number of foreign guests in the residence at the *Hôtel de Lassay*: Heads of State or of Government officially invited by the Republic, presidents of parliamentary assemblies of foreign countries, leaders of international organizations, ambassadors posted to Paris, emblematic opponents of certain regimes, etc. For example, the President of the National Assembly met with 148 foreign personalities during the XVth term of Parliament.

The President may even invite certain guests to take the floor in the Chamber (this privilege is reserved to Heads of State or of Government, the

presidents/speakers of assemblies, the Secretary General of the United Nations and to the President of the European Commission). However up until 1993 (with the notable exception of U.S. President Woodrow Wilson in 1919) it was not a parliamentary custom for a foreign Head of State to speak at the rostrum in the National Assembly. Mr. Philippe Séguin, then President of the National Assembly, with the agreement of the *Bureau*, brought a real sea-change that year by inviting the King of Spain to deliver a speech in the Chamber. He was followed, among others, by the U.S. President Bill Clinton, the Secretary General of the United Nations Kofi Annan, the President of the European Commission Jose Manuel Barroso and more recently, the President of the German Bundestag Wolfgang Schäuble and the Canadian Prime Minister, Justin Trudeau. To this day, 22 eminent foreign personalities have thus spoken at the rostrum of the National Assembly. On March 23, 2022, the National Assembly even welcomed the President of Ukraine, Volodymyr Zelensky, in a live video link.

The President of the National Assembly may also be tasked with representing the President of the Republic at foreign ceremonies or with leading diplomatic missions in his/her name. In 1992, for instance, the President of the National Assembly thus brought a message to Japan to clear up the misunderstanding created by the words of the then Prime Minister. Similarly, in 1995, the President of the National Assembly, upon the request of the President of the Republic, visited Algeria so as to help put an end to the blocking of relations between the two countries. In 2009, the President of the National Assembly went to China with a message from the President of the Republic to clear up the misunderstandings after the passage of the Olympic flame through Paris and the meeting with the Dalai Lama in Warsaw in 2008.

The President of the National Assembly may also, of his/her own accord, launch important initiatives in the area of international relations such as the leading of missions abroad. In 2009, for instance, the President of the National Assembly held a meeting with the President of the People's Republic of China while on a visit to China. He signed an inter-parliamentary cooperation agreement with the People's National Assembly. In March 2013, the President of the National Assembly announced, during a visit to Mali, the support of his institution for the strengthening of the National Assembly of Mali in the framework of France's efforts to encourage and aid political transition there.

In September 2022, the President of the Assembly visited Poland and Ukraine, during which she signed an inter-parliamentary cooperation agreement with the *Verkhovna Rada* of Ukraine. In the first months of 2023, the President of the National Assembly also visited Armenia, where she also signed an inter-parliamentary cooperation agreement with the National Assembly of the Republic of Armenia, as well as Côte d'Ivoire, as part of the 14th Conference of Presidents of Assemblies and Sections of the Africa region of the Parliamentary Assembly of French-speaking countries (APF). The chairmen of political groups of the Assembly take part in certain of these missions.

Other examples of initiatives could be mentioned: the speech by the President of the National Assembly before the Brazilian Chamber of Deputies in

October 2009 or the joint organization by the National Assembly and the Senate of the VIIIth plenary session of the Parliamentary Assembly of the Mediterranean in January 2014 in Marseille or the joint organization by the National Assembly , the Senate and the Inter-parliamentary Union of a world parliamentary meeting on climate in parallel with the 21st Conference of the Parties at the United Nations Convention on Climate Change (COP21). In February 2022, the President of the Assembly invited his counterparts to the “One Ocean” summit organized by France as part of its presidency of the Council of the European Union.

Furthermore, in the area of Franco-German parliamentary relations, the role of the President of the National Assembly is particularly eminent. He co-chairs, with the Bundestag counterpart, the Franco-German Parliamentary Assembly (APFA), created in 2019 following the Treaty of Aachen and a parliamentary agreement concluded between the two assemblies. He also co-chairs the joint plenary meetings of the Bundestag and the Assembly which take place at regular intervals in accordance with the parliamentary agreement. The first two meetings of this nature were held in 2003 in the Chamber of the Congress at the Palace of Versailles, then in 2013 in Berlin on the occasion of the celebration of the 40th and 50th anniversaries of the Treaty of Friendship between France and the Germany, signed at the Élysée Palace on January 22, 1963. The 60th anniversary of the signing of the Treaty was celebrated on January 22, 2023, in Paris.

It should, in addition, be noted that the President of the National Assembly automatically chairs several parliamentary delegations to international parliamentary assemblies or associations (the Inter-parliamentary Union, the Parliamentary Assembly of French-speaking Countries) and in this capacity takes part in the more important sessions of these bodies. The President of the National Assembly thus opened the XXXVth annual session of the Parliamentary Assembly of French-speaking Countries which was held in Paris at his invitation, in July 2009, as well as the meeting of its *Bureau* in February 2018 in Paris. Several bilateral parliamentary bodies are also chaired by the President of the Assembly, such as the France-China Grand Parliamentary Commission, the France-Morocco Parliamentary Forum or the cooperation group with the Italian Chamber of Deputies established in November 2021. In addition, meetings of Presidents of assemblies now take place regularly in formats similar to those of heads of state and government (meeting of Presidents of the parliamentary assemblies of member states of the European Union, meeting of the Presidents of the parliamentary assemblies of the countries making up the G7 or the G20, meeting of the Presidents of the assemblies of the member states of the Council of Europe).

2. – The *Bureau* of the National Assembly

Placed under the authority of a vice-president of the Assembly, a delegation in charge of international activities was set up several years ago within the *Bureau* of the National Assembly.

Its main role is to define the framework and the methods of creating friendship groups and study groups with an international vocation, as well as their work. In this capacity, the delegation is notably responsible for processing requests for decisions to the *Bureau* relating to the annual programme of travel and receptions of these groups. In addition, it is often asked to accompany or represent the President of the National Assembly during international events.

3. – The Conference of Presidents

The Conference of Presidents may decide to set up a fact-finding mission on an international issue. Thus, in November 2017, upon the initiative of the President of the Republic a fact-finding mission was created on the follow-up to the negotiations linked to Brexit and on the future of the relations of the European Union and France with the United Kingdom.

4. – Committees

The Foreign Affairs Committee plays a central role in the international activities of the standing committees of the Assembly. Its main activities consist of:

- Examining bills authorizing the ratification of treaties and international agreements;

- Interviewing leading French and foreign figures. During the XVth term of Parliament, the committee thus carried out 31 hearings with the Minister for Europe and Foreign Affairs, 30 hearings with other members of the French Government, 3 hearings with foreign Prime Ministers or Presidents of Parliament, 11 hearings with foreign ministers of foreign affairs, 29 hearings with French ambassadors, 9 hearings with foreign ambassadors to France and 4 hearings with representatives of European institutions;

- Setting up fact-finding missions on issues dealing with international relations and France’s foreign policy. During the XVth term of Parliament 40 information reports were thus published by the Foreign Affairs Committee covering a very wide thematic and geographical range;

- Providing an opinion on the State budgetary appropriations devoted to external action (nine opinions on each initial finance bill), on the draft contracts of objectives and means of the State's external operators (five

opinions) and on the friendship groups and study groups with an international dimension which it is planned to set up.

However the Foreign Affairs Committee does not have a monopoly on international questions.

The National Defense and Armed Forces Committee also plays an important role in international matters, especially when French armies are heavily engaged in external theaters. Through its hearings as well as its fact-finding missions and its trips, the Defense Committee thus participates strongly in the international activity of the Assembly. It thus systematically is referred to for opinion on bills authorizing the ratification of treaties and international agreements in the field of defense and international security, more commonly called "defense agreements", and makes numerous trips abroad to French forces prepositioned or deployed in external operations. Furthermore, under the XVth term of Parliament, and for the first time under the Vth Republic, a standing committee of the National Assembly carried out work jointly with a committee of another Parliament: indeed, the Defense committee and its counterpart from The House of Commons of the United Kingdom carried out a joint fact-finding mission, which gave rise to joint hearings in Paris and London and the publication of an information report presented in each assembly[1].

In addition, the Finance Committee thus examines the funds provided to the “External State Action” mission, “Public Aid for Development” mission and “Loans to Foreign States” mission, the Defense Committee has problems linked to foreign trade in its remit and the Law Committee regularly gives it s opinion French immigration/emigration policy.

Furthermore, the European Affairs Committee, in addition to its remit concerning the examination of community instruments, also studies issues dealing with the foreign policy of the Union and those concerning enlargement.

5. – Friendship groups and study groups with an international dimension

The friendship groups and the study groups with an international scope represent the cornerstone of the international activity of the National Assembly. Their aim is to create links between French parliamentarians and their foreign counterparts as well as with the actors in the political, economic, social and cultural life of the country concerned.

These friendship groups interview various figures in Paris: ambassadors representing the country of the “friend” Parliament, diplomats, university professors, journalists and specialists of the geopolitics, economics or culture of the country. They organize missions to their counterpart Parliament and receive

[1] *Information report on the “Future cruise missile / Future anti-ship missile” programme, December 12, 2018.*

foreign parliamentary delegations. They can also serve as a basis for inter-parliamentary or decentralized cooperation programmes.

These activities allow M.P.s to better understand the state of bilateral relations maintained by France and to grasp the main issues encountered by other countries. In addition, their activities can also contribute to reactivating or enriching relations with the country concerned, in a manner complementary to the action carried out by the Ministry of Europe and Foreign Affairs.

There are three criteria for the recognition of friendship groups: the existence of a Parliament, the existence of diplomatic relations with France and the membership to the United Nations of the candidate country. Study groups with an international dimension (GEVI) which were introduced in 1981, provide a framework which is adapted to the situation of countries which do not fulfil all the required criteria for the setting-up of a friendship group.

During the XVIth term of Parliament, the National Assembly had 146 friendship groups and 8 study groups with an international scope.

III. – CATEGORIES OF INTERNATIONAL ACTIVITIES AT THE NATIONAL ASSEMBLY

1. – The classic activities of the National Assembly applied to foreign policy

The National Assembly has gradually entered the field of international questions to the extent that they are no longer considered as a specific area. The Assembly therefore carries out, in this sector, all of its traditional tasks:

- It passes laws authorizing the ratification of treaties;

- It approves the budget concerning the foreign policy of the State;

- It monitors the action of the Executive in this area. It can do this when the Government makes statements on foreign policy issues (the latter may even make the outcome of such a debate a question of confidence, as was the case in 1991 at the time of the first Gulf war), through questions asked by M.P.s, by setting up commissions of inquiry on international subjects (such as that in 2007 dealing with the conditions of the freeing of the Bulgarian nurses and doctor and the recent Franco-Libyan agreement, or during the XVth term of Parliament, that on migration) or through fact-finding missions;

In addition, since the constitutional revision of 2008, Parliament must provide its authorization for any extension beyond four months of an intervention by French armed forces abroad. In the case of a disagreement with the Senate, the National Assembly has the final say (paragraph 3 of article 35 of the Constitution. It may appear paradoxical to present this new provision among the

classic tasks of the National Assembly in the field of foreign policy but it must be underlined that although this is a new prerogative granted to Parliament in France, it is not the case for numerous foreign Parliaments which have already possessed such a power for many years.

Since the coming into force of the constitutional reform of 2008, the Assembly has already had to decide seven times on such an extension, including three times during the XIIIth legislature and four times during the XIVth, the last time being on November 25, 2015, to authorize the continuation of airstrikes on the territory of Syria.

2. – The specific international activities of the National Assembly

There are several of these:

- *The carrying-out of inter-parliamentary relations* which occur in a bilateral framework through the friendship groups, in grand bilateral commissions or in the multilateral framework of international parliamentary assemblies.

- *The implementation of inter-parliamentary cooperation* which enables the National Assembly to provide technical aid to Parliaments which request its support;

- *The participation of the National Assembly in the work of international parliamentary assemblies* of which it is a member: the Inter-parliamentary Union (IPU), created in 1889 and today bringing together the Parliaments of 178 countries and 14 associated members; the Parliamentary Assembly of the Council of Europe (PACE), the Parliamentary Assembly of NATO (PA-NATO), the Parliamentary Assembly of the Organization for Security and Cooperation in Europe (PA-OSCE), the Parliamentary Assembly of Francophonie (APF), the Euro-Mediterranean Parliamentary Assembly (EMPA), the Parliamentary Assembly of the Mediterranean (PAM), or an observer: the Parliamentary Assembly of the Black Sea Economic Cooperation (PABSEC);

- *The participation of the National Assembly in election observation mechanisms.* Nowadays, many elections are, at the request of the authorities of the countries concerned, observed by the international community. As an emblematic institution of democracy, the National Assembly has a natural role to play in the observation process and this is even more the case given that the M.P.s who are members of it, know better than anyone else the wheels of the electoral process. The electoral observation operations carried out by the National Assembly are now mainly in the framework of the PA-OSCE.

File n°69

THE PARTICIPATION OF THE NATIONAL ASSEMBLY IN INTERNATIONAL INSTITUTIONS

Key Points

The National Assembly participates in the work of several international parliamentary assemblies.

To do so, it sets up delegations, mostly made up of M.P.s and Senators, which are provided with an administrative secretariat which is serviced by parliamentary civil servants and funded by financing allotted by the *Questeurs.* This funding enables the delegations to finance the involvement of their members in the work of the international parliamentary assemblies and the payment of the French contribution to those assemblies.

I. – INTERNATIONAL PARLIAMENTARY ASSEMBLIES OR GATHERINGS ON A WORLD SCALE OR WITH A SPECIFIC THEME

1. – The inter-parliamentary union (IPU)

The Inter-parliamentary Union was set up in 1889 by a French M.P. and a member of the British House of Commons.

It was the first international institution founded with the aim of encouraging international initiatives in favour of the preservation of peace and the pacific resolution of conflict. It strongly influenced the movement of ideas which led to the creation of the League of Nations and then the United Nations Organization. Today it is the world organization representing the Parliaments of sovereign states. It has 178 member Parliaments, and 11 international assemblies are associate members. In addition, the IPU has a permanent observer status at the General Assembly of the United Nations.

The French group of the IPU is made up of 50 M.P.s and 50 Senators. The President of the Senate and the President of the National Assembly are both, jointly, *ex-officio* chairmen of the group. Nonetheless in practice, the group is headed by an Executive President who is appointed by the General Assembly of the group. The Executive President who is elected for the length of the term of Parliament must belong alternately to the National Assembly and then to the Senate and represents the political majority in the National Assembly.

The expenses of the French group (participation of its members in the meetings of the IPU and the financial contribution to the IPU) are funded in equal shares by the National Assembly and the Senate.

The French group represents the French Parliament at the IPU (notably at its two annual plenary assemblies). It also is tasked with contributing to the aims of the IPU, i.e. peace, representative democracy and cooperation between peoples as well as the strengthening of representative institutions and the defence of human rights.

2. – The Parliamentary assembly of francophone countries (APF)

The Parliamentary Assembly of Francophone Countries was set up in Luxembourg in 1967 under the name of the International Association of Francophone Parliamentarians. It brings together parliamentarians from more than 90 Parliaments or associated member inter-parliamentary organizations, and observer Parliaments.

The French branch of the APF has 150 members, 90 M.P.s and 60 Senators, who are distributed proportionally according to the size of their political groups in each assembly. The chairmen of the friendship groups with French-speaking countries, both in the National Assembly and the Senate, are members by right. The President of the National Assembly is Chairman, by right, of the French branch, which is, in practice, chaired by a Deputy Chairman, whom he appoints from among the M.P.s. The operational costs of the branch are covered by the two assemblies, with the National Assembly taking care alone of the expenses linked to the everyday running of the French branch of the APF (mail, telephone etc.).

The French branch is represented on the different bodies of the APF (*bureau*, committees, combat against HIV AIDS malaria and tuberculosis network, the young parliamentarians network, female parliamentarian network) and participates annually in the two meetings of the *Bureau*, as well as in the plenary Assembly and in the parliamentary seminars organized by the APF. As the APF is divided up into four geographical regions, the French branch is a member of the European region.

II. – INTERNATIONAL PARLIAMENTARY ASSEMBLIES ON A REGIONAL SCALE

1. – The Parliamentary Assembly of the Council Of Europe (PACE)

The Parliamentary Assembly of the Council of Europe was the first European assembly in the history of the continent, and is made up of 324 Representatives (and as many substitutes) from 47 countries, to which must be added 30 parliamentarians from observer countries and 30 parliamentarians from partner countries for democracy. It elects the judges of the European Court

of Human Rights (ECHR), the Commissioner for Human Rights and the Secretary General of the organization, as well as its own Secretary General. It proposes candidates for the European Committee for the Prevention of Torture (CPT). It ensures a regular check on the respect by member states of their commitments. It has often initiated and continues to initiate blueprints for conventions, even if formally, the initiative is in the remit of the Committee of Ministers.

The French Delegation to the Parliamentary Assembly of the Council of Europe has 36 members (i.e. 18 Representatives and 18 substitutes). Out of these, 24 are appointed by the National Assembly and 12 by the Senate. The Chairman is elected by the delegation at the beginning of each Parliament. The budget of the delegation is made up of contributions from the two assemblies (two thirds being covered by the National Assembly and one third by the Senate).

The members of the delegation participate in the four annual plenary sessions of PACE which take place in Strasbourg, as well as the meetings of the nine committees. The delegation is also represented at the meetings of the Standing Committee (four per year) and of the *Bureau*.

2. – The Parliamentary Assembly of the North Atlantic Treaty Organization (NATO-PA)

The NATO Parliamentary Assembly ensures the link between the legislative assemblies and the international organization so as to facilitate democratic debate on the orientations and the policies being implemented in the framework of the Atlantic Alliance.

It brings together delegations of parliamentarians from the 30 member countries of the Atlantic Alliance and from 16 associated parliaments. The OSCE-PA and PACE, as well as seven parliaments, have parliamentary observer status there. It has five standing committees and meets twice a year in plenary session. Along with the meetings of the Special Mediterranean and Middle East Group and the seminars, more than thirty working sessions are organized each year.

The French delegation has 18 full members (11 M.P.s and 7 Senators) and as many substitutes. Each assembly covers the expenses relating to the travel arrangements of its representatives.

3. – The Parliamentary Assembly of the Organization for Security and Cooperation in Europe (OSCE-PA)

The Parliamentary Assembly of the Organization for Security and Cooperation in Europe was set up by the Madrid Conference of April 2 and 3, 1991. According to the provisions of its Rules of Procedure, it must fulfil several remits: the assessment of the implementation of the objectives of the organization, the debating of subjects dealt with by the Ministerial Council and the meetings of Heads of State and of Government, the development and promotion of mechanisms for the prevention and resolution of conflict and the

strengthening and consolidation of democratic institutions in the member States. It has 323 parliamentarians who represent the 57 member states.

The French delegation has 13 members (8 M.P.s and 5 Senators). Each assembly covers the expenses relating to the travel arrangements of its representatives. It participates in the three annual meetings (the five-day July meeting in a town in a member State, the four-day autumn meeting, given over, amongst other things, to the Mediterranean Forum and the two-day winter session in February, in Vienna) as well as in electoral observation missions.

4. – The Parliamentary Assembly of the Mediterranean Union

The Parliamentary Assembly of the Mediterranean Union brings together delegations from the parliaments of 41 countries.

Created during the Paris Summit for the Mediterranean in July 2008, the Union for the Mediterranean extended the Euro-Mediterranean partnership, founded by the Euro-Mediterranean conference of foreign ministers in Barcelona on November 27 and 28, 1995, aims to give new impetus to cooperation. In addition to the member states of the European Union and its 10 Mediterranean partners (Morocco, Algeria, Tunisia, Egypt, Israel, the Palestinian Authority, Jordan, Lebanon, Syria, Turkey), 6 countries have joined the Parliamentary Assembly of the Union for the Mediterranean: Albania, Bosnia-Herzegovina, Croatia, Monaco, Montenegro and Mauritania.

This assembly is made up of 240 members equally representing, on the one hand, the parliaments of the European Union, along with those of the countries on the northern bank of the Mediterranean and, on the other hand, the parliaments of the partner states of the Mediterranean.

The Arab Inter-Parliamentary Union, the Arab Parliament, Libya, the Committee of the Regions of the European Union and the Economic and Social Committee have permanent observer status.

The French delegation, which has three members (two M.P.s and one Senator), participates in the annual plenary session and in the meetings of the five committees and working groups which deal with five dimensions of the Euro-Mediterranean partnership: politics, economics, culture, energy and women's rights.

5. – The Parliamentary Assembly of the Mediterranean (PAM)

The Parliamentary Assembly of the Mediterranean was born from the Conference on Security and Cooperation in the Mediterranean (CSCM) which was a subsidiary body of the Inter-parliamentary Union and which operated from 1992 to 2005. PAM was formally set up in February 2005 at Nafplion (Greece) by the 4th and final plenary CSCM and it held its inaugural session at Amman in September 2006.

It includes 30 member countries and 3 associate states or organizations. Its seat is in San Marino.

The aim of PAM is to develop cooperation between its members by dealing with questions of common interest so as to foster confidence between the states of the Mediterranean, to contribute to regional stability and security as well as to encourage harmonious development of the Mediterranean countries in a spirit of partnership. PAM holds one plenary session per year and proposes several thematic committee meetings every year.

Each national delegation to PAM is made up of 5 parliamentarians. By agreement between the Presidents of the two assemblies, the French delegation to PAM is made up of 3 M.P.s and 2 Senators. Therefore the contribution to the PAM is paid 3/5 by the National Assembly and 2/5 by the Senate.

6. – The Parliamentary Assembly of the Black Sea Economic Cooperation (PABSEC)

The Parliamentary Assembly of the Black Sea Cooperation was set up on February 26, 1993 by the Presidents of the parliaments of the member states of the Black Sea Economic Cooperation.

PABSEC is made up of 81 parliamentarians representing the 13 member countries (Albania, Armenia, Azerbaijan, Bulgaria, Georgia, Greece, North Macedonia, Moldova, Romania, Russia, Serbia, Turkey and Ukraine).

Since November 28, 2002, the French Parliament has enjoyed observer status within PABSEC and participates in this capacity in the two annual plenary sessions. The French delegation is made up of 3 M.P.s and 1 Senator.

File n° 70

INTER-PARLIAMENTARY COOPERATION

Key Points

The National Assembly, which is very active in the field of the strengthening of parliamentary democracy, carries out cooperation action with foreign Parliaments which request it, both on a multilateral and bilateral basis.

The assemblies with whom the National Assembly has the closest cooperation ties are generally French-speaking and are mostly situated in the Mediterranean region, west and central Africa. Actions in the parliamentary assemblies of central and eastern Europe are also quite regular. Programmes have also been set up with certain members of the Parliamentary Assembly of the Association of Southeast Asian Nations (ASEAN).

The National Assembly has a wide range of cooperation activities: study visits, residential seminars and workshops organized both in Paris and abroad. The areas dealt with concern of the fields of operation of the assemblies and the assistance provided is solely technical and is provided by and for both parliamentarians and civil servants.

I. – GROWING DEMAND

For the National Assembly, inter-parliamentary cooperation consists in providing technical assistance to those Parliaments which request aid.

This action is reserved essentially for the benefit of parliamentarians and parliamentary staff. It always replies to requests made to the President or to the General Secretariat, or expressed through calls for international projects. The most important programmes, on account of their institutional or diplomatic dimensions, are submitted to the approval of the President of the Assembly.

The strengthening of democracy in various regions of the world along with the permanent and widespread needs of certain Parliaments, has led some of these assemblies to turn towards more experienced Parliaments possessing more substantial operating means in order to assist them in the reinforcement of their means of proceeding with their work.

In this framework, the requests made to the French National Assembly have been more and more frequent. Although one-off interventions may

sometimes occur, the National Assembly more often prefers to favour long-term cooperation programmes within the framework of multiannual programmes supported either by international donors, such as the European Union or the United Nations Development Programme (UNDP) or by the Ministry of Europe and Foreign Affairs.

The actions of the National Assembly are essentially of a technical nature: it provides expertise to partner parliamentary administrations in very diverse fields dealing with the functioning of parliamentary assemblies. This expertise is provided by M.P.s or by civil servants of the National Assembly. The parliamentary friendship groups are regularly called upon by the assembly of the country concerned to support a request for cooperation.

The cooperation activities of the Assembly are organized, under the authority of the *Bureau*, by the Cooperation and Bilateral Questions Unit. Its budget is mainly given over to the hosting of study visits by foreign delegations and to the organization of training periods in Paris. The financing of expert appraisal missions abroad is often ensured in a multilateral context or shared with partners (the Ministry of Foreign Affairs in particular).

II. – A VARIETY OF ACTIVITIES

1. – Multilateral programmes

The main partners of the National Assembly are the European Union and the United Nations Development Programme (UNDP), even if certain activities can be carried out with other organizations such as the OECD or the World Bank. The European Union is now the main partner of the Assembly in a multilateral context.

The National Assembly has thus, in the past, participated in cooperation projects, funded by the European Union, with the Parliaments of Kosovo (2005-2008), Moldova (2008-10), Albania (2012-13) and of Bosnia-Herzegovina (2014-16).

The XVth term of Parliament was marked by a huge increase in the activities carried out in partnership with the European Union, especially through “institutional twinning programmes”, respectively with the Chamber of Representatives of the Kingdom of Morocco (2016-2018) and with the Assembly of Representatives of the People of Tunisia (2016-2019. These two projects led to tenders being called for by the European Commission. They were both won by the National Assembly, with the support of other European parliamentary assemblies. The twinning with the Moroccan Chamber, which lasted two years, partnered the National Assembly with the British House of Commons, the French Senate, the German Bundestag, the Belgian Chamber of Representatives and the Greek Parliament. The twinning with the Tunisian Assembly Chamber, which lasted three years, partnered the National Assembly with the Italian Chamber of

Deputies and Senate, the French Senate, the German Bundestag, the Hungarian National Assembly, the Greek Parliament and the Czech Chamber of Deputies.

Building on the success of such missions, the French National Assembly was, once more, a candidate to carry out a new twinning with the Chamber of Representatives of the Kingdom of Morocco. This proposal was shared with the Belgian Chamber of Representatives, the Czech Chamber of Deputies (junior partners), as well as the Hungarian National Assembly, the Italian Chamber of Deputies, the Greek Parliament and the Assembly of the Portuguese Republic. The consortium led by the French National Assembly once more won the bid for a twinning last two years (2022-2024).

The National Assembly also takes part in the European programmes in Côte d'Ivoire and Montenegro.

In cooperation with the United Nations, the cooperation activities also concerned various Parliaments (mainly Afghanistan, the Comoros, Lebanon, Iraq, Burkina Faso, Mali, Niger, Algeria, Morocco, Mauritania, Tunisia, Turkmenistan, Moldova) and have recently taken the form of study visits.

During the XVth term of Parliament, the National Assembly thus hosted several delegations of foreign civil servants identified by the UNDP, in particular in February 2022, with a study visit on monitoring and assessment for the Parliaments of Central Africa, Madagascar and Togo.

The National Assembly also carried out cooperation activities with the Parliamentary Assembly of French-speaking Countries, whose *Bureau* each year approves the priorities in parliamentary cooperation in which the National Assembly participates, as was the example for Madagascar, Rwanda and Cambodia.

2. – Bilateral programmes and Cooperation Agreements

As regards bilateral exchanges, the National Assembly regularly hosts study visits or carries out technical missions abroad which are led by French parliamentarians or civil servants.

During the XVth term of Parliament, the National Assembly thus hosted more than 200 foreign delegations on study visits, coming from 50 countries, and carried out around 70 technical assistance missions in foreign Parliaments. Although the Covid 19 epidemic reduced the scale of cooperation activities, several programmes are gradually re-finding their previous rhythm, such as the invitation to "future leaders" by the Ministry of Europe and Foreign Affairs, in which the National Assembly plays an active role. By comparison, during the XIVth term of Parliament, the National Assembly hosted more than 450 delegations on study visits, coming from more than 80 countries, as well as carrying out more than 250 technical assistance missions abroad.

Some of these exchanges take place within a formal framework which is part of an agreement or of a cooperation protocol, signed by the President of the National Assemblyand his/her counterpart.

During the XVth term of Parliament several such agreements were signed with the Knesset (May 2018), the National Assembly of Gabon (November 2019) and the Italian Chamber of Deputies (November 2021).

During previous terms of Parliament, the National Assembly signed several agreements which bind it still today, notably with the assemblies of Burkina Faso (signed in March 2017), Côte d'Ivoire (2014), Mali (March 2015) ; a technical cooperation protocol was concluded between secretaries general with the Chamber of Representatives of the Kingdom of Morocco (April 2015) and a letter of technical agreement was signed with the Parliamentary Institute of Cambodia (September 2014).

It should be noted that, very often the relations with certain countries are very deep without this activity being carried out in the framework of formal agreements. This was particularly the case with the Parliament of Burkina Faso, the National Assembly of Cameroon, the National Assembly of Guinea, the Council of Representatives of Iraq, the Afghan Parliament, the Jordanian Parliament and the National Assembly of Niger.

3. – TRAINING PROGRAMMES FOR FOREIGN TRAINEES AND REGULAR SEMINARS

Since 1995, in cooperation with the Senate, and in the framework of the short international programmes ((PIC) of the National Institute for the Civil Service (INSP, previously ENA), the National Assembly hosts, every year, a one-month training period on the organization of parliamentary work. Around thirty French speakers, most of whom are parliamentary civil servants, coming from about fifteen countries, participate. The cost of the travel and accommodation are covered by the French Ministry for Europe and Foreign Affairs or by the Parliamentary Assembly of French-speaking countries.

A similar training period in English, lasting two weeks, was also organized every two years until 2018, when it was suspended due to the health crisis.

In addition, since 2005, the National Assembly organizes, in partnership with the Ministry for Europe and Foreign Affairs, and in association with the Senate (since 2007), an annual event for a French-speaking seminar for the civil servants of the Parliaments of the Mediterranean. This is a forum for exchange on good practices between the Algerian, Tunisian, Moroccan, Lebanese, Egyptian and Mauritanian assemblies. It was last held in 2019, in Mauritania as the Covid 19 epidemic, just as the evolution of the political situation in certain countries, led to the putting on hold of this programme.

Glossary of parliamentary terms

Français	English

A

abstention	**abstention**
accords internationaux	**international agreements**
accréditation	**accreditation**
accueil des députés	**reception of M.P.s**
actes communautaires/ actes européens	**instruments of the EU**
adhésion (à un groupe)	**enrolment (in a political group)**
administrateur	**adviser**
administrateur adjoint	**deputy adviser**
adoption	**adoption (of a motion / amendment / resolution), passing of a bill**
agent	**porter**
alinéa	**paragraph**
amendement	**amendment**
amendement en discussion commune	**amendments subject to joint consideration**
amendement de suppression	**deletion amendment**
apparenté	**aligned member**
appel nominal	**roll-call**
application des lois	**implementation of laws**
arbitrage	**arbitration**
arrêt (en Conseil d'État)	**judgment (in the Conseil d'État)**
arrêté (ministériel)	**(ministerial) order**
article	**article**
article additionnel	**additional article**
assistant parlementaire	**parliamentary assistant**
attaché parlementaire	**parliamentary attaché**
audition	**hearing, interview**
auteur (de la proposition de loi, de l'amendement, etc.)	**author (of bill, amendment etc.)**
autonomie administrative	**administrative autonomy**
autonomie financière	**financial autonomy**

Français	English
avis	**opinion**

B

ballottage	**run-off (in elections)**
bicamérisme *ou* bicaméralisme	**bicameralism**
budget	**budget**
bulletin blanc	**blank ballot**
bulletin nul	**spoiled ballot**
bulletin de vote	**voting paper**
bureau d'âge	**provisional *bureau***
Bureau de l'Assemblée	*Bureau* **(governing board) of the National Assembly** ⓘ
bureau de vote	**polling station**

C

cabinet du Président	**president's staff, advisors**
campagne électorale	**electoral campaign**
candidat	**candidate**
censure	**censure**
chaîne parlementaire	**parliamentary television channel**
chambre basse	**lower chamber**
chambre haute, haute assemblée	**upper chamber**
charge publique	**public expenditure**
circonscription	**constituency**
clôture de la session	**closure of the session**
cocarde	**(blue, white and red) official sticker**
code	**code**
codification	**codification**
collectivité territoriale	**territorial unit, local authority**
collectivité d'outre-mer	**overseas territorial unit**
collège electoral	**electoral college**
comité secret	***in camera* committee**
commentaire d'article	**commentary on an article**
commissaire	**committee member**
commissaire du Gouvernement	**government adviser (on a specific bill)**
commission	**committee** ⓒ
Commission des affaires culturelles	**Cultural Affairs Committee**
Commission des affaires sociales	**Social Affairs Committee**
Commission des affaires économiques	**Economic Affairs Committee**
Commission du développement durable	**Sustainable Development Committee**
Commission des affaires étrangères	**Foreign Affairs Committee**

Français	English
Commission chargée de vérifier et d'apurer les comptes	***Ad hoc* committee in charge of checking and auditing the accounts**
Commission de la défense nationale et des forces armées	**National Defence and Armed Forces Committee**
commission d'enquête	**commission of inquiry**
Commission des finances, de l'économie générale et du plan	**Finance, General Economy and Planning Committee**
Commission des lois constitutionnelles, de la législation et de l'administration générale de la république	**Constitutional Acts, Legislation and General Administration Committee**
Commission des affaires européennes	**European Affairs Committee**
commission mixte paritaire	**joint committee**
commission permanente	**standing committee** ②
commission saisie au fond	**lead committee**
commission saisie pour avis	**consultative committee**
commission spéciale	***ad hoc* committee**
communiqué de presse	**press release**
compte rendu analytique	**analytical report**
compte rendu integral	**verbatim report**
compte rendu sténographique	**shorthand report**
Conférence des présidents	**Conference of Presidents**
Congrès	**Congress**
Conseil constitutionnel	**Constitutional Council**
Conseil économique, social et environnemental	**Economic, Social and Environmental Council**
Conseil d'État	***Conseil d'État* (State Council)**
conseiller	**senior adviser**
conseil des ministres	**Council of Ministers**
Constitution	**Constitution**
contestation (d'élections)	**(electoral) litigation**
contreseing	**counter-signature**
contrôle budgétaire	**monitoring of the budget**
contrôle de constitutionnalité	**monitoring of constitutionality**
contrôle de l'exécutif	**monitoring of the executive**
convocation du Parlement	**convening of Parliament**
coopération interparlementaire	**inter-parliamentary cooperation**
Cour des comptes	**Court of Accounts**
Cour de Justice de la République	**Court of Justice of the Republic**
cumul des mandats	**combination of offices**

D

débat	**debate**

Français	English
décision de questure	***questure* decision**
décision du Conseil constitutionnel	**ruling of the Constitutional Council**
Déclaration des droits de l'homme et du citoyen	**Declaration of the Rights of Man and of the Citizen**
déclaration de patrimoine	**declaration of estate**
déclaration de politique générale	**statement of general policy**
décret	**decree**
Défenseur des droits	**Defender of Rights**
délai de dépôt des amendements	**deadline for tabling amendments**
Délégation aux droits des femmes et à l'égalité des chances entre les hommes et les femmes	**Delegation for Women's Rights and for Equal Opportunities Between Men and Women**
délégation parlementaire	**parliamentary delegation**
délégation de vote	**proxy vote**
délibération	**discussion, consideration (of a bill)**
démission	**resignation**
dépôt	**tabling (of a bill)**
dépouillement	**counting of votes**
député	**M.P. (Member of Parliament)**
« dernier mot » de l'Assemblée nationale	**final say of the National Assembly (in the final stage of the "shuttle ")**
deuxième lecture	**second reading**
discipline de groupe	**political group discipline (the whip)**
discours	**speech**
discussion commune (des amendements)	**joint consideration (of several amendments)**
discussion générale	**general discussion**
dispositif	**main body of a bill**
disposition	**provision**
dissolution	**dissolution**
domaine de la Constitution	**within the ambit of the Constitution**
domaine de la loi	**legislative field**
domaine règlementaire	**regulatory field**
dossier du Président	**President's file**
doyen d'âge	**oldest member**
droit d'amendement	**right to table amendments**
droit constitutionnel	**constitutional law**
droit de parole	**right to speak**
droit de vote	**right to vote**
droit électoral	**electoral law**
droit parlementaire	**parliamentary law**

Français	English

E

écharpe	**sash**
élections	**elections**
élections législatives	**general elections**
élections partielles	**by-elections**
éligibilité	**eligibility**
enceinte du Palais	**premises of the National Assembly**
engagement de responsabilité	**requesting a vote of confidence**
engagement de responsabilité sur le vote d'un texte	**making the passing of a bill an issue of confidence**
état de siège	**martial law**
examen des articles	**examination of articles**
exception d'irrecevabilité	**objection of inadmissibility**
exposé des motifs	**introductory explanations**
exposé sommaire	**brief presentation (of an amendment)**
explication de vote	**explanations of votes**

F

fait majoritaire	**existence in the National Assembly of an absolute majority supporting the government**
fait personnel	**point of order concerning a personal attack**
feuilleton	**daily bulletin**
financement des partis politiques	**financing of political parties**
finances publiques	**public finances**
fixation de l'ordre du jour	**setting the agenda**
fonction publique	**civil service**
fonctionnaire parlementaire	**parliamentary civil servant**
formules de séance	**official formulae used during the sitting**

G

Garde républicaine	**Republican guard**
gouvernement	**government**
groupe d'amitié	**friendship group**
groupe d'études	**study group**
groupe politique	**political group**
groupe de pression	**lobby**

H

Haute Autorité pour la transparence de la vie publique	**High Authority for Transparency in Public Life**

Français	English
Haute Cour de Justice	**High Court of Justice**
hémicycle	**(debating) chamber**
huissier	**(parliamentary) usher**

I

immunité	**immunity**
incapacité	**incapacity**
incompatibilité	**incompatibility**
indemnité de fonction	**personal allowance**
inéligibilité	**ineligibility**
initiative des lois	**right to initiate laws**
inscription à l'ordre du jour	**inclusion on the agenda**
instruction générale du Bureau	**general instructions of the *Bureau***
intersession	**parliamentary recess**
intervention	**speech**
invalidation	**declaration of invalidity of election result**
investiture	**nomination**
inviolabilité	**immunity from custodial measures**
irrecevabilité	**inadmissibility**
irresponsabilité	**immunity from defamation**
isoloir	**voting booth**

J

« je mets aux voix... »	**"I call for a vote upon …."**
Journal officiel (de la République française)	**Official publication (of the French republic)**
journaliste accrédité	**accredited reporter**
jour de séance	**day of sitting**
juge	**judge**
jurisprudence	**case law, jurisprudence**

L

lecture	**reading**
législateur	**lawmaker, legislator, parliamentarian**
législature	**term of Parliament**
levée de séance	**closing of the sitting**
libertés publiques	**public freedom**
liste électorale	**electoral register**
lobbyiste	**lobbyist**
loi	**law, act, statute** ④
loi autorisant la ratification des traités	**law authorizing the ratification of a treaty**

Français	English
loi constitutionnelle	**constitutional law**
loi de finances (ou budget)	**finance (or budget) law**
loi de finances rectificative	**corrected finance law**
loi de financement de la sécurité sociale	**social security financing law**
loi d'habilitation	**enabling law**
loi organique	**institutional law**
loi organique relative aux lois de finances (LOLF)	**institutional law on finance laws**
loi de programme	**programme law**
loi référendaire	**law on referendum**
loi de règlement	**financial settlement law**

M

maire	**mayor**
majorité	**governing/ruling majority**
majorité absolue	**absolute majority**
majorité qualifiée	**qualified majority**
majorité relative	**relative majority**
mandat	**term of office**
mandat impératif	**binding instruction**
message	**message**
ministre	**minister**
ministre chargé des relations avec le Parlement	**Minister in Charge of Relations with Parliament**
mise en accusation	**indictment**
mission d'évaluation et de contrôle	**assessment and monitoring mission**
mission d'évaluation et de contrôle des lois de financement de la sécurité sociale	**assessment and monitoring mission on social security financing laws**
mission d'information	**fact-finding mission**
mode de scrutin	**voting system**
monocamérisme et monocaméralisme	**monocameralism**
motion de censure	**censure motion, motion of no confidence**
motion de procédure	**procedural motion**
motion de renvoi en commission	**motion of referral to committee**

N

navette	**parliamentary "shuttle"**
« niche »	**"time slot" on agenda when business is decided by the Assembly**
nomination	**appointment**
non inscrit	**non-enrolled (M.P.)**
nouvelle délibération	**new consideration (of a bill)**

Français	English
nouvelle lecture	**new reading**

O

obstruction	**filibustering**
Office parlementaire	**Parliamentary office**
Office parlementaire d'évaluation des choix scientifiques et technologiques	**Parliamentary Office for Scientific and Technological Assessment**
opposition	**opposition**
orateur	**speaker**
orateur contre	**speaker against, speaker with a contrary view**
orateur pour	**speaker for**
ordonnance	**ordinance**
ordre de discussion	**order of discussion**
ordre du jour	**agenda**
« l'ordre du jour appelle... »	**"the next item on the agenda is…"**
ordre du jour complémentaire	**supplementary agenda**
ordre du jour prioritaire	**priority agenda**
organisation des débats	**organization of debates**
organisme extraparlementaire	**extra-parliamentary body**
ouverture de la séance	**opening of the sitting**
ouverture de la session	**opening of the session**

P

parité	**gender equality**
Parlement	**parliament**
Parlement des enfants	**children's parliament**
parlementaire	**parliamentary or parliamentarian**
parlementarisme rationalisé	**rationalized parliamentarianism**
« la parole est à... »	**"Mr/Ms…has the floor"**
parti politique	**political party**
« perchoir »	**president's chair, "perch"**
« petite loi »	**name for a bill during the "shuttle"**
pétition	**petition**
« plateau »	**area surrounding the president's chair**
pouvoirs publics	**public authorities**
porte-parole	**spokesperson**
pouvoir exécutif	**executive branch/power**
pouvoir législatif	**legislative branch**
pouvoir règlementaire	**regulatory power**
préambule de la Constitution	**preamble of the Constitution**
Premier ministre	**Prime Minister**

Français	English
première lecture	**first reading**
présidence	**presidency**
président de commission	**committee chairman©**
Président de l'Assemblée nationale	**President of the National Assembly**
Président de la République	**President of the Republic**
président de séance	**president of the sitting**
prestation de serment	**swearing of the oath**
procédure accélérée	**accelerated procedure**
procédure d'examen simplifié	**simplified examination procedure**
procédure législative	**legislative procedure**
procès-verbal	**minutes/verbatim report**
proclamation	**declaration**
profession de foi	**profession of faith**
programme électoral	**electoral platform**
programme législatif	**legislative agenda**
projet de directive européenne	**draft European directive**
projet de règlement européen	**draft European regulation**
projet de loi	**bill**
promulgation	**promulgation, presidential signature**
proposition de loi	**members' bill**
proposition de résolution	**draft motion/resolution**
protocole	**protocol**
publicité des travaux	**public nature of proceedings**
Q	
questeurs	**questeurs**
questure	**questure**
question de confiance	**confidence motion**
question préalable	**preliminary question**
questions écrites	**written questions**
questions au Gouvernement	**government question time**
questions orales	**oral questions**
quorum	**quorum**
R	
rappel au Règlement	**point of order**
rapport	**report**
rapport d'information	**information report**
rapporteur pour avis	**consultative *rapporteur***
rapporteur général	**general *rapporteur***
rapporteur spécial	**special *rapporteur***

Français	English
ratification	**ratification**
recevabilité financière	**financial admissibility**
recevabilité législative	**legislative admissibility**
recueil des lois	**compendium of laws**
référendum	**referendum**
règlement (de l'Assemblée nationale)	**rules of procedure (of the National Assembly)**
rejet	**rejection**
remaniement ministériel	**ministerial reshuffle**
renvoi en commission	**referral to a committee**
répartition du temps de parole	**allocation of speaking time**
représentation proportionnelle	**proportional representation**
résolution	**resolution, motion**
responsabilité devant le Parlement (du gouvernement)	**accountability before the Parliament (of the government)**
ressources publiques	**public resources**
retrait de l'ordre du jour	**withdrawal from the agenda**
révision constitutionnelle	**constitutional revision**

S

saisine	**referal (to committee etc.)**
salle des séances	**(debating) chamber**
scrutateur	**teller**
scrutin public	**public ballot**
scrutin dans les salles voisines	**ballot in adjoining rooms**
scrutin secret	**secret ballot**
scrutin à la tribune	**ballot at the rostrum**
scrutin uninominal majoritaire à deux tours	**uninominal majority ballot in two rounds**
séance publique	**plenary sitting**
seconde délibération	**second consideration**
secrétaire administratif	**administrative secretary**
secrétaire du bureau	**secretary of the *bureau***
secrétaire général	**secretary general**
secrétaire des services	**departmental secretary**
Secrétariat général du gouvernement	**General Secretariat of the Government**
Sénat	**Senate**
sénateur	**Senator**
service de la séance	**table office**
session de droit	**session as of right**
session extraordinaire	**extraordinary session**
session ordinaire	**ordinary session**

Français	English
session unique	**single session**
sous-amendement	**sub-amendment**
statut du personnel parlementaire	**status of parliamentary staff**
suffrages exprimés	**votes cast**
suffrage universel	**universal suffrage**
suppléant	**substitute**
« sur pièces et sur place »	**access to all evidence**
suspension de séance	**suspension of the sitting**

T

tableau comparatif	**comparative table**
temps de parole	**allotted time for speaking**
texte en discussion	**text under discussion**
texte règlementaire	**regulatory text**
tour de parole	**turn to take the floor**
traité	**treaty**
travaux préparatoires	**preparatory work**
tribune	**speaker's rostrum**
tribunes	**galleries**
« trombinoscope »	**official directory of notes on, and portraits of, M.P.s**

U

unanimité	**unanimity**
Union interparlementaire	**Interparliamentary Union**
urne	**ballot box**

V

vacances de sièges, de postes	**vacancy of a seat or a position**
veto	**veto**
vice-président	**vice-president**
voix consultative (avec)	**on a consultative basis**
vote bloqué	**forced vote**
vote par division	**vote by division**
vote électronique	**electronic vote**
vote à main levée	**vote by show of hands**
vote par assis et levé	**sitting or standing vote**
vote personnel	**personal vote**
vote sans débat	**vote without debate**
vote sur l'ensemble	**vote on an entire bill**

① *The notion of "Bureau" does not really exist in the main Anglophone parliaments. Its translation by the word "board", sometimes used, is unsatisfactory, as the latter usually refers to management bodies in the private sector.*

② *In most Anglophone parliaments and international organisations, the "commissions permanentes" are called "standing committees" (rather than "commissions").*

③ *In almost all Anglophone parliaments, and in particular in the British Parliament and in the Canadian Parliament (the largest French-English bilingual parliament), the members of the lower House are the only ones to be referred to as M.P.s (Members of Parliament). Generally speaking, the French term "les parlementaires" is translated "parliamentarians" or « Members of the Houses of Parliament ».*

④ *In many Anglophone countries, "loi" is translated "law". This is the translation generally used in this volume. "Act of Parliament" is a synonym and is used in particular in the United Kingdom. « Statute » is a generic term referring to "la Loi".*

⑤ In Anglophone parliaments, the three words "speaker", "president" and "chairman" are used. They refer to different offices according to each specific parliament. We chose in this volume to translate the title "Président de l'Assemblée nationale" by "President of the National Assembly", as the term "Speaker" is too closely associated with the British parliamentary model and the term "Chairman" tends to reduce this office to the mere presidency of the plenary sitting. Nonetheless, we decided to use the term « Chairman » to translate the French titles "président de commission" and "président de groupe politique".