

# The House of Representatives

## Competences

### The powers of a parliament

The traditional powers of a parliament are:

- Granting (or not) confidence in a government
- Power of control (monitoring the federal government)
- Regulatory power
- The power to be kept informed on the management of the state

### Special powers of any kind

From a situation of equal powers to a situation of the breakdown of competences between the House and Senate

Initially the House of Representatives and the Senate had almost the same competences.

The constitutional revision of 1993 changed this situation. Since the elections of 21 May 1995, there has been a breakdown of powers between the House and the Senate. After the elections of 25 May 2014, these powers were amended to reflect the Sixth Reform of the State and the new composition of the Senate.

### What are the competences of the House of Representatives?

#### » Granting confidence

This is a power that is exclusive to the House of Representatives. When taking office, the government asks for the confidence of the House.

Consequently, the government political statement and the subsequent vote of confidence take place in the House.

#### » The control of the federal government

This is an exclusive power of the House of Representatives (article 101 of the Constitution).

#### Political control

The confidence given to the government at the time of its taking into office is conditional and may always be revoked by a motion of constructive disapproval, i.e. by appointment of a new Prime Minister or by rejecting a (constructive) motion of confidence.

#### Policy statements

Each member of the government makes a policy statement to the House on taking office. This document sets out the strategic options and the main thrust of policy implementing the government agreement. The relevant committees of the House debate these policy statements and may formulate recommendations.

#### Control of the ministers' policy

The right of interpellation, which is a means of political control of ministers, is reserved to the members of the Houses of Representatives. What characterises the interpellation is that it may be concluded by a vote on a motion of confidence in which confidence is given or not to the minister or government.

#### Financial and budgetary control

The House has exclusive competence for adopting or rejecting budgets and establishing the final accounts (article 74 of the Constitution). The Court of Audit, whose members are appointed by the House of Representatives, may be called upon to provide technical advice and assistance.

#### » Legislative power

With regard to this competence, 3 types of division of power (legislative procedures) have been developed:

#### The House and the Senate have equal powers (= compulsory bicameral procedure, Article 77 of the Constitution) for:

- revision of the Constitution
- the laws which must be passed by a special majority
- laws concerning the institutions and the funding of the German-speaking Community
- laws concerning the funding of political parties and the audit of electoral expenditure
- laws concerning the organisation of the Senate and the statute of Senator.<sup>1</sup>

**The House is competent but the Senate has a right of evocation, which means that the Senate may propose amendments but that the House has the final say (optional bicameral procedure, Article 78 of the Constitution) for:**

- laws enacted pursuant to laws subject to a special majority
- laws concerning the organisation of the State which are not covered by Article 77 of the Constitution
- laws relating to the Council of State and federal administrative jurisdictions
- laws adopted pursuant to Article 169 of the Constitution in order to guarantee compliance with international or supranational obligations.<sup>2</sup>

**The House has exclusive competence for :**

all other legislation and specifically for matters other than those covered by Articles 77 and 78 of the Constitution (monocameral procedure, Article 74 of the Constitution).<sup>3</sup>

## » The power to be kept informed on the management of the State

**The right to ask questions**

The deputies may put written or oral questions to the ministers. Since the sixth State Reform (2014), senators can only submit written questions to the government.

**Enquiry committees**

The House has the right of inquiry, and may therefore set up commissions of inquiry (Article 56, paragraph 1, of the Constitution). The Senate does not have the right of inquiry but may, particularly at the request of the House, draw up information reports on issues which also have consequences for the powers of the Communities and Regions (Article 56, paragraph 2, of the Constitution).

## » Special powers

**The House has exclusive authority for:**

- Authorization for any requisitioning aiming at the settlement of the procedure, any direct summons to appear before the Court of Appeal and, except in the case of flagrante delicto, any arrest of ministers (article 103 of the Constitution)
- Granting Belgian nationality (naturalisation) (article 74 of the Constitution)
- Appointing parliamentary ombudsmen and examining their activity reports
- Establishing the army quotas (article 74 of the Constitution)
- Monitoring the operation of the Standing Committee for Oversight of the Police Services and the Standing Committee for Oversight of the Intelligence Services (Act of 18 July 1991)

- Monitoring electoral expenditure for elections to the House of Representatives (Act of 4 July 1989)
- Monitoring of military procurement
- Scrutiny of motions aimed at preventing any discrimination on ideological or philosophical grounds (Article 131 of the Constitution, Act of 3 July 1971)
- Adoption of resolutions aimed at maintaining Brussels' international role and function as a capital (Articles 45 and 46 of the Special Act of 12 January 1989).

**The House and the Senate each have competence for:**

- Controlling the powers of their respective members (article 48 of the Constitution)
- Authorization for the remanding or summoning their respective members to appear before a court or tribunal or for their arresting (article 59 of the Constitution)
- Developing and modifying their Standing Orders (article 60 of the Constitution)
- Setting their financial allowances (article 174 of the Constitution)
- Examining petitions submitted to each House, but only the House has the right to refer petitions back to ministers (Article 57 of the Constitution).

**The House and Senate alternately have, among other things, authority for presenting:**

- Candidate judges for the Constitutional court
- Candidate members for the Council of State.

<sup>2</sup> See Info Sheet n° 11.06

<sup>3</sup> See Info Sheet n° 11.04