



The Rules of Procedure  
of the  
Belgian House of Representatives

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## TITLE I

## THE ORGANISATION AND WORKINGS OF THE HOUSE

## CHAPTER I

## THE PROVISIONAL BUREAU AND VERIFICATION OF CREDENTIALS

## Rule 1

At commencement of the parliamentary term <sup>(1)</sup>, the presidency will be taken by the outgoing President who is a Member of the House or, if there is none, by the Member of the House with the greatest length of service, until the new President of the House is appointed in accordance with Rule 3.

The four youngest Members fulfil the duties of Secretary.

These provisions apply during the parliamentary term, at the commencement of each session.

Rule 2 <sup>(2)</sup>

1. The House makes judgement on the eligibility of its Members and on the lawfulness of their election.

To this end, the electoral reports, with supporting documents, are distributed among six committees consisting of seven Members each, constituted by lot in order to verify credentials.

Each committee appoints a rapporteur responsible for presenting the work of his committee to the House.

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<sup>1</sup> Constitution: Art. 44, para. 1 & 2 – The Houses meet by right each year on the second Tuesday of October, unless they have been convened prior to this by the King. Parliament must meet for at least forty days each year.

<sup>2</sup> Constitution: Art. 48. – Each House verifies the credentials of its Members and judges any dispute that can be raised on this matter.

All the elected Members take part in this verification process.

2. In case of an interim election or the admission of a substitute Member, the verification will be conducted by a committee of seven Members drawn by lot.

Those Members whose credentials are under verification do not take part in that verification, or in the voting.

Should the occasion arise, the verification of credentials and swearing of the oath will precede the nomination of the Bureau.

3. The House pronounces on the conclusions of the committees and the President proclaims as Members those whose credentials were declared valid.
4. Before taking up their seats, the Members are obliged to swear the oath in a plenary and public <sup>(3)</sup> sitting <sup>(4)</sup>. In the case mentioned in Rule 10, para. 1b), the language in which the oath is taken or in which it is first taken determines whether the person concerned belongs to the Dutch or French language group <sup>(5)</sup>.

<sup>3</sup> The forms of the oath are as follows: «Je jure d'observer la Constitution» «Ik zweer de Grondwet na te leven» «Ich schwöre Die Staatsverfassung zu beobachten» («I swear to abide by the Constitution»).

<sup>4</sup> 1° If a Member of Parliament, having sworn the oath, is appointed to a ministerial post and has taken the oath as Minister, he is temporarily replaced in the House by the (first) substitute on the list in accordance with the order of substitutes, who will then take the oath in the House.

If a member of the Government resigns his post, he automatically resumes his seat in Parliament (...). His temporary substitute resumes his place in the ranking of substitutes.

2° If that substitute is then called to sit temporarily, he must take the oath again.

The same applies if a temporary substitute who is occupying or has occupied a seat is called to become a Member of Parliament definitively.

3° In principle, those Members of Parliament called upon to take up a seat temporarily to substitute for a member of the Government keep their ranking in the order of substitutes on the list, and when a seat falls vacant, it is in that order that they will take up the seat definitively (Bureau of the House, 28 September 1996).

<sup>5</sup> Members elected in the constituency of Verviers who reside in the German-speaking region and who have taken the constitutional oath only or initially in German, automatically attend sittings of the Council of the German-speaking Community with a consultative vote if they are not members of that Council (Art. 8, §4 of the law of 31 December 1983 on institutional reforms for the German-speaking Community).

## CHAPTER II

**THE DEFINITIVE BUREAU <sup>(6)</sup>**

## Rule 3

1. The Bureau of the House comprises:

- a President, a maximum of five Vice-Presidents and a maximum of four Secretaries;
- the former Presidents of the House;
- the associate members mentioned in point 3;
- and the chairmen of the political groups mentioned in point 4.

Immediately after verification of the credentials and during the first sitting of each parliamentary term or during the subsequent fortnight, the House elects the President, Vice-Presidents and Secretaries, in accordance with the provisions of Rule 157.

2. Separate votes are taken subsequently for the appointment of:

- a) the President, who takes his place on the Bureau as soon as he is elected;
- b) the first Vice-President;
- c) the second Vice-President.

Thereafter, the following are elected from a list of names:

- a) the other Vice-Presidents;
- b) the Secretaries.

3. Each political group recognised under Rule 11 that has at least twelve members and which has neither a President nor a Vice-President nor a Secretary in the Bureau may designate an associate member. These associate members are put on a par with the Secretaries, except with regard to the specific tasks defined in Rule 7.

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<sup>6</sup> Constitution: Art. 52 – Each session, each House appoints its President, its Vice-Presidents and forms its Bureau.

4. The Bureau is supplemented by the chairmen of the political groups recognised under Rule 11. The chairman of a group that has at least twelve members is put on a par with the Vice-Presidents of the House, except with regard to the specific tasks defined in Rules 6, 8 and 19. The chairman of a group that has between five and eleven members is put on a par with the Secretaries of the House, except with regard to the specific tasks defined in Rules 7, 8 and 19.

#### Rule 4

Once the House has been declared lawfully constituted, it informs the King, the Senate and the Community and regional Parliaments thereof.

#### Rule 5

The duties of the President are to maintain order in the assembly, to ensure observance of the Rules, to adjudicate the admissibility of texts, motions and other proposals, to state the questions and put them to the vote, to announce the results of votes and the decisions of the House, to speak in the name of the House and in accordance with its wishes.

The President may not take the floor in a debate, except to explain the situation of the question and bring the deliberations back to the matter at hand; if he does wish to take part in the deliberations, then he leaves the Chair and only returns to it after the end of the deliberations on that point.

The President informs the House of any messages, letters and other communications that concern it, with the exception of anonymous correspondence.

#### Rule 6

The Vice-Presidents have the same authority as the President in the conduct of debates when they take over the presidency of the House.

The Vice-President who assumes the presidency may take the floor in the debates, though on each such occasion he must take his place among the other members. He may only take the Chair again after deliberations on that particular point have come to an end.

### Rule 7

The Secretaries call over the names of the Members and register the votes.

They may take the floor in debates, though on each such occasion they must take their place among the other Members.

### Rule 8

All the members of the Bureau are nominated for one session, unless places fall vacant therein.

In the absence of the President and the Vice-Presidents, the oldest member shall act as President of the House or its deputations. In the absence of the Secretaries, the youngest members shall replace them.

### Rule 9

The Bureau has general authority regarding the management of the House. In that context it more specifically lays down the statutes of the Members, the staff and the organs of the House; it appoints and dismisses the members of staff.

The President of the College of Quaestors attends meetings of the Bureau when it deliberates on matters submitted to it by the College.

The Bureau deliberates and passes resolutions in accordance with the rules applicable to the deliberations of the House. However, only those members mentioned in points 2 and 3 of Rule 3 and the chairmen of political groups with at least twelve members mentioned in point 4 of the same Rule have the right to vote.

Except in urgent cases, the Bureau meets during the last week of each month, with the exception of the parliamentary holidays.

## CHAPTER III

**LANGUAGE GROUPS**

## Rule 10

For those cases specified in the Constitution, the Members of the House are divided into a French-language group and a Dutch-language group in accordance with the following provisions <sup>(7)</sup>:

- a) Members elected by the electoral colleges from the French language region and Members elected by the electoral college of the Verviers district are part of the French language group;

Members elected by the electoral colleges from the Dutch language region are part of the Dutch language group;

- b) Members elected by the electoral college of the Brussels district are either part of the French language group or the Dutch language group, depending on whether they take the oath in French or in Dutch. If the oath is taken in several languages, then whichever of them is used first is decisive.

Each language group may draw up its own rules of procedure.

## CHAPTER IV

**POLITICAL GROUPS**

## Rule 11

1. The Members of Parliament may constitute political groups.

The political groups shall hand a list of their members to the President of the House and indicate the name of their chairman.

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<sup>7</sup> See Art. 43, §1 of the Constitution and Articles 1 and 2 of the law of 3 July 1971 concerning the division of Members of Parliament into language groups and containing various provisions relating to cultural councils for the French cultural community and the Dutch cultural community.

An MP shall not belong to more than one political group.

Any modifications made to the composition of a political group shall be notified to the President of the House in a letter signed by the group's chairman.

2. In order to be recognised, a political group must comprise at least five members.
3. Thursday mornings are reserved for meetings of the political groups, it being understood that exceptions will be permitted by the Conference of Presidents and that the House may decide otherwise, in accordance with Rule 40, para. 3.

## CHAPTER V

### **REPLACEMENT OF MEMBERS WHO GIVE UP THEIR SEAT FOLLOWING THEIR APPOINTMENT AS MINISTER OR SECRETARY OF STATE**

#### Rule 12

Any Member who gives up his seat following his appointment as Minister or Secretary of State shall be replaced by the first successor in ranking order from the list on which he was elected.

As soon as the King has terminated the duties of Minister or Secretary of State of the Member mentioned in the first paragraph, the latter shall take up his seat again and his successor shall step down.

The successor who replaces or has replaced a Member under the provisions of the first paragraph, shall keep his place in the ranking order that he had as successor in a case where a seat were to fall vacant.

## CHAPTER VI

**PARLIAMENTARY CONSULTATION COMMITTEE**

## Rule 13

At the beginning of a parliamentary term, immediately after the appointment of its definitive Bureau, the House shall designate from among its Members eleven full members for the Parliamentary Consultation Committee in accordance with Article 82 of the Constitution, among whom the President of the House. The House shall nominate the same number of substitutes, under the same conditions <sup>(8)</sup>.

The Committee shall be installed immediately after the House and the Senate have designated their respective representatives.

The Committee shall deliberate and pass resolutions in accordance with the rules specified in the law of 6 April 1995 regarding the establishment of the Parliamentary Consultation Committee mentioned in Article 82 of the Constitution and amending the coordinated laws on the Council of State, as well as in accordance with its Rules of Procedure.

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<sup>8</sup> - Constitution: Art. 82 – A Parliamentary Consultation Committee, composed equally of Members of the House of Representatives and the Senate, settles conflicts of competence that arise between the two Houses and may, by mutual agreement, extend the enamination deadlines set in Articles 78 to 81 at any time.

If no majority exists in the two groups comparing the Committee, the latter shall make its decision by a majority of two-thirds of its members.

A law determines the composition and functioning of the Committee, as well as the way of calculating the time limits set in Articles 78 to 81.

- See also Articles 1 and 3 of the law of 6 April 1995 organising the Parliamentary Consultation Committee provided under Article 82 of the Constitution.



## CHAPTER VII

**THE CONFERENCE OF PRESIDENTS AND THE ORDER OF BUSINESS**

## Rule 14

The Conference of Presidents consists of:

- the President and Vice-Presidents of the House;
- the former Presidents of the House;
- the chairman and a member of each political group <sup>(9)</sup>.

The Conference meets on Wednesday or Thursday afternoons, convened by the President.

The chairmen of standing, temporary and special committees may be heard.

The Prime Minister shall be notified of the day and time of the Conference by the President. He may attend or delegate one of his colleagues to attend.

## Rule 15

Unless specified to the contrary in these Rules of Procedure, the Conference of Presidents gives its opinion by way of advice <sup>(10)</sup>.

## Rule 16

Without prejudice to the specific authorities granted to it by other rules, the Conference of Presidents has general authority with regard to the scheduling of the session, the Order of Business of the plenary assembly, the coordination of the work of the plenary assembly with the other organs of the House and the work of those organs reciprocally, the delegations of the House and the addresses issuing from the House.

<sup>9</sup> «The committee states that the member from each political group who assists the chairman of his group at the Conference of Presidents does not necessarily have to be designated permanently and may be replaced, depending on the circumstances.» (Doc. House, no 263/1 of 11 January 1962).

<sup>10</sup> «No votes are taken in the Conference of Presidents, in order to maintain its character of the performance of good offices» (Doc. House, no. 263/1 of 11 January 1962). However, see Rules 18 and 41.

## Rule 17

1. The President submits to the House for its ratification the Order of Business of the plenary assembly, drawn up after receiving the advice of the Conference of Presidents.
2. The Order of Business thus submitted for ratification by the House may only be modified by a vote taken at the initiative of the President of the House, or of the Government, or of a Member of the House, whose proposal must then have the support of eight Members.

The only persons who may take the floor for this are the proponent of a modification proposal and one speaker per political group. Each of these speakers may speak for no more than ten minutes.

If one-fifth of the Members of the House request it, four other speakers may take the floor for a maximum of ten minutes, two for and two against.

3. The Order of Business may only be modified thereafter by a vote taken at the initiative of the President of the House, or of the Government, or by a vote taken on a motion formulated in writing and supported by one-third of the Members of the House.

In this case, the limitations on the number of speakers and the length of time they may speak are applicable in accordance with para. 2 of point 2.

## Rule 18

The Conference of Presidents may determine how much time may be spent in plenary sitting on a particular discussion and until what time the votes may be taken. To this end, it fixes the overall time for speaking to be attributed to each political group and to those Members who are not part of any group, unless it appears from a weighted vote in the Conference of Presidents that one-quarter of the Members of the House are opposed to the proposals made on this matter.

## CHAPTER VIII

### COMMITTEES

#### SECTION I

#### **Standing, temporary and special committees**

##### Rule 19

1. After each renewal of the House, it shall appoint standing committees from among its Members. The powers and titles of the standing committees shall be established by the President of the House on the advice of the Conference of Presidents.
2. Standing committees are composed of 17 members, designated in accordance with the provisions of Rules 157 and 158.
3. The Vice-Presidents and Secretaries of the House, together with the associate members mentioned in Rule 3, point 3, are legally entitled to preside over one of the standing committees of which they are members.

If a Vice-President, a Secretary or an associate member gives up that chairmanship, the group of which he is a member may propose to the Conference of Presidents another of its members who is a member of that standing committee for the chairmanship thereof.

The chairmen of the other standing committees are designated from among the members of those committees by the President of the House, at the proposal of the Conference of Presidents.

Furthermore, each committee appoints a first and second vice-chairman.

## Rule 20

Temporary committees may be constituted, either by the House in accordance with the provisions of Rule 157, or at the request of the President of the House, to examine certain Government bills or Private Members' bills. In each of these cases, Rule 158 shall apply to them.

The temporary committees are presided over by a chairman elected from among their members or by the President of the House if he so decides or if the House so requests, and who in that case is not entitled to vote. Furthermore, each temporary committee appoints a first and second vice-chairman.

Unless otherwise decided by the House, the task of the temporary committees comes to an end when the report is tabled on the bills or proposals which were referred to them.

## Rule 21

After each renewal of the House, it shall appoint from among its members the special committees mentioned in Rules 2, 121, 142, 149, 150, 160, 172 and 180.

The House may at any time constitute other special committees for the purpose of undertaking tasks other than examining Government and Private Members' bills or hearing questions and interpellations.

The special committee for impeaching ministers is appointed by the House only if the President of the House has been presented with a request for the impeachment of a minister.

Unless specified otherwise, the special committees are presided over by a chairman elected from among their members or by the President of the House if he so decides or if the House so requests, and who in that case is not entitled to vote. Furthermore, each special committee appoints a first and second vice-chairman.

## SECTION II

**Rules common to the standing, temporary and special committees**

## Rule 22

Substitutes are appointed for each list of full members, the number of which is equal to that of the full members plus one.

If a full member is absent, he shall be replaced by one of the substitutes belonging to the same political group. The chairman of the committee shall be informed of that replacement.

Furthermore, the full and substitute members of committees may be replaced by another member of the same group. In this case, the chairman of the group concerned shall inform the President of the House or the Clerk of the House thereof before the opening of the committee meeting. The chairman of the committee shall also be informed thereof. That replacement shall be mentioned in the *Verbatim Report* of the next meeting.

## Rule 23

The committees are convened by their chairmen or, in their absence, by the President of the House.

Without prejudice to Rule 11, point 3, committee meetings are held on Tuesdays and Wednesdays, unless decided otherwise by the committees themselves or by the Conference of Presidents.

Committee meetings may not be held at the same time as the plenary sitting on Thursday afternoon, unless the House decides that there are urgent reasons for doing so.

## Rule 24

The Order of Business for committee meetings shall be determined by the committees themselves or, if this proves impossible, by their chairmen or the President of the House.

Priority is given to budgets and Government bills.

Private Members' bills and proposals are included in the deliberations on Government bills if the subject thereof is the same.

Other Private Members' bills and proposals are only included in the Order of Business if their proponents so request.

As distinct from para. 2, the committee shall hold one meeting per month devoted as a matter of priority to dealing with Private Members' bills and proposals.

The provisions of paras. 2 to 5 do not apply to special committees.

Without prejudice to para. 5, each standing committee shall include in its Order of Business once every quarter a meeting devoted to examining the following:

- 1° those parts of the annual reports and interim reports, together with the recommendations of the College of Federal Ombudsmen, submitted to it by the Committee for Petitions in accordance with Rule 144, para. 1b);
- 2° petitions on which the Committee for Petitions has formulated a favourable opinion and of which the report has been sent to the standing committee.

## Rule 25

1. The chairman of the committee shall examine the list of those present at the time fixed for the committee meeting: he has the option of opening the meeting immediately, or delaying it, or adjourning it.

2. In any committee the majority of its members must be continually present in order to discuss Government or Private Members' bills and proposals.

During the course of the discussions, any member may at any time ask for the meeting to be suspended if a quorum has not been reached, in the absence of which the meeting may continue even if a quorum has not been reached.

3. The chairman of the committee draws up the list of members present at and absent from each meeting, mentioning the reasons for any absences, which might have been brought to his attention in writing. That list is published in the *Verbatim Report* <sup>(11)</sup>.

#### Rule 26

1. In any committee the majority of its members must be present in order to take votes validly.
2. Only the full or substitute members mentioned in Rule 22, paras. 2 and 3 have the right to vote in a committee.
3. If two or more committees hold a meeting together, the majority both for the quorum and for the votes shall be calculated from all the members of the committees and not per committee. Each member shall have only one vote. If a member sits on two or more committees, he does so as a full member in whichever committee he designates and is replaced by a substitute in the other committee(s).
4. Without prejudice to the provisions of Rule 157, point 1, votes taken in committee are always by a show of hands. There is no voting by calling over names, nor are there explanations of voting.
5. Committees always make decisions by an absolute majority of votes, even in cases where the Constitution or the Law prescribes a different majority for the adoption of laws.

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<sup>11</sup> Members of the House who are not members of the committee are also included in the list.

6. At the next meeting, convened expressly for this purpose, the votes shall be valid, whatever the number of members present.

The provision of the preceding paragraph may never be applied in the case of a proposal mentioned in Rule 30.

#### Rule 27

As the case may be, the President of the House shall inform the chairmen of committees of the deadline by which the reports on the matters which have been referred to them must be tabled.

If that deadline is not respected and the fault is due to the rapporteur, the President of the House shall request the committee to appoint another rapporteur.

#### Rule 28

1. For the preparation of the legislative work that comes under its specific authority, a committee may take advice from persons or institutions outside parliament, ask for documentary information from them, accept their collaboration or ask for it.

Such interventions may only be of a consultative nature.

It is only authorised if the committee has so decided by an absolute majority of its members.

The President of the House shall be informed of that decision.

2. At the proposal of the President of the House, after he has obtained the advice of the Conference of Presidents, the House may decide that a committee shall hear all arguments, both for and against, from the representatives of extra-parliamentary groups or institutions whose opinions would be such as to clarify its deliberations when preparing the legislative work coming under its specific authority. Those opinions may only be of a consultative nature.



The House shall decide on the President's proposal at such time as he shall determine. The time allotted for speaking is the same as that fixed for prejudicial questions (Rule 48, point 1, no. 6).

3. In the cases mentioned in points 1 and 2, the committee beforehand shall determine beforehand the modalities by which the report of the hearings will be made.
4. If a committee is of the opinion that advice should be sought from another committee, it shall inform the President of the House thereof, who will decide thereon.

#### Rule 29

Unless the committee decides to the contrary, members of a political group may avail themselves of help by one assistant from their group when working in committee.

The name and quality of that assistant must be communicated to the chairman of the committee before each meeting.

That assistant may not take part in the discussions.

That assistant must leave the meeting as soon as the committee takes a decision to the contrary as described in Rule 31, point 2, paras. 2 and 3, and may not have access thereto for so long as that decision applies.

That assistant shall not have access to the committees mentioned in Rules 2, 121, 142, 149, 160 and 172, nor to such temporary or special committees as the President of the House shall designate.

The Bureau of the House shall determine what the term 'assistant from a political group' shall be taken to mean.

## Rule 30

The committee may require the presence of the Government member who is authorised for the matter under discussion.

The Government member is given the floor whenever he so requests.

## SECTION III

**Rules common to the standing and temporary committees**

## Rule 31

1. Committee meetings are open to the public.

Any MP may take part in discussions during public committee meetings.

The public is admitted to the galleries during public committee meetings. Rules 174 to 176 shall apply.

2. The Conference of Presidents or – with two-thirds of the votes – the committee responsible for examining a bill or a proposal may decide beforehand to hold its meetings thereon in camera.

At the decision of its chairman, a committee may meet in camera to arrange its Order of Business or administrative matters.

Meetings may also be held in camera to discuss one of the points of the main issue at the request of the Government or of the committee itself with two-thirds of the votes. Before continuing with discussions on the main issue in a public meeting, the committee shall decide whether to publish the discussion in camera and in what form. The debate on this decision may not exceed five minutes.

Unless decided otherwise by the House, by the Conference of Presidents or – with two-thirds of the votes – by the committee, MPs may attend meetings of standing and temporary committees in camera and be heard thereat.

The principal proponent of a Private Member's bill has the right to take part in the discussions on his bill and the principal proponent of an amendment has the right to be heard when his amendment is under discussion.

The rapporteur of a committee that must pronounce on the grounds of a matter has the right to be heard by the committee that has to give advice; the rapporteur of a committee that has to give advice has the same right vis-à-vis the committee that must pronounce on the grounds of a matter.

### Rule 32

Committees may hold meetings for the purpose of informing the members. In that case, they shall determine beforehand the modalities for producing the report.

### Rule 33

Committees may propose the creation of sub-committees and working groups. However, sub-committees may only be created with the agreement of the Conference of Presidents, which shall determine their composition and authority at the proposal of the committee. Sub-committees and working groups shall report to the committee that took the initiative of creating them.

### Rule 34

Any Member of the European Parliament elected in Belgium may participate in the work of the committees instituted in application of Rules 19 and 20.

Participation in the work of a standing committee other than that for Foreign Affairs requires the prior authorisation of the chairman of the committee concerned. To this end, the request for participation must reach the chairman of the committee no later than the day preceding the meeting and it must mention the principal question in the discussion in which the aforesaid

Member wishes to speak. The President of the House shall immediately be informed of that request.

If the chairman of the committee grants his permission, the committee may nevertheless take a decision to the contrary. The Foreign Relations committee also has the right not to admit the Member.

The debate concerning the committee's decision takes place in camera and in the absence of the Member of the European Parliament. The number of speakers shall be limited to four and the speaking time is two minutes per speaker.

The aforementioned Member of the European Parliament has a consultative vote. He may only speak during discussion of the principal questions mentioned in Rules 32 and 77.

Rule 28, points 1 and 2, apply to any Member of the European Parliament.

## SECTION IV

### **Rules specific to standing committees**

#### Rule 35

At the beginning of each session, the standing committees shall, in consultation with the authorised ministers, draw up a weekly schedule mentioning in particular which meetings are in principle reserved for legislative work and which ones are reserved for questions and interpellations.

This schedule shall be communicated to the Conference of Presidents.

## Rule 36

Without prejudice to the provisions of Rule 24, para. 5, each standing committee shall include in its Order of Business an exchange of views once a month, devoted to those European questions with which it is concerned and which are on the Order of Business of the Council of Ministers of the EC or which have been the subject of a decision by that Council, as well as to those resolutions with which it is concerned and which have been officially sent to the House by the European Parliament. <sup>(14)</sup>

## Rule 37

Each standing committee shall appoint a *Europromoter*, who is responsible for ensuring the implementation within the committee of the advice, proposals for resolution, recommendations and other final texts of the Advisory Committee for European Questions, as well as proposals for normative proceedings and other documents from the European Commission sent to him by the secretariat of the Advisory Committee.

Rule 37bis <sup>(15)</sup>

1. The House's services shall examine European Commission's legislative proposals and other texts of the European institutions; they shall draft on their own initiative, at the request of the chairman or of a third of the Members of a standing committee or at the request of the Speaker of the House, a note dealing inter alia with compliance with the principles of subsidiarity and proportionality.

2. These notes shall be sent to the Members of the relevant standing committee and to the Members of the Advisory Committee for European Questions.

3. Each Member shall be able to ask for these notes to be put on his or her committee's agenda for discussion.

4. At the request of at least one third of its Members, the relevant standing committee shall instruct the Europromotor to formulate, within the

<sup>14</sup> See Art. 92*quater* of the special law of 8 August 1980 on institutional reforms.

<sup>15</sup> This footnote is irrelevant in the English version.

timeframe that it lays down, a draft opinion dealing inter alia with compliance with the principles of subsidiarity and proportionality.

5. The committee shall adopt an opinion, which shall be printed and distributed as a parliamentary paper. Unless a third of the Members of the Committee asks that the opinion be put on the agenda of the plenary sitting, this opinion shall be sent forthwith to the relevant European institutions and to the federal government. If inclusion on the plenary sitting's agenda has not been requested, the opinion of the Committee shall be deemed to be that of the House.

#### Rule 38

Each standing committee shall appoint an *Ombudspromoter*, who is responsible for ensuring the implementation within the committee of the reports and petitions mentioned in Rule 24, para. 7, sent to it by the Committee for Petitions.

### SECTION V

#### **Rules specific to special committees**

#### Rule 39

Meetings of special committees are public, except for those of the special committees mentioned in Rules 2, 21, para.3, 151 and 160. However, a special committee may decide to meet in camera at any time.

MPs may attend meetings held by a special committee of which they are not part, even though the committee is meeting in camera, except:

- If they are the special committees mentioned in Rules 2, 21, para. 3, 151 and 160, or
- If it is the special committee mentioned in Rule 121, when that committee is examining individual naturalisation cases;
- If it is a committee of inquiry that has decided otherwise, in application of Art. 3, para. 2 of the law of 3 May 1880 on parliamentary inquiries;

- If it is the special committee mentioned in Rule 149, which has decided otherwise, or
- If the House has decided otherwise.

The right of MPs to attend meetings held by a special committee of which they are not part also implies the right to take part in the discussions, except:

- If they are committees of inquiry created in application of the law of 3 May 1880 on parliamentary inquiries;
- If it is the *ad hoc* Court of Audit committee created in virtue of Art. 13*bis* of the law of 29 October 1846 relating to the organisation of the Court of Audit, and
- If it is the special committee mentioned in Rule 149, which has decided otherwise.

CHAPTER IX

**PLENARY SITTINGS**

SECTION I

**Days and times of sittings**

Rule 40

The President opens and closes the sittings.

At the end of each sitting he announces the day of the next sitting and the Order of Business.

The House meets preferably on Tuesday, Wednesday and Thursday afternoon in plenary sitting, unless the House decides otherwise because of urgent business.

Morning sittings begin at 10:00 hrs and the afternoon sittings at 14:00 hrs unless the House decides otherwise. The House may decide to hold evening sittings.

The House sits from the third Tuesday of September until the 20th of July at the latest. Outside that period, the House sits only in cases of emergency, after advice from the Conference of Presidents, in accordance with Rule 17.

SECTION II

**Matters included directly in the Order of Business of the Plenary Assembly**

Rule 41

Matters included directly in the Order of Business of the Plenary Assembly:



- 1° Government declarations and communications (<sup>16</sup>);
- 2° The general policy declaration of the Government on the main lines of its policy, as described in Rule 106;
- 3° A debate on budget control, independently of the examination of the adjustment to the Ways and Means Budget and/or the General Expenditure Budget;
- 4° Debates on current affairs and topical questions as designated by the Conference of Presidents;
- 5° Interpellations of general or particular political interest, designated in application of Rule 130, point 5.

The decision concerning point 5 is taken by the Conference of Presidents, if the proposal comes from members of the Conference who represent at least one-fifth of the Members of the House (<sup>17</sup>).

## SECTION III

### **Quorum**

#### Rule 42

1. At the time appointed for the sitting, the President examines the list of those present, drawn up by the Clerk's department; he has the option of opening the sitting immediately or of having the names called over.
2. Names will not be called over again, but the President will invite those members who were present before closure of the call, and who did not answer, to register.

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<sup>16</sup> On this matter, see Rule 133, first paragraph, of the Rules of Procedure.

<sup>17</sup> According to the committee's report, an express decision by the Conference of Presidents is not required.

It suffices that the aforementioned proposal «comes from the members of the Conference of Presidents representing at least one-fifth of the Members of the House» (Doc. House, no. 1114/1 92-93, p. 16).

3. If it is noted that the House does not have the requisite number of members present, the President may postpone the sitting for a maximum of sixty minutes. If he does not avail himself of this option or if the requisite number of members is still not present, he shall set the next sitting for one of the four following working days <sup>(18)</sup>, unless the House has already set a sitting for an earlier time beforehand <sup>(19)</sup>. The call that remained without result is repeated at the beginning of the sitting.

The same applies if, during the course of the sitting, it appears after calling over the House or using a similar voting method that the requisite number of members is no longer present.

4. The application of the preceding provisions may under no circumstances result in the adjournment of an interpellation or of a question listed in the Order of Business for a plenary sitting in virtue of the regulatory prescriptions or in accordance with a decision by the House. The President shall take any useful decisions to this end, notwithstanding point 3.
5. The list of members present will be included in the minutes of the sitting. If the requisite number of members is not present, a list of those who were present and those who were absent shall be inserted in the *Verbatim Report*; thereafter there will be an indication of those members who declared their absence through illness <sup>(20)</sup>.

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<sup>18</sup> For the application of the present Rules of Procedure, a «working day» is taken to mean any day that is not a Saturday, Sunday or public holiday.

<sup>19</sup> «By inserting at point 3 the words «unless the House has already set a date for a sitting that is closer», the text makes it possible to repeat in the afternoon a vote that produced no result during the morning sitting and, in the morning of the day after, a deficient vote from a sitting the day before.» (Doc. House, no. 263/1 of 11 January 1962).

<sup>20</sup> By decision of the House taken on 12 December 1974, the list of Members absent at the time of voting shall be published, with reasons for absence if any, at the head of the *Summary Report*.

## SECTION IV

**Minutes**

## Rule 43

1. The minutes of the last sitting, after being approved by the President, are placed on the table half an hour before the next sitting.
2. Every Member has the right to make criticisms thereon.

If such a criticism is made, then the President shall give the necessary clarifications.

If, notwithstanding that explanation, the criticism is maintained, the President shall ask the House for advice.

3. No-one may take the floor on this matter except the critic and the President. Those who are entitled to speak may do so for not more than five minutes. The opinion of the House is given by sitting and standing.
4. If the criticism is accepted, then the Bureau is charged with presenting the appropriate amendments in accordance with the decision of the House, during the current sitting or no later than the following sitting.
5. If the sitting proceeds without remarks on the minutes, then they are approved.
6. Minutes of both public sittings and those held in camera, shall be signed by the President and kept in the archives of the House.
7. The House may decide that no minutes of any kind shall be kept of its sittings in camera.
8. For the public sittings of the House, a specimen of the *Verbatim Report* signed by the President and the Clerk shall serve as minutes; this has probative force with regard to the decisions taken by the House and with regard to the votes.

## SECTION V

**Taking the floor**

## Rule 44

1. No MP may speak unless he has been registered or has asked the President for permission to take the floor and been given it.

Registered speakers who are absent without justification when they are called to speak, shall be removed from the list and may not be re-registered.

Where a general discussion takes several sittings, the list of speakers shall automatically be closed at the end of the first sitting.

2. The President grants permission to speak and makes sure that speakers are heard alternatively for and against the proposals under discussion, so far as this is possible.
3. Priority is given to speakers who speak on behalf of their political group when the Rules of Procedure or the Conference of Presidents provides for interventions by mandated speakers.

The chairmen of political groups shall provide the President with a list of mandated speakers, in writing and before the opening of the debate in which the latter must intervene. If a political group has not handed in that list, only the first speaker of that group shall be considered as mandated.

This provision does not apply in committee.

4. The speaker may only address the President or the House. MPs must stand and speak from their place or from the rostrum.
5. If speaking time is limited because of a provision in the present Rules of Procedure or a decision of the House, and the speaker has exceeded the time limit, the President, after giving a warning, may decide that any words spoken after the time limit shall not be included either in the *Summary Report* or in the *Verbatim Report*, without

prejudice to the application of disciplinary penalties as described in Section XV.

6. The rapporteurs, like ministers, take their place during debates in plenary sittings on Government or Private Members' bills on the bench specially reserved for them.

The rapporteurs have the right to speak first, for the purpose of commenting on the committee's report. On this occasion they may not read out the report nor express personal opinions contrary to the conclusions of the committee. They are heard during the course of debate when they so request. The President may ask them to conclude when he considers that the House has been informed sufficiently.

7. The President may authorise a Member to interrupt a speaker only on a Point of Order or for a short intervention on the grounds of the matter at hand. If the interrupting Member deviates therefrom, he must stand down and may not interrupt again during the same sitting, without prejudice to the application of Rule 46, point 2, last paragraph.

Such interruptions may not be authorised during interpellations or the questions mentioned in Rules 124, 126 and 129.

#### Rule 45

Accusations of malicious intent, personal attacks, altercations between one deputy and another and disorderly conduct are forbidden.

#### Rule 46

1. If a speaker departs from the question at hand only the President shall call him to order.
2. If a speaker continues to deviate from the matter at hand after being called to order twice, the President will order him to stand down for the rest of the sitting. The same applies if a speaker, after two warnings, persists in repeating his own arguments or those produced by another Member in the debate.

If a speaker refuses to stand down after the President has told him to do so, then, without prejudice to the application of the provisions concerning order and discipline, the President may decide that his words shall not be included in the *Verbatim Report*.

#### Rule 47

No-one may take the floor more than twice on the same question, unless the House decides otherwise.

### SECTION VI

#### **Time allotted for speaking**

#### Rule 48

1. The time allotted for speaking is determined as follows in debates on the following questions:

1° *Government bills or Private Members' bills or proposals:*

- a) Taking into consideration of Private Members' bills or proposals:
  - The proponent(s) of the bill or proposal <sup>(21)</sup>: 5 minutes;
  - One speaker per political group; 5 minutes;
- b) General discussion: 30 minutes;
- c) Discussion of the articles: 15 minutes;  
Proponent of an amendment: 5 minutes;

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<sup>21</sup> Only those Members whose names appear under the title of the Private Member's bill are mentioned and, among them, only one per political group.  
The House of Representatives may require the presence of the Ministers (...).

## 2° Budgets:

### *Limited general discussion in application of Rule 116, para. 3;*

- One mandated speaker per political group; 30 minutes;
- Other speakers: 10 minutes;

### *Discussion of the articles, in application of Rule 116, para. 3:*

- Per speaker and per article which is the subject of an amendment: 5 minutes;
- Proponent of an amendment: 5 minutes;

## 3° Interpellations:

- a) The interpellant: 10 minutes or, in application of Rule 131, point 3, 20 minutes;  
The proponents of interpellations appended to the first interpellation: 5 minutes or, in application of Rule 131, point 3, 10 minutes;  
Proponents of appended questions: 5 minutes or, in application of Rule 131, point 3, 10 minutes;  
The Government: if there is only one interpellation, 10 minutes or, in application of Rule 131, point 3, 20 minutes;  
If interpellations are appended, 20 minutes or, in application of Rule 131, point 3, 40 minutes;
- b) If the Government has answered only one interpellation: In succession – the interpellant, the proponents of appended questions and no more than three other Members: 5 minutes or, in application of Rule 131, point 3, 10 minutes;  
If the Government has answered several interpellations: The interpellants: 5 minutes or, in application of Rule 131, point 3, 10 minutes;  
If, in application of the aforementioned regulation, the President of the House has admitted other speakers: 5 or 10 minutes per speaker, at the President's discretion;
- c) If the Government does not reply, only the proponents of interpellations: 5 minutes or, in application of Rule 131, point 3, 10 minutes;

- d) Only the proponent of an interpellation appended to the discussion of a budget: 10 minutes or, in application of Rule 131, point 3, 20 minutes;
- e) In application of Rule 131, point 3, the President may declare the limitations mentioned under letter b) inapplicable.

4° *Oral questions and answers:*

- a) Oral questions in a plenary sitting (Rule 124): 2 minutes for the proponent of the question, 2 minutes for the Government's reply and one minute for any rejoinder by the proponent;
- b) Topical debate in a plenary sitting (Rule 125): 2 minutes for each proponent of a question, 5 minutes for the Government's reply, 2 minutes for any rejoinders by proponents of questions, 2 minutes for other speakers (before or after the Government's reply, one per political group);
- c) Urgent questions (Rules 126 and 129): 2 minutes for the proponent of the question, 2 minutes for the Government's reply and one minute for any rejoinder by the proponent;
- d) Oral questions in committee (Rule 127): Total speaking time for question and answer : 5 minutes, total speaking time for additional question and answer, 2 minutes:

5° *Approval and modification of the Order of Business drawn up by the Conference of Presidents:*

- a) The proponent of a modification proposal and one speaker per political group; 10 minutes;

At the request of one-fifth of the Members of the House, four other speakers, two for and two against: 10 minutes;

- b) Subsequent modifications: The proponent of a modification proposal and one speaker per political group; 10 minutes;



6° *Urgency, consultation of the Council of State or other bodies, claim for repeal to the Constitutional Court, conflicts of interest, prejudicial questions (putting questions, priorities, Calls to Order, prior questions, adjournment requests, presence of ministers), closure, limitation on speaking time and motions on the Order of Business:*

Unless the President decides otherwise, the proponent of the proposal, the question or the motion and one speaker per political group: 5 minutes.

2. The House may deviate at any time from the provisions of the present rule relating to the number of speakers.
3. Government members <sup>(22)</sup> must be heard whenever they so request. If their speaking time is not limited by the present Rules of Procedure, the President may ask them to conclude when he considers that the House has been informed sufficiently.
4. One Member per political group may take the floor for ten minutes after a reply by a member of the Government in a general discussion.

In other cases and without prejudice to particular rules, one Member per political group may take the floor for five minutes after a reply by a member of the Government.

These limitations do not apply to discussion of a Government declaration.

5. The speaking time is limited to two minutes for voting explanations and the reasons for abstention mentioned in Rule 57.

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<sup>22</sup> Constitution: Art. 100. —Ministers have access to both Houses and must be heard whenever they so request.

The House of Representatives may require the presence of the Ministers.

6. For debates designated by the Conference of Presidents on general policy or on a problem of special importance, the total speaking time is as follows:
- a) Mandated speakers:
    - 120 minutes for groups represented in standing committees, which may mandate two speakers;
    - 60 minutes for other groups, who may mandate only one speaker;
  - b) Non-mandated speakers: Speaking time fixed by the leader of the group within the limits of the total speaking time obtained by assigning ten minutes to each Member of the group. Groups belonging to the Government majority only have half the speaking time thus obtained.
  - c) Speakers not belonging to a political group: 15 minutes.

This provision only applies in a plenary sitting <sup>(23)</sup>.

7. The speaking time fixed by this rule may be:
- a) Modified in application of Rule 18;
  - b) Reduced by no more than half during discussions, by a vote of the House taken by sitting and standing. One speaker per political group may take the floor within the limits set under point 1, no. 6 of the present rule;
  - c) Extended, due to the importance of a Government or Private Member's bill, by a unanimous decision of the Conference of Presidents taken before the debate begins.

This provision does not apply to oral questions, interpellations and voting explanations.

<sup>23</sup> «Rule [48, point 6, new] is, to a certain extent, a substantive application of Rule [18, new]. There is nothing to prevent Rule [48, point 6, new] being applied to the discussion of a Government policy declaration. On the other hand, one should distinguish the debates on general policy mentioned in the aforementioned rule, which are held in plenary sitting, from a debate on general Government policy held on the occasion of the discussion of the Ways and Means Budget, the latter being part of the general discussion of this budget at a public committee meeting (Rule [108, point 2, new]). (Doc. House, no. 738/1, 20 January 1987, pp. 3 and 8).

## SECTION VII

### **Prejudicial questions**

#### Rule 49

Prejudicial questions take preference over the principal question and always interrupt the discussion thereof.

It is always permitted to ask to speak on disputes relating to the Order of Business of the House, the wording of a question, to call for the Order of Business to be respected, to propose giving priority to a particular item and to raise a point of order.

The prior question, which aims at deciding that there is no reason to deliberate, and the question of adjournment, which aims at deciding that there is reason to interrupt deliberations or voting for a specific time, are put to the vote before the main proposal. If the prior question is agreed, the text over which it had been raised shall stand rejected.

If the President believes that an adjournment motion is designed merely to impede the work of House, he may put it to the vote immediately without debate by sitting and standing.

#### Rule 50

The House may require the presence of a Government member at the written proposal of a Member. Rule 48, point 1, no. 6 shall apply in debating that proposal.

The Government member may be heard whenever he so requests.

## SECTION VIII

**Urgency**

## Rule 51

1. The House shall pronounce on any request for urgency by a sitting and standing vote.
2. With regard to bills and proposals, urgency may be requested:
  - By the Government, no later than when a Government bill as described in Articles 74 or 77 of the Constitution is tabled before the House;
  - By a Member, no later than when a proposal or Private Member's bill as described in Articles 74, 77 or 78 of the Constitution is taken into consideration;
  - By the Government or by a Member, no later than before the start of deliberations in the House on a Private Member's bill or a bill sent by the Senate.
3. The time allotted for speaking is within the limits fixed by Rule 48, point 1, no. 6.
4. If the House decides to grant urgency, the consequence is that the application of the provisions concerning priorities and deadlines is suspended.

Unless the Constitution or the Law stipulates otherwise, urgent processing shall never lead to the suspension of constitutional or legal deadlines.

5. Urgency affects all the organs of the House, both during the initial deliberations and after a bill has been sent back by the Senate.
6. This Rule does not apply to interpellations or to questions.

## Rule 52

If the Government has requested urgency when tabling a bill such as described in Article 78 of the Constitution, the urgency described in Rule 51 is considered as being acquired without the House having to pronounce on it <sup>(24)</sup>.

The same applies if the Government requests the urgent processing of a bill sent by the Senate concerning consent to a treaty that requires the consent of one or more Community or regional parliaments.

## SECTION IX

### **Closure**

#### Rule 53

The President or twenty Members may ask for the closure of a debate. It is permitted to speak for or against a request for closure within the limits fixed by Rule 48, point 1, no. 6.

The House shall decide by a sitting and standing vote.

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<sup>24</sup> Constitution: Art. 80 – If, when a draft bill as described in Article 78 is tabled, the federal government requests urgency, the parliamentary consultation committee described in Article 82 sets the time limits by which the Senate should make its decision. If the committee fail to reach agreement, the time limit allotted to the Senate to evoke the bill is reduced to seven days, and the time limit set in Article 78, paragraph 3 for the examination of the bill is reduced to thirty days. – See also Art. 12, §2, of the law of 6 April 1995 organising the Parliamentary Consultation Committee mentioned in Art. 82 of the Constitution.

## SECTION X

**Motions on the Order of Business**

## Rule 54

During the course of a debate, any Member of the House may ask to speak on the subject of the business of the House through a motion on the Order of Business.

The motion on the Order of Business must be communicated in writing to the President beforehand, and he shall judge whether it is admissible or not.

If the motion is declared admissible, it may be presented at such time as the President shall determine. If the President's decision does not give satisfaction and the Member insists, then the President shall consult the House, which shall pronounce thereon without debate with a sitting and standing vote.

In a debate on a motion on the Order of Business, only the proponent and one Member per political group shall be permitted to speak, within the limits fixed by Rule 48, point 1, no. 6.

## SECTION XI

**Personal statements**

## Rule 55

It is always permitted to ask to take the floor in order to respond to a personal statement.

The presentation of a personal statement and any response from another Member or from a member of the Government may not exceed five minutes.

## SECTION XII

### **Meetings in camera**

#### Rule 56

The House shall sit in camera at the request of its President or of ten Members. The latter shall draw up their request in writing and sign it. Their names shall be listed in the minutes <sup>(25)</sup>.

Thereafter, the House shall decide by an absolute majority whether or not the sitting should be held once more in public on the same subject.

If the House sits in camera, neither a *Verbatim Report* nor a *Summary Report* will be drawn up. In that case the House shall decide whether or not the sitting in camera should be announced in a public sitting.

## SECTION XIII

### **Voting explanations and reasons for abstention**

#### Rule 57

Before proceeding with separate or grouped nominal votes, the President shall ask to announce the voting agreements (pairing) by which a Member abstains from voting in consultation with an absent Member.

Voting explanations (for – against – abstention) may be given on behalf of groups and/or personally before the nominal vote on the whole of a Government bill or of a Private Member's bill or proposal as described in Rule 75 or on a motion as described in Rule 133.

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<sup>25</sup> Constitution: Art. 47. – The sittings of the Houses are public. Nevertheless, each House shall meet in camera at the request of its President or of ten Members.  
It decides, afterwards, by absolute majority, whether or not the sitting must be continued in public on the same subject.

In the cases mentioned in para. 2, the reasons for any abstentions may still be explained after the result of the voting has been made known.

The President may reserve the right provided in paras. 2 and 3 to those Members who took part in the debate and limit the number of speakers to one per political group. The speaking time is limited in accordance with Rule 48, point 5.

Voting agreements (pairings), voting declarations and reasons for abstention shall not give rise to a debate.

A Member may only take the floor in one of the cases mentioned in the three first paragraphs. However, any Member who has announced a voting agreement (pairing) may still give an explanation for his vote, in the subjects mentioned in para. 2, in order to state how he would have voted if he had not made a voting agreement.

Any Member who is absent during the vote after having announced his pairing or after having given an explanation before the vote shall be considered to have abstained.

## SECTION XIV

### **Voting methods**

#### Rule 58

1. The House votes by a sitting and standing vote or by calling over the names <sup>(26)</sup>.
2. Voting by calling over the names is done by nominal vote or by secret ballot.

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<sup>26</sup> Constitution: Art. 55 and 76, para. 1.

Art. 55. – Votes are cast by sitting and standing or by call-over; on the laws as a whole is always voted by call-over.; election and nomination of candidates are carried out by secret ballot.

Art. 76, para. 1. – A bill may not be adopted by a House only after having been voted on article by article.



3. The term 'nominal vote' is taken to mean both verbal voting and voting by signed voting cards. An electronic nominal vote is put on a par with nominal voting by calling over the names. With nominal voting, votes and abstentions cast by the Members are published in the *Verbatim Report*.

The nominal vote is compulsory:

- In final voting on laws;
  - In votes on motions of confidence, motions of presentation, constructive motions of no-confidence and motions of no-confidence described in Rules 135 to 138.
4. Secret ballots are compulsory for appointments and nominations. They are held in accordance with Rule 157.
  5. In other cases, votes are taken by sitting and standing.

Except in cases in which the present Rules of Procedure prescribe a sitting and standing vote, there will however be a nominal vote if a request to that end is made by a Member and is supported by at least eight Members.

In that case, the Secretaries shall take note of their names and the President may invite those Members to vote first. If at least eight of those Members do not respond, the request for a nominal vote shall be considered as withdrawn. This provision remains applicable if a nominal vote is taken again and it remains without result.

Moreover, the President always has the right to call for a nominal vote on any subject, notably in case of doubt regarding the result of votes expressed by sitting and standing.

Voting by sitting and standing is only complete after proof and counter-proof; the President and the Secretaries decide on the result from the proof and counter-proof, which may be repeated; if there is doubt after the repetition, a nominal vote will be taken.

6. Before closing a verbal call-over vote or a nominal vote, the President shall invite any Members who might not have voted to take part in the vote.

7. The result of the vote is confirmed by the President and the Secretaries.

### Rule 59

The order of voting on the questions asked must be so arranged that all opinions may be expressed to best advantage.

To this end, the following rules are observed:

- 1° A proposal that comprises various questions is automatically split up if such is requested;
- 2° the counter-amendments mentioned in Rule 90, point 2, automatically take priority over all other amendments. If a counter-amendment is adopted, all other amendments relating to the same point fall;
- 3° if there are different proposals regarding the same point, those proposals that can be put to the vote without excluding the vote on the others take precedence; of those proposals that cannot be voted on without excluding the voting on the others, priority is given to those with the greatest scope.

### Rule 60

Any Member who is present in the House when a question is put to the vote and who abstains from voting, will be asked by the President to explain the reasons that prevented him from taking part in the vote, after calling over the House or taking a nominal vote <sup>(27)</sup>.

Abstentions are counted in with the number of Members present, but are not counted in for determining the absolute majority and the special majorities of votes cast provided by the Constitution or by the Law.

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<sup>27</sup> According to the report of 6 February 1956 on the amendment of this Rule, the latter must be interpreted as follows: all the Members who were present when the vote was being taken and who did not vote are considered to have abstained (Doc. House, no. 430/1 of 31 January 1956).

Rule 61<sup>(28)</sup>

1. Every resolution is taken with an absolute majority of the votes cast, except for that which is specified by these Rules of Procedure for nominations and presentations and for the motions mentioned in Rules 136 and 137. In the event of a tied vote, the proposal under debate is dropped.
2. The House may not pass any resolution if the majority of its Members is not present.
3. Before closing a nominal vote, the President shall ask the Members if they have checked their votes.  
If, after closing the vote, a Member declares that he has made a mistake (or that, in error, he omitted to vote), his declaration can no longer have any effect on the vote. The declaration will be included in the minutes and published in the *Summary Report* and the *Verbatim Report*.
4. The result of the Assembly's deliberations shall be declared by the President in the following terms: «The bill/proposal has been passed» or «The bill/proposal has been rejected».

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<sup>28</sup> Constitution: Art. 53. – All resolutions are passed by an absolute majority of the votes cast, except for what is established by the Rules of Procedure of the Houses with regard to elections and nominations.

If the vote is tied, the proposal submitted for discussion is rejected.

Neither of the two Houses can pass a resolution unless a majority of its Members are present.

## SECTION XV

**Discipline**

## Rule 62

Any person who causes a disturbance will be called to order by the President.

If during the same sitting a Member is called to order again, his right to hold the floor will automatically be withdrawn and he will not be allowed to take the floor again for the rest of the sitting.

Any Member who is called to order shall not be given leave to explain his conduct until the end of the sitting, unless the President decides otherwise. The President shall decide whether the call to order is to be maintained or not.

His explanation of his objection to the call to order may not exceed ten minutes. The explanation may be given by the Member himself, or by another Member delegated by him. No other intervention shall be accepted.

Any Member who has been deprived of the right to hold the floor in application of paragraph 2, may bring the effects of that measure to an immediate end by declaring in writing that he regrets having ignored the authority of the President and causing a disturbance.

## Rule 63

1. A censure recorded in the minutes or temporary banishment from the Parliament buildings may, at the proposal of the President of the House, be pronounced by the House against any Member who causes a disturbance.
2. Exclusion will mean the Member being forbidden to take part in the work of the House and to reappear in the Parliament buildings.

It applies for the remainder of the sitting during which it was pronounced.

3. Only the Member against whom one or other of the measures mentioned in the present Rule is proposed may explain himself, for no more than ten minutes. The House shall decide by a sitting and standing vote.
4. If the excluded Member fails to obey the President's order to leave the House the sitting shall be suspended or discontinued.

In this case the Member shall automatically be excluded from the following eight sittings.

5. Any Member who has incurred temporary exclusion may bring an end to the consequences thereof from the day after the measure was imposed, by declaring in writing that he regrets having ignored the decision of the House. The President shall read out that declaration before the House.
6. The provision in the preceding point does not apply to a Member who, during the same sitting, has incurred temporary exclusion for the third time; the duration thereof in this case shall be extended to fifteen sittings.
7. If, during the period of exclusion, a vote is taken in which the excluded Member's vote might have been decisive, the vote will have to be taken again when the exclusion period comes to an end, unless the House decides it is preferable to admit the Member to the voting during his exclusion.

#### Rule 64

If the House becomes rowdy, the President shall announce that he is going to suspend the sitting. If the rowdiness continues, he will suspend the sitting for an hour. Once the hour has passed, the sitting will automatically resume.

## Rule 65

Any Member who commits an act of violence on one of his colleagues in the premises of the House shall be excluded for ten sittings.

The exclusion shall be officially pronounced by the President in a plenary sitting.

## Rule 66

The President may have words stricken from the *Verbatim Report* and the *Summary Report* that are contrary to good order or those that might have been spoken by a person who did not hold the floor.

He may also have such words stricken from the reports, proposals and other texts to be printed as parliamentary documents.

## SECTION XVI

**Secrecy obligation**

## Rule 67

1. There is an obligation to maintain secrecy with regard to information obtained during meetings in camera of:
  - Parliamentary inquiry committees <sup>(29)</sup>,
  - The committee described in Rule 21, para. 3;
  - The committee described in Rule 121,
  - The committee described in Rule 149 <sup>(30)</sup>,
  - The committee described in Rule 151,
  - And the committee described in Rule 160.

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<sup>29</sup> Art. 3, para. 4, of the law of 3 May 1880 on parliamentary inquiries.

<sup>30</sup> Art. 66*bis*, § 5, of the organic law of 18 July 1991 on supervision of the police and intelligence services.

If the Law or a higher legal norm provides a legal basis for doing so, the House may declare the obligation to maintain secrecy is applicable to information other than that mentioned in the previous paragraph. In this case, the House shall explicitly designate those subjects and/or organs of the House in which secrecy must be observed.

2. If a Member violates the secrecy obligation imposed in accordance with point 1:
  - 1° He shall lose the right to be a member and to attend meetings of any organ thereof to which the secrecy obligation applies under the present Rules of Procedure or in virtue of an explicit decision by the House for the rest of the parliamentary term.
  - 2° He shall lose 20% of his parliamentary allowance for a period of three months;
  - 3° and he may not be replaced within the organ of the House where he committed that violation. The organ concerned shall in that case be considered to have one member less from that moment on.
3. The breach of secrecy shall be confirmed by the President of the House, after being advised by the organ in which the breach occurred and after hearing the Member.
4. If the mandate of the organ concerned has expired, the advice mentioned in point 3 will be given by the Committee for Prosecutions.
5. The President shall communicate his decision at the subsequent plenary sitting. The announcement of that decision shall not give rise to a debate.

## CHAPTER X

## ADVISORY COMMITTEES

## SECTION I

## THE ADVISORY COMMITTEE FOR EUROPEAN QUESTIONS

## Rule 68

**I. The Advisory Committee for European Questions of the House of Representatives:**

1. At the beginning of each parliamentary term, the House shall appoint an Advisory Committee for European Questions from among its Members, comprised of ten MPs, including its chairman, and ten MEPs elected in Belgium.

The Members of the House are nominated by their assembly. The other members are designated by the Members of the European Parliament elected in Belgium under proportional representation <sup>(31)</sup>.

2. The Committee is chaired by the President of the House of Representatives or a Vice-President of the House designated by the former.
3. The task of the Committee is to examine all aspects regarding European integration.
4. The work of the Committee may conclude with the issue of advice <sup>(32)</sup>, proposals for resolution, recommendations or other final texts, which are submitted directly to the plenary sitting or to whichever committee requested such, as the case may be.

<sup>31</sup> «The rule of proportional representation of the political groups applies to the appointment of Members from both Houses. That which should be understood by the term 'political group' for Members of the European Parliament is not defined in this Rule. Understanding may be gleaned from the notion of political or technical group defined by the Rules of Procedure for the European Parliament. The groups are made up of 24 Members of the European Parliament elected in Belgium, in a way determined *sui generis* by those Members alone. (Doc. House, no. 1149/1, 27 February 1985, p. 22).

<sup>32</sup> «The House may decide to hold a debate on that advice. The Members of the European Parliament do not take part in any way in the debates held in plenary sitting by the House.» (Doc. House, no. 1149/1, 27 February 1985, p. 23).



5. The Committee may meet validly, regardless of the number of members present. With regard to voting, the majority is calculated over the total of its members. Within the limits of the powers assigned to it by the present Rule, the Committee may organise its work and deliberate in accordance with the provisions applicable to standing committees.

## **II. The Federal Advisory Committee for European Questions**

1. At the beginning of each parliamentary term, a Federal Advisory Committee for European questions may be constituted in consultation with the Senate. It will be made up of the House committee and ten senators.
2. The chairman of the House committee and a Member of the Senate will chair the Federal Committee alternately, from one parliamentary term to the next.

The first vice-chairman is a Member of the Other House, the second vice-President is a Member of the European Parliament.

3. The Federal Committee shall organise its work and deliberate in accordance with the provisions of Rule 68, I.

## **SECTION II**

### **The Advisory Committee for Social Emancipation**

#### **Rule 69**

1. After each renewal of the House, the latter may constitute an Advisory Committee for Social Emancipation from among its Members, composed of as many members as are necessary to ensure that each group represented in standing committees be represented by at least one member within the Committee.

The members of the Committee are designated in accordance with the provisions of Rules 157 and 158, it being understood that each of the groups mentioned in the preceding paragraph that includes female

members must be represented within the Committee by at least one female member.

The Bureau of the Committee is constituted at the beginning of each sitting. It is comprised of a female chairman and a first and second vice-chairman elected from among its members.

2. Each group not represented within the Committee shall designate from among its members a female member who shall take part in the work of the Committee without being entitled to vote. The of the Committee shall be informed hereof.
3. The task of the Committee is, at its own initiative or at the request of the House or one of its committees, to give advice on social emancipation, within the period set by the body to which the question was put, to which the advice relates.
4. The Committee shall deliberate in accordance with the rules applicable to standing committees.

### SECTION III

#### **The Advisory Committee for Scientific and Technological Questions**

##### Rule 70

1. After each renewal of the House, the latter may constitute an Advisory Committee from among its Members, responsible for examining scientific and technological questions.

It is composed of as many members as are necessary to ensure that each group represented in standing committees be represented by at least one member within the committee.

The members of the Committee are designated in accordance with the provisions of Rules 157 and 158.

2. The Bureau of the Committee is constituted at the beginning of each

session. It is comprised of a chairman and a first and second vice-chairman elected from among its members.

3. If a member is absent, he may be replaced by a member belonging to the same political group.
4. The task of the Committee is, at its own initiative or at the request of the House or one of its committees, to give advice on scientific and technological questions that come under the authority of the Federal Government. The Committee may call in the help of experts in order to carry out its work.
5. The committee shall deliberate in accordance with the rules applicable to standing committees.

TITLE II

LEGISLATIVE AND CONSTITUTIONAL FUNCTIONS

CHAPTER I

PROCEDURES REGARDING GOVERNMENT BILLS AND PRIVATE MEMBERS' BILLS AND PROPOSALS (\*)

*\* These proposals can be proposals for resolution, requests for setting up a committee of inquiry, etc.*

SECTION I

**General provisions**

Rule 71

1. Any Government or Private Member's bill shall mention in its first article whether it concerns a subject mentioned in Art. 74, Art. 77 or Art. 78 of the Constitution <sup>(33)</sup>.
2. The decision of the Consultation Committee mentioned in Rule 13 on the subject of qualification mentioned in point 1 shall be binding upon the House. If necessary, the text of the first article of the Government or Private Member's bill shall automatically be brought into line with that decision.

Rule 72

1. When a Government or Private Member's bill tabled in the House contains provisions that come under the authority of different ministerial departments, the President may, before sending it to committee, propose to the Conference of Presidents, to which the proponent shall be invited, that the Government or Private Member's bill be divided into

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<sup>33</sup> Constitution: Art. 83. – Each Private Member's bill and each Government bill mentions whether it concerns a matter described in Article 74, Article 77 or Article 78.

different bills. The Conference of Presidents cannot decide to divide a bill if its proponent is opposed thereto. When the Conference decides to divide a Government bill, the Government may oppose the division until the moment when the President informs the House thereof. In this case, the House shall decide on division by a sitting and standing vote.

The Government and one speaker per political group may take the floor within the limits fixed by Rule 48, point 1, 6°.

2. In a case where a Government or Private Member's bill to be adopted with an absolute majority of votes contains provisions that have to be adopted with a special majority, or vice-versa, those provisions shall be separated from said bill.

In the case of a Government or Private Member's bill which, according to its first article, comes under one of the three legislative procedures as described in Articles 74, 77 or 78 of the Constitution and which nevertheless contains provisions that come under procedures different from these three, those provisions shall be separated from said bill.

In these two cases, the provisions separated from the Government or Private Member's bill will be included in a new Government or Private Member's bill, the examination of which can be immediately continued within the organ that decided on their separation.

3. If an amendment to a Government or Private Member's bill to be adopted with an absolute majority of votes has to be adopted with a special majority, or vice-versa, it shall be inadmissible.

If an amendment to a Government or Private Member's bill which, according to its first article, comes under one of the three legislative procedures as described in Articles 74, 77 or 78 of the Constitution has to be examined in accordance with procedures different from these three, it shall be inadmissible.

The consequence of the decision by the Consultation Committee mentioned in Rule 13 concerning the qualification described in Rule 71 is that any prior amendment modifying that qualification shall be dropped and that any new amendment to the same end shall be inadmissible.

4. Programme bills or other Government bills containing various provisions in implementation of the budget or adjustments thereto may only contain provisions that have a clear bearing on the budgetary objectives. If a political group believes that certain articles do not have a clear bearing on the budget's objectives, it may ask for the Conference of Presidents to pronounce on the matter before sending the bill concerned to committee.

The Conference of Presidents shall decide which articles will have to be separated from the bill, as the case may be, in order to be dealt with as one or more separate bills. If the Conference of Presidents cannot reach consensus on the matter, the Plenary Assembly shall decide thereon. In addition to the Government, one speaker per political group may speak, within the limits defined in Rule 48, point 1, no. 5a).

### Rule 73

Government bills, Private Members' bills, committee reports, advice from the Council of State, decisions by the Parliamentary Consultation Committee and all other parliamentary documents shall be simultaneously communicated to all the Members of the House and the Senate.

## SECTION II

**Tabling and distributing Government bills**

## Rule 74

1. Bills tabled by the Government are printed and distributed by the House<sup>(34)</sup>. They are drafted in French and Dutch and are accompanied by:
  - 1° An explanatory statement ;
  - 2° A draft of the Government bill, with the advice of the Council of State;
  - 3° As the case may be, the advice and proposals of the High Council for Justice concerning any Government bills that would affect the operations of the legal system;
  - 4° A summary of the purport of the bill;
  - 5° Any appendices that would be part of the law;
  - 6° Informal coordination of the articles of law amended by the bill.

Points 2°, 4° and 6° do not apply to Government bills relating to budgets, accounts, loans, domain operations and the military quota.
2. The President of the House shall decide to which committees bills shall be sent. However, he may consult the House. That consultation shall take place automatically if one-fifth of the Members of the House so request.
3. Decisions on sending bills to committee do not give rise to a debate or a vote by call-over of names.
4. Government bills that come under the authority of two or more standing committees shall be sent:
  - a) Either to one of the standing committees that reports to the House, the other committees being consulted for advice, as the case may be;
  - b) Or to a temporary committee set up in accordance with Rule 20;

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<sup>34</sup> See the decision of the Conference of Presidents of 12 November 1997.

- c) Or to two or more standing committees meeting together. If a bill is sent to two standing committees, any Member belonging to both those committees must be replaced in one of them, in accordance with Rule 22, para. 2. The same applies if a bill is sent to more than two committees <sup>(35)</sup>;
- d) Or, after a division decided on by the President, possibly on the advice of the Conference of Presidents, to each of the appropriate committees which shall close the deliberations with a vote on the whole of the provisions submitted to them. Each committee shall report to the House and a coordinated text covering all the provisions of the Government bill passed by the various committees shall be drawn up for the discussion of the articles in plenary sitting. The vote on the Government bill as a whole shall only be taken in plenary sitting.
5. When it concerns Government bills sent or amended by the Senate, the President may either decide to send them to committee in accordance with the preceding provisions, or consult the House on the question of whether to send them to committee. The said bills may, on the advice of four-fifths of the House, be debated without prior submission to a committee.
- Bills may nevertheless be sent to committee at any time while they are being debated.
6. If, in virtue of its right of initiative, the Senate has adopted a bill in the matters mentioned in Art. 78 of the Constitution, the House must pronounce within sixty days on the bill that has been sent. If the House has amended that bill and the Senate subsequently makes a further amendment thereto, the House shall give a final pronouncement thereon within fifteen days <sup>(36)</sup>.

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<sup>35</sup> The majority both for the quorum and for the votes shall be calculated from all the members of the committees and not per committee.

<sup>36</sup> These deadlines may be modified in accordance with Rules 81, para. 5 and 6, and 82, para. 1 of the Constitution.



## SECTION III

**Tabling and distributing Private Members' bills and proposals**

## Rule 75

1. Every Member has the right to table bills and proposals <sup>(37)</sup>. A bill or proposal may not be signed by more than ten Members. It shall be handed to the President of the House.
2. If the President is of the opinion that the bill or proposal can be explained, it shall be translated into French or Dutch, printed and distributed, with the explanatory statement on it. In the opposite case, the bill or proposal shall be sent to the Conference of Presidents, who may decide that it may or may not be distributed.
3. If, after one month from the date when the bill or proposal was tabled, the explanatory statement on it has not been presented, it shall be considered as null and void.

The explanatory statement must be succinct and limited to such points as are necessary for understanding the purport of the bill or proposal.

4. The proponent shall ask for it to be included in the Order of Business in order that it can be taken into consideration.
5. If the bill or proposal is supported by at least five Members, discussion thereof is opened and the President shall consult the House, who will either take the submitted bill or proposal under consideration, or adjourn it, or declare that there is no reason to debate it.
6. Only the proponents of the bill or proposal and one Member per political group may take the floor, each for five minutes. <sup>(38)</sup>
7. The President shall decide on sending it to committee, in accordance with the provisions of Rule 74, nos. 2 to 4.

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<sup>37</sup> Not relevant in English.

<sup>38</sup> Only those Members whose names appear under the title of the Private Member's bill or proposal are mentioned and, among them, only one per political group.

8. Any bills or proposals that the House has not taken under consideration or adopted may not be tabled again during the same session.

#### Rule 76

The Conference of Presidents may charge a committee to debate a problem that comes within its authority and to report thereon in plenary sitting.

The proposal for resolution adopted by the committee at the conclusion of its work shall be submitted to the plenary sitting, who may amend it. Rule 75, points 2 to 7, does not apply to the proposals for resolution referred to in the present Rule.

Only one speaker per political group may speak. The Conference of Presidents fixes the overall time for speaking to be attributed to each political group and to those Members who are not part of any group, unless it appears from a weighted vote in the Conference of Presidents that one-quarter of the Members of the House are opposed to the proposals made on this matter, in which case the speaking time shall be equal to that provided for the general discussion of a Government bill.

### SECTION IV

#### **Discussion of Government bills and Private Members' bills in committee**

#### Rule 77

The standing and temporary committees have the task of examining Government and Private Members' bills and proposals sent to them by the President of the House.

## Rule 78

1. The committees shall appoint, with an absolute majority, one of their members as rapporteur; the latter reports to the House. If they consider it useful, they may appoint more than one rapporteur.

The division of rapporteurs between the majority and the opposition is done proportionately among the members of the committee.

2. The report contains, in addition to an analysis <sup>(39)</sup> of the committee's deliberations, reasoned conclusions that propose either adopting the bill or proposal, or not to adopt it, or to amend it.

In its report, the committee shall indicate what response it has made to the amendments submitted to it.

If a petition is sent to a committee in application of Rule 142, para. 6, or 143, point 1, the text of that petition and the reply, together with any discussion thereon, shall be reproduced in the report.

At the end of the report there will be a list of the provisions that, according to the Government member responsible for the bill or proposal under examination, require implementation measures <sup>(40)</sup>.

3. In the reports on budgets, bills and proposals examined in public sittings by the committee the speakers shall be mentioned by name.
4. The speakers may send any corrections in writing to those texts attributed to them by name. They shall be considered to have approved them if they have not sent in any corrections within three days starting on the day after which these texts became available.

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<sup>39</sup> The report must contain a summary of the debates, mentioning the speakers by name. The rapporteurs must therefore avoid including the entire text of the interventions read in committee and the speakers may not substitute, through their observations on the draft report, the entire text of their interventions in the summary that the rapporteur has made of them. (Conference of Presidents, 6 February 1986)

<sup>40</sup> The list makes a distinction between the regulations and decrees to be taken in application of Article 108 of the Constitution (general executive power of the King) and the measures to be taken in application of Art. 105 of the Constitution (special power).

However, the aforementioned period may be reduced at the discretion of the chairman of the committee before the vote on the whole of a bill or budget <sup>(41)</sup>.

5. The President of the House may decide that the tables of statistics should not be published, but will be deposited with the Clerk's office. If he considers it necessary, he may take the same decision with regard to any reply.
6. A draft report by a committee is approved by the chairman of the committee, unless a Member requests that it be approved by the committee as a whole before the vote on the whole of a bill or budget.
7. If a bill or proposal has been adopted in a committee without modification and no significant observation made thereon, no report will be produced thereon.

#### Rule 79

If a Private Member's bill involves financial consequences, the committee may, before putting the matter to the vote, invite the Court of Audit to send a note containing an estimate of new expenditure or reduction of income, on which the committee will have to pronounce and which will be inserted into the report.

If it considers it useful, the committee will consult the Finance and Budget Committee.

#### Rule 80

Every Member of the House has the right to send written observations to a committee on bills or proposals it is examining. These observations will be included in the report, together with a reply from the minister, as the case may be, and with the discussions devoted thereto.

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<sup>41</sup> «The individual right to make corrections may not be withdrawn, neither by decision of the President in accordance with Rule [78, point 6, new] nor in case of urgency.» (Doc. House, no. 738/1, 20 January 1987, p. 6).

### Rule 81

The speaking time fixed by Rule 48, point 1, n° 1, only applies in a committee bringing out a report if the committee so decides, at the proposal of its chairman.

### Rule 82

1. If one or more articles of the text have been amended by the committee, the latter may only vote on the whole of the bill or proposal after at least forty-eight hours, starting from the time when a draft of the adopted text including all the adopted amendments is made available to the members of the committee.

This period of forty-eight hours does not apply if urgency has been acquired in accordance with Rules 51 and 52, or if the text has been amended after being sent back to committee in accordance with Rule 93, point 1.

In the aforementioned draft of the adopted text, legislative-technical improvements may be made which, if they are adopted, may not give rise to a second reading as described in Rule 94.

2. After the vote on the whole of the amended text, the entire text adopted by the committee shall be set out in a document following the report. The modifications must be clearly shown.

### Rule 83

If a member of the committee so requests, the committee shall proceed with a second reading in accordance with Rule 94, points 1 to 3. That request must be made immediately after the vote on the last article in the first reading. Rule 94, point 4, does not apply in committee.

## Rule 84

Reports by committees and texts adopted by committees shall be translated and printed. They shall be distributed in accordance with the provision of Rule 85, first paragraph.

## SECTION V

**Discussion of bills and proposals in plenary sitting*****a) Discussion of Government bills and Private Members' bills and proposals***

## Rule 85

Committee reports are distributed at least three days before debate in plenary sitting, unless urgency is acquired in accordance with Rule 51 or 52.

Deliberations on Government bills and Private Members' bills and proposals include a general discussion and a discussion of the articles.

The general discussion covers the principle and the whole of the Government or Private Member's bill or proposal. In addition to the general discussion and the discussion of the articles, the House may order a discussion on each part of a Government or Private Member's bill or proposal separately.

Unless the House decides otherwise, the text adopted or, as the case may be, amended by the committee shall serve as a basis for discussion of the articles.

The articles, with their relevant amendments, shall be discussed in their numerical order <sup>(42)</sup>.

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<sup>42</sup> See also Rule 98, point 9.

### Rule 86

The proponent of a Private Member's bill or proposal may withdraw it, even if deliberations thereon have begun; but if another Member takes over the Private Member's bill or proposal, the deliberations shall continue.

### Rule 87

Unless the Conference of Presidents decides otherwise, bills sent to the House by the Senate shall no longer be the subject of a general discussion in plenary sitting.

### Rule 88

If the committee proposes rejecting a Government or Private Member's bill or proposal, the Plenary Assembly shall pronounce on that rejection proposal at the request of its proponent or, if it is a bill adopted by the Senate, of the President, after having heard the rapporteur and, as the case may be, the proponent of the bill or proposal. If the Plenary Assembly concurs with the committee, the bill or proposal shall be rejected. In the opposite case, deliberations shall continue, unless the Plenary Assembly sends the text back to the committee once more.

### Rule 89

1. A list will be made of the titles and numbers of the Government and Private Members' bills and proposals mentioned in Rule 78, point 7, on which no report is being drawn up, which will be distributed at least three days before the sitting during which they will be debated <sup>(43)</sup>.

The decision of the committee relating to each of them will be mentioned on the list.

2. The President will place the points appearing in the list mentioned in point 1 on the Order of Business for a sitting.

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<sup>43</sup> This list is distributed simultaneously to the Members of the House and the Senate.

## **b) Amendments**

### Rule 90

1. Each Member has the right to propose amendments <sup>(44)</sup>. These amendments must be directly related to the precise subject or article of the Government bill or Private Member's bill or proposal they are intended to amend.

They are limited to indicating the proposed amendments, without repeating the provisions that are not to be amended.

The justification for the amendments must be limited to the explanations necessary for understanding their purport.

2. Amendments intended purely to remove an amendment adopted by the Senate in application of Article 78, para. 3, of the Constitution and thus to restore, wholly or in part, the text adopted initially by the House <sup>(45)</sup> must be qualified by their proponents as counter-amendments.
3. Amendments that have been presented in application of the last paragraph of Article 79 of the Constitution <sup>(46)</sup> and which are intended to add new provisions to the bill shall, at the simple request formulated by ten Members, be referred to the appropriate committee, which shall advise whether or not these provisions should be presented in the form of separate Government or Private Members' bills <sup>(47)</sup>.

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<sup>44</sup> Constitution: Art. 76, para. 2. — The Houses have the right to amend and to split the articles and amendments proposed.

<sup>45</sup> Constitution: Art. 78, last paragraph — If the bill has been amended, the Senate sends it to the House of Representatives, which makes a final election by either adopting or rejecting all or some of the amendments adopted by the Senate.

<sup>46</sup> Constitution: Art. 79, last paragraph — If the draft bill is further amended, the Senate sends it to the House of Representatives, which then makes a final decision by either adopting or amending it.

<sup>47</sup> This provision is in no way prejudicial to the provisions of Art. 11, §1, of the law of 6 April 1995 organising the Parliamentary Consultation Committee mentioned in Art. 82 of the Constitution.



4. Amendments shall be formulated in writing and remitted to the President of the House. They may not be signed by more than ten Members. They shall be translated into French or Dutch, distributed to the Members of the House and sent to the committee responsible.

#### Rule 91

1. If the committee report and the text adopted by the committee have been distributed within the period set by Rule 85, first paragraph, the amendments must be presented before closure of the general debate.
2. If the committee report and the text adopted by the committee have been distributed within the period set by Rule 85, first paragraph, the amendments must be presented before the day during which the bill is to be debated in plenary sitting.
3. If the committee report and the text adopted by the committee have not been distributed within the period set by Rule 85, first paragraph, the amendments must be presented before closure of the debate on the articles concerned.
4. Without prejudice to point 3 above, the following may be presented after closure of the general debate but before closure of the debate on the articles concerned <sup>(48)</sup>:
  - a) Sub-amendments;
  - b) Amendments to articles to which the Government has presented amendments, which the Members would not have had sufficient time to study by the deadline specified in point 1 above;
  - c) Amendments based on the advice or decisions of consulted bodies, which the Members would not have had sufficient time to study by the deadline specified in point 1 above;

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<sup>48</sup> Nevertheless, it must be emphasised that the fact of amending an article may sometimes affect an article on which deliberations have already been closed. In this case, it goes without saying that it must always be possible to amend this last article in order to make it consistent, regarding its purport, with the amended version of the first article.

d) Amendments that constitute a compromise or which are of a technical nature and which derive from the debate on the articles.

5. This Rule only applies in a plenary sitting.

#### Rule 92

An amendment may be withdrawn by its principal proponent at any time before it is put to the vote. It may be taken over by another Member without re-opening the debate.

#### Rule 93

1. The House shall only deliberate on an amendment if it is supported by at least five Members. The proponent is at liberty to give an explanation of the amendment for a maximum of five minutes beforehand. If the House decides that the amendment must be sent to committee, deliberations on the article concerned shall be suspended. If no plenary sitting is scheduled within eight days following the tabling of an amendment, the President of the House may also decide to send it to committee.
2. Votes can be taken on amendments presented during the course of the debate on the basis of a monolingual text. If they are adopted, the bureau will have them translated.

If the debate is postponed to a later sitting, the amendments will be printed in both languages, together with the names of their proponents, and distributed.

#### Rule 94

1. If amendments have been adopted <sup>(49)</sup> or articles rejected, they are put to a second vote, to be held during a sitting other than the one during which the last articles were adopted <sup>(50)</sup>.

<sup>49</sup> When the Plenary Assembly adopts an amendment to a Government or Private Member's bill at first reading, the text thereof is communicated without delay to the Members of the House and the Senate.

<sup>50</sup> In practice, the Plenary Assembly, by consensus, departs from this rule. In other words, the second vote is only held if a Member explicitly requests it.

2. One day at least shall elapse between these two sittings.
3. In the second sitting, at the report, if any, presented by the appropriate committee dealing exclusively with the amendments mentioned in point 1 above, a debate and vote will only be held on the adopted amendments, the rejected articles and the new amendments occasioned by such adoption or rejection, to the exclusion of any other new amendments.
4. If new amendments occasioned by such adoption or rejection are adopted, the House may decide to put them to a third vote, under the same conditions as in the preceding paragraphs, and to postpone the final vote to a subsequent sitting.

Once that postponement has been decided, the articles thus amended once more shall be printed in both languages and distributed.

### ***c) Votes on the articles and the text as a whole***

#### Rule 95

A final vote on legislative provisions may not be taken in plenary sitting before two days have elapsed from that on which the Parliamentary Consultation Committee mentioned in Rule 13 was installed, unless those legislative provisions relate exclusively to the appropriation of provisional funds or to fixing the military quota <sup>(51)</sup>.

If a conflict of authority or a request to extend examination deadlines is brought before the Parliamentary Consultation Committee mentioned in Rule 13, the final vote on the Government or Private Members' bill in plenary sitting shall be suspended until the day after that on which the Consultation Committee pronounces its opinion or until the day after that on which the period within which the Consultation Committee must make its pronouncement expires <sup>(52)</sup>.

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<sup>51</sup> See Art. 1, last paragraph, of the law of 6 April 1995 organising the Parliamentary Consultation Committee provided under Article 82 of the Constitution.

<sup>52</sup> See Articles 11, § 1, last paragraph, 12, §1, and 14, last paragraph, of the same law.

If an amendment is adopted at a first reading by the Plenary Assembly, the final vote on the Government or Private Member's bill thus amended may not be held before five days have elapsed <sup>(53)</sup>.

#### Rule 96

In all cases, voting will be based on the text of each article, drawn up in French and Dutch.

After voting article by article, a vote will be held on the whole bill, which is by nominal vote for Government and Private Members' bills.

### SECTION VI

#### **Obligatory cooperation with community and regional Governments**

#### Rule 97

1. If a bill concerns a subject for which a procedure for cooperation with the Community or regional Governments is prescribed <sup>(54)</sup>, the President of the House shall ask the Prime Minister to send the text of that bill to the president(s) of the Community and/or regional Government(s) concerned.

The procedure begins when the bill is placed on the Order of Business of the committee.

It is applied similarly to bills sent to the House by the Senate arising from a senatorial initiative and for which the cooperation procedure might not have been followed.

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<sup>53</sup> See Article 11, § 1, second paragraph, of the same law.

<sup>54</sup> Special law of 8 August 1980 on institutional reforms, Art. 6, §8: «If a proposed law, decree or ordinance concerns one of the matters mentioned in §§ 2, *2bis*, 3, *3bis*, 4, 5, and Art. 11, para. 2, the consultation, association or advice procedure to be followed by the Federal Government and the Community or Regional Governments concerned takes place in accordance with the rules laid down by the Rules of Procedure of the House or the Parliament before which the proposed law, decree or ordinance has been tabled.»

2. The prescribed cooperation procedure shall not suspend the deliberations in committee. However, the final vote in committee may only be taken after the regional and/or Community Government(s) has (have) sent back its (their) written observations or – in the absence of a reply – no earlier than thirty days after the request from the President of the House to the Prime Minister.
3. The provisions of point 1 above apply to amendments as soon as they have been adopted at first reading in committee. In the absence of a reply from the regional and/or Community Government(s), the final vote in committee may be taken no earlier than fifteen days after the request from the President of the House to the Prime Minister.
4. If an amendment that requires a cooperation procedure is adopted at first reading in plenary sitting, the Government or Private Member's bill in question is sent to committee for the purpose of the application of the provisions of point 3 above.

## SECTION VII

### **Consulting the Council of State and preventing conflicts of authority**

#### Rule 98

1. The President of the House may invite the Legislation Section of the Council of State to give a reasoned opinion on the text, drawn up in French and Dutch, of all the Government and Private Members' bills or amendments thereto which have been put before the House. If necessary, the President shall seek the advice of the Conference of Presidents.

In the case of a Private Member's bill or an amendment tabled by one or more Members of the House, the President, after consulting the proponent(s) of the bill or amendment, may indicate in the request for advice the name of the Member, the delegate or the civil servant invited to provide the necessary explanation.

2. If necessary, the President may ask for advice within a period of thirty days, extended to forty-five days if the advice is given by the General Assembly in application of Article 85 of the coordinated laws on the Council of State or by the joint chambers in application of Article 85*bis* of the same laws.

The President may seek urgent advice within a period not exceeding five working days<sup>(55)</sup>. In that case, the request for urgent handling of the matter shall be justified with special reasons. The period of five working days will be extended to eight working days if the advice is given in application of Art. 2, § 4 of the coordinated laws on the Council of State, either by the General Assembly in application of Art. 85 of the same laws or by the joint chambers in application of Art. 85*bis* of the same laws.

The President may grant an extension before the deadline mentioned in the two preceding paragraphs has been reached.

3. If a Member proposes that the President proceeds with such consultation on Government or Private Members' bills or amendments thereto, that proposal shall be debated if thirty Members support it.

The President is obliged to ask for the advice if the consultation proposal is related to Private Members' bills or amendments to Government or Private Members' bills and it is supported by at least fifty Members<sup>(56)</sup>.

4. The consultation proposal shall also be debated if it relates to Private Members' bills or amendments to Government or Private Members' bills and it is supported by twenty-two members of the same language group<sup>(56)</sup>.

In that case, the President is obliged to ask for the advice if the consultation proposal is supported by the majority of the members of that language group.

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<sup>55</sup> Art. 84, § 2, of the coordinated laws on the Council of State: «A working day is one which is not a Saturday, Sunday or public holiday. The periods of time start on the working day following inclusion in the list. The expiry date is included in the period of time. If that date is not a working day, the expiry date is carried over to the following working day.»

<sup>56</sup> The impossibility of compelling the President to request advice for bills only applies to Government bills (and therefore not to bills that result from a Private Member's bill adopted in the Senate).

5. The consultation proposal must be formulated orally. If the number of Members required for putting it to debate is not reached, the proposal falls. If the number required is reached, the proponent of the proposal and one speaker per political group may take the floor within the limits fixed by Rule 48, point 1, no. 6.
6. If the consultation proposal relates to provisions that have been examined by a committee, it must be presented before closure of the general discussion. If the Conference of Presidents takes a decision in application of Rule 87, the consultation proposal must be presented on the first day of the debate.
7. In committee, the request for advice shall not suspend examination of the provisions on which the advice is being sought.

The committee may only decide after having studied the advice and, as the case may be, after application of point 8.

In plenary sitting, deliberations on the provisions on which the advice is being sought shall be suspended, unless the House decides otherwise.

No contrary decision can be taken if the President asks for advice on the respective authorities of the State, the Communities or the Regions or in case of application of point 3, para. 2, and point 4, para. 2.

8. If the legislation section of the Council of State estimates that the provisions submitted to it exceed the authority of the State and the President of the House sends them on to the Conciliation Committee, set up under Art. 31 of the ordinary law of 9 August 1980 on institutional reforms, then deliberations thereon shall be suspended.

The suspension shall continue until the Conciliation Committee, in reasoned advice given according to the consensus procedure, has pronounced in favour of the authority of the State or until the Government has tabled in the House the amendments prescribed by this Conciliation Committee putting an end to the exceeding of authority.

However, if the Conciliation Committee has not issued its advice within the period of forty days granted to it, if the House is informed before the expiry of this period that the Committee cannot issue its advice or if the Government does not table the prescribed amendments within the three days following the issuance of the Committee's advice, deliberations on the provisions in question may continue.

9. If deliberations on certain provisions are suspended, Rule 85, para. 5, shall not apply.
10. If the request for advice from the Legislative Section of the Council of State relates to a matter that is the subject of a procedure for the prevention and settlement of a conflict of interests, the Community or regional Government that took the initiative of that procedure shall be informed about the request for advice and the progress of the procedure for the prevention of conflict of authority.

The aforementioned Conciliation Committee shall also be kept informed if the conflict of interests has been brought before it.

11. If the advice of the Legislative Section of the Council of State is requested by a minister on Private Members' bills or on amendments to Government or Private Members' bills, the procedure described in points 7 to 10 shall apply *mutatis mutandis*.
12. The advice of the Council of State and of the Conciliation Committee shall be printed and distributed.

#### Rule 99 <sup>(57)</sup>

1. The President of the House is obliged to request the advice of the Legislative Section of the Council of State if the request, deposited

<sup>57</sup> Law of 6 April 1995 organising the Parliamentary Consultation Committee described in Art. 82 of the Constitution: Art. 16. – The President of the House is obliged to request the advice of the Legislative Section of the Council of State if the written request, deposited with the Clerk of the House or the Senate, has been formulated by at least twelve members of the Committee, relates exclusively to a Government or Private Member's bill or to an amendment to such bills adopted at the first vote, and concerns a conflict of authority brought before the Committee. In urgent cases, the President may ask that the advice be given within a period not exceeding five working days.



with the Clerk's office of the House or of the Senate, is formulated by at least twelve members of the Parliamentary Consultation Committee referred to in Rule 13, relates exclusively to a Government or Private Member's bill before the House or to an amendment to such bills adopted at the first vote, and which concerns a conflict of authority brought before the Conciliation Committee.

2. In urgent cases, the President may ask that the advice be given within a period not exceeding five working days. In that case, the request for urgency will be substantiated with special reasons.
3. The periods of time mentioned in Articles 78 to 80 of the Constitution and in the law of 6 April 1995 regarding the establishment of the Parliamentary Consultation Committee mentioned in Article 82 of the Constitution and amending the coordinated laws on the Council of State, shall be suspended by the request for advice in the manner specified in Article 10 of the aforementioned law.

#### Rule 100

At the substantiated request of the committee responsible of the House, the plenary sitting shall decide whether the President shall avail himself of the option to request the coordination bureau of the Council of State to coordinate, codify or simplify a particular item of legislation <sup>(58)</sup>.

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<sup>58</sup> See Art. 6*bis* of the coordinated laws on the Council of State.

## SECTION VIII

**Prevention and settlement of conflicts of interest**

## Rule 101

If the House deems that it might be seriously harmed by a bill or proposal for decree or ordinance or an amendment thereto which is being tabled with or proposed to, as the case may be, a Community Parliament, the United Assembly of the Joint Community Commission of the Brussels-Capital Region or, in application of Art. 138 of the Constitution, the French language group of the Brussels-Capital Parliament, it may request that deliberations thereby on that bill, proposal or amendment be suspended for the purpose of conciliation.

The proposal for resolution introducing that request must be adopted by three-quarters of the votes.

The proposal for resolution by which the House confirms, in application of Art. 32, §1 *ter*, para. 2 of the ordinary law of 9 August 1980 on institutional reforms, that it still believes it is being seriously harmed must be adopted by the majority mentioned in Rule 61.

The resolutions shall, as the case may be, immediately be sent to the parliament concerned or the relevant body of the Brussels-Capital Region.

The President of the House shall organise the conciliation with the Parliament concerned or the relevant body of the Brussels-Capital Region. If necessary, he shall seek the advice of the Conference of Presidents.

A report on the conciliation shall be presented to the House within sixty days following suspension of the deliberations on the bill, proposal or amendment for the purposes of conciliation.

If the conciliation has not resulted in a solution within that period, the dispute will be brought by the President of the House before the Conciliation Committee instituted by Art. 31 of the ordinary law of 9 August 1980 on institutional reforms.

## Rule 102

1. Deliberations by the House on a Government or Private Member's bill shall be suspended for the purposes of conciliation if a Community Parliament, a Regional parliament or, in application of Art. 138 of the Constitution, the French language group of the Brussels-Capital Parliament, believing that it might be seriously harmed by that Government or Private Member's bill or an amendment thereto, so requests with three-quarters of the votes or if the United Assembly of the Joint Community Commission of the Brussels-Capital Region, believing that it might be seriously harmed by that Government or Private Member's bill or an amendment thereto, so requests with a majority of votes in each of its language groups.
2. Deliberations on the Government or Private Member's bill or amendment shall be suspended for sixty days. That suspension shall only take effect after the tabling of the committee report and, in any case, before the final vote in plenary sitting. However, a request as mentioned in point 1 shall not suspend deliberations on a Government or Private Member's bill or amendment in committee.

When the text over which a conflict of interest has arisen is amended after the conflict was made an issue, the Parliament or body concerned of the Brussels-Capital Region must confirm, after the tabling of the committee report, and in any case before the final vote in plenary sitting on the Government or Private Member's bill, that it still believes it is being seriously harmed. Deliberations shall be suspended until the Parliament or body concerned of the Brussels-Capital Region makes a pronouncement, which must be within fifteen days.

In this case, the suspension for the purpose of conciliation starts on the day when the Parliament concerned or the relevant body of the Brussels-Capital Region confirms it is being seriously harmed.

This procedure may only be applied once by the same Assembly with regard to the same Government or Private Member's bill. If the Government or Private Member's bill over which the conflict of interest has been made an issue is amended, a new conflict of interest may only be brought up over the amendment(s).

3. The President of the House shall arrange the conciliation with the Parliament concerned or the relevant body of the Brussels-Capital Region.
4. A report on the conciliation shall be presented to the House within sixty days following suspension of the procedure for deliberating on the bill or amendment for the purposes of the conciliation.

If the conciliation has not resulted in a solution within that period, the dispute will be brought by the President of the House before the Senate, which shall give its reasoned advice to the Conciliation Committee instituted by Art. 31 of the ordinary law of 9 August 1980 on institutional reforms.

Deliberations will then remain suspended until the committee has reached a decision, and no later than thirty days after the Senate has issued its reasoned advice.

5. If the Conciliation Committee has not reached a decision within that period or if the House is informed, before the expiry of that period, that the committee is unable to make a pronouncement, the House may resume its deliberations.

#### Rule 103

1. Rule 75, points 2 to 7, does not apply to proposals for resolution. Such proposals shall be sent to the standing committee for Constitutional Review and Institutional Reform, unless the House decides there is no need to send them to committee.

In the case described in Rule 102, the committee deliberating on the Government or Private Member's bill shall issue its advice on the conflict of interest within the framework of the conciliation with the Parliament or body of the Brussels-Capital Region which made the request.

The President of the House shall determine the period within which the report must be tabled.

2. If a procedure relating to a conflict of authority has been or is being introduced, any procedure for settling a conflict of interest on the same subject shall be suspended.  
If the Council of State – at the request of the Federal Government, the Conciliation Committee, a Community or regional Government, the United College of the Joint Community Commission or the College of the French Community Commission - states in a reasoned opinion that a conflict of interest brought before the Conciliation Committee is coupled with a conflict of authority, the procedure for settling the conflict of interest in the Conciliation Committee shall be definitively closed.
3. The agreement reached after the conciliation and the Conciliation Committee's decisions as described in Rules 101 and 102 shall be printed and distributed.
4. The proponents of proposals for resolution and one speaker per political group may take the floor within the limits fixed by Rule 48, point 1, no. 6.

## SECTION IX

### **Alarm-bell procedure**

#### Rule 104<sup>(59)</sup>

A motion may be tabled declaring that the provisions of a Government or Private Member's bill are of such a nature as to seriously threaten relations between the communities.

The motion must be substantiated, signed by at least three-quarters of the members of a language group and introduced after the tabling of the report and before the final vote in plenary sitting. It may not relate to a budget or a law requiring a vote by special majority.

The members of a language group may apply this procedure only once with regard to the same Government or Private Member's bill.

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<sup>59</sup> See Art. 54 of the Constitution.

The motion, once it is deemed to be admissible by the President of the House, shall immediately be referred by the latter to the Council of Ministers. Parliamentary procedure will then be suspended.

The Council of Ministers shall render its reasoned advice within thirty days on the motion and shall invite the House to pronounce either on its advice, or on the Government or Private Member's bill, amended as the case may be.

## SECTION X

### **Sending bills to the King for the Royal Assent**

#### Rule 105

The House shall send the adopted bills to the King for Royal Assent in the following cases:

- 1° If the bill governs a matter mentioned in Article 74 of the Constitution, after adoption by the Plenary Assembly of the House;
- 2° If the bill governs a matter mentioned in Art. 77 of the Constitution and the House is the last to pronounce thereon, after adoption of the same text by the House of Representatives and the Senate;
- 3° If the bill governs a matter mentioned in Article 78 of the Constitution, as the case may be:
  - After the expiry of the evocation period of fifteen days stipulated in Art. 78, para. 2 of the Constitution <sup>(60)</sup>;
  - After receipt of the decision by which the Senate declares that there is no reason to amend the bill it has evoked (Art. 78, paras. 3 and 4 of the Constitution) <sup>(61)</sup>;

<sup>60</sup> Shortened, as the case may be, in accordance with Art. 80 of the Constitution.

<sup>61</sup> It can be seen from Rule 60, point 4, last paragraph, of the Senate's Rules of Procedure that if it rejects a Government bill that it has evoked, the Senate is considered to have decided not to amend that Government bill, in accordance with Art. 78, para. 4, of the Constitution.

- After the expiry of the deliberation period of sixty days stipulated in Art. 78, para. 3 of the Constitution <sup>(62)</sup> or the deliberation period of fifteen days as mentioned in Art. 79, para. 1 of the Constitution <sup>(63)</sup>;
- After the adoption or rejection of the amendments adopted by the Senate, in accordance with Art. 78, last paragraph, of the Constitution;
- After receipt of the decision by which the Senate declares itself in favour of the bill as amended by the House of Representatives, in accordance with Art. 79, para. 1 of the Constitution <sup>(64)</sup>;
- After the House has given a definitive decision, in accordance with Art. 79, last paragraph, of the Constitution, either adopting the bill or amending it;
- Or after the House has adopted a bill sent by the Senate, in accordance with Art. 81, para. 2, of the Constitution.

A copy of the parchment sent by the House to the Government for the Royal Assent is kept in the archives of the House. <sup>(65)</sup> Neither the manuscript nor the copy may contain any alterations, unless they are technical improvements accepted in plenary sitting and unless moreover it must be sent to the Government urgently. Such technical improvements must be initialled and dated by the Clerk in the margin of both documents and the articles concerned must be mentioned on the first page of the copy.

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<sup>62</sup> Shortened or extended, as the case may be, in accordance with Articles 80 and 82 of the Constitution.

<sup>63</sup> Extended, as the case may be, in accordance with Art. 82 of the Constitution.

<sup>64</sup> It can be seen from Rule 61, point 4, last paragraph, of the Senate's Rules of Procedure that if it rejects a Government bill that has been amended by the House, the Senate is considered to support the bill voted on by the House of Representatives, in accordance with Art. 79, para. 3, of the Constitution. In this case, the House shall send the text it has adopted to the King for the Royal Assent.

<sup>65</sup> The Members of the House may peruse that copy at any time.

## CHAPTER II

**THE PROCEDURE IN BUDGET MATTERS <sup>(66)</sup>**

## SECTION I

**General provisions**

## Rule 106

After the Government has defined its policy options for the following budget year, it shall first submit them to the House (during the month of September) for its deliberations thereon.

Immediately after the general deliberations on that Government declaration, the House will give its decision by a nominal vote on any motions that have been tabled in accordance with Rule 133, para. 1.

## Rule 107

1. If the Ways and Means Budget, the General Expenditure Budget – including budget tables in which the funds for the programmes are split up into basic appropriations according to the economic classification <sup>(67)</sup> – and/or the General Explanation of both bills and the policy notes have not been distributed by 31 October of the preceding budget year, the Finance and Budget Committee shall meet in the course of the first ten days of November.

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<sup>66</sup> – Constitution: Art. 174. – Every year, the House of Representatives settles the final State accounts and votes on the budget. However, (...)

All the incomes and expenses of the State must be credited/debited to the budget and in the accounts.

– Art. 177. – A law adopted with a majority as described in Article 4, last determines the system for financing the Regions.

Each of the Regional Parliaments determines the allocation of its incomes by the rules described in Article 134

<sup>67</sup> Art. 14 of the coordinated laws on the compatibility of the State, as amended by the law of 19 July 1996.



If the budget drafts and/or the synoptic tables of operations by public benefit institutions are not appended to the draft of the General Expenditure Budget or the justification of that budget – in accordance with the legal provisions relating to State enterprises <sup>(68)</sup> and the control of certain public benefit institutions <sup>(69)</sup> –, the Finance and Budget Committee shall also meet, if necessary, during the first ten days of November.

In each of the aforementioned cases, the committee debates on the situation thus created and draws up a report thereon, which is sent to the Members of the House.

2. The President of the House shall ask the Ministers responsible for an explanation in the following cases:
  - a) If, on 30 April of the current budget year, a Government bill adjusting the Ways and Means Budget and/or the General Expenditure Budget has still not been tabled and distributed;
  - b) If, on 1 November following the end of the budget year, the Government bill relating to the final settlement of budgets still has not been tabled and distributed.

The Ministers responsible shall provide a written reply to the House within seven days. At the end of this period, the President shall inform the House of the question and answer or of the unanswered question during the next plenary sitting.

3. Except for the priority processing of a Government finance bill, a Government bill making provisional appropriations, or a Government bill containing riders to the budget in application of Rule 115, and unless the House decides otherwise, priority is given to processing the Ways and Means Budget and the General Expenditure Budget, together with their adjustments.

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<sup>68</sup> Art. 115 of the coordinated laws on the State Accounts, as amended by the law of 19 July 1996.

<sup>69</sup> Art. 3 of the law of 16 March 1954 relating to the supervision of certain public bodies, as amended by the law of 19 July 1996.

4. The processing of the Ways and Means Budget and the General Expenditure Budget, together with their adjustments, of Government finance bills and those making provisional appropriations, as well as Government bills relating to the final settlement of budgets, is subject to the same Rules of Procedure as for the processing of Government legislative bills, without prejudice to the application of the special provisions of the present chapter.
5. The Ways and Means Budget and the General Expenditure Budget, together with any adjustments made thereto as a result of the annual budget control, are voted on by the House respectively no later than 31 December of the year preceding the budget year and before 30 June of the current budget year.

## SECTION II

### **Sending to committee**

#### Rule 108

1. The Ways and Means Budget and the General Expenditure Budget, together with their adjustments, Government finance bills and those making provisional appropriations, as well as Government bills relating to the final settlement of budgets and the prefiguration of the results of the implementation of the budget, drawn up by the Court of Audit, are sent to the Finance and Budget Committee.

At the same time, the General Expenditure Budget, or its adjustment, are moreover sent to each of the other standing committees for advice on those programmes that concern them.

The previous paragraph also applies to Government bills relating to the final settlement of budgets, insofar as the President of the House or a standing committee other than the Finance and Budget committee so decides.

2. If the Ways and Means Budget and the General Expenditure Budget, or their adjustments, are tabled in the House simultaneously, the Finance and Budget Committee shall process them jointly.

If the aforementioned budgets or their adjustments are not tabled simultaneously and processing of the Ways and Means Budget or its adjustment has not been completed when the General Expenditure Budget or its adjustment are distributed, the President of the House may decide that both budgets or adjustments will have to be processed jointly from that moment onwards.

#### Rule 109

The modified administrative budgets, which are communicated to the House during the budget year (and before their publication in the *Belgisch Staatsblad/ Moniteur belge* [Official Gazette]), shall be sent to the standing committees responsible.

### SECTION III

#### Processing in committee

#### Rule 110

1. Except in a case where priority is granted for the processing of a Government finance bill and/or a Government bill making provisional appropriations, or a Government bill containing riders to the budget in application of Rule 115, and unless the House decides otherwise, the Finance and Budget committee shall process the Ways and Means Budget and the General Expenditure Budget, together with their adjustments, without interruption until all the work is complete <sup>(70)</sup>.
2. Except in a case where more time is allowed by decision of the President of the House, the committee shall hold as many meetings as necessary to this end in order to complete the processing of the General Expenditure Budget or its adjustment, regardless of whether or not these are processed at the same time as the Ways and Means Budget, within five days following the end of the period in which the other standing committees consulted for advice are obliged to give that advice.

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<sup>70</sup> Consideration of a Government or Private Member's bill for which urgency has been granted in application of Rule 51 nevertheless has priority over consideration of the budget.

If the report containing the advice of a standing committee is still not available, the rapporteur will relate the report orally to the Finance and Budget Committee.

The advice of the aforementioned standing committees may contain proposals for modifying the texts submitted to them.

In the Finance and Budget Committee's report, it will be stated to what extent the aforementioned modification proposals have been adopted or not. In addition to the text of the articles of the bill which have been amended by the Finance and Budget Committee, the report will include, *in fine*, the text of those modification proposals made by the committees consulted for advice that were not adopted.

If the aforementioned standing committees do not give their advice within the prescribed deadline, the Finance and Budget Committee does not suspend its deliberations and may make a decision immediately.

3. If the Ways and Means Budget or its adjustment, if any, is not processed jointly with the General Expenditure Budget or its adjustment, the President of the House shall determine the period of time by which the process must be completed after the said budget and adjustment have been distributed; that period may not be less than ten days.

The present provision applies without prejudice to Rule 108, para. 2.

4. The President of the House shall determine the period of time within which processing of the Government bills relating to the final settlement of budgets must be completed after they have been distributed. That period may not be less than ten days.

#### Rule 111

The standing committees are convened within eight days following distribution of the General Expenditure Budget and its adjustment.

By the 5<sup>th</sup> of December at the latest, each standing committee shall issue its advice on the programmes concerning it, unless the General

Expenditure Budget and the policy notes are not tabled in time, in which case the Conference of Presidents shall decide how much more time should be granted to the committees.

The policy notes shall expound the way in which ministers take action following the governing agreement and the resolutions adopted by the House. They shall specify the objectives, the budgetary reorientations, the means to be deployed and the implementation schedule. They shall be sent to the House by 31 October at the latest. They shall also provide the basis for the scrutiny of the General Expenditure Budget's programmes.

#### Rule 112

The Government finance bills and/or Government bills making provisional appropriations shall be examined by the Finance and Budget Committee within the period of time following their distribution, which is set by the President of the House.

#### Rule 113

1. During the month of May following the end of the budget year, the Court of Audit shall communicate a prefiguration of the results of the implementation of the budget to the House.

On the basis of that prefiguration, the Finance and Budget Committee may adopt a proposal for a reasoned motion containing the provisional settlement of the budget.

2. Proposals for a reasoned motion and amendments to those proposals shall be sent to the chairman of the Committee. The chairman shall notify the Committee thereof as soon as they are tabled.

As soon as the Committee is notified of more than one proposal for a reasoned motion, it shall determine – without debate and at the proposal of its chairman – which proposal will serve as a basis for the discussion or pursuance thereof.

## Rule 114

If the answers to questions put to the Government are not forthcoming within the period of time set for remitting the report to the President of the House, only the questions will be appended to the report. The answers to these questions shall be published in an appendix distributed separately. If deliberations in plenary sitting have begun, then the answers shall be given orally by the Minister or, if the House so decides, they will be published in an appendix to the *Verbatim Report*.

## Rule 115

The Finance and Budget Committee, assisted by the Court of Audit, shall first examine whether a budget, a Government finance bill or Government bill making provisional appropriations contains provisions of a legislative nature that have no direct relation with the Government bill in question and which should therefore be separated from the bill.

These provisions may be presented again in the form of a distinct Government bill containing budgetary riders.

## SECTION IV

**Processing in plenary sitting**

## Rule 116

Deliberations on the Ways and Means Budget and the General Expenditure Budget or their adjustments, held jointly or not, depending on whether Rule 108, point 2, was applied in committee, shall be included in the Order of Business for the first appropriate sitting after distribution of the report by the Finance and Budget Committee, with respect for the period of time provided by Rule 84.

Deliberations on Government finance bills and/or Government bills making provisional appropriations and Government bills containing budgetary riders in application of Rule 115 shall be in the Order of Business for a plenary sitting on the nearest available date, either:

- a) After distribution of the Committee's report;
- b) At the end of the period set by the President of the House for processing in committee and, if necessary, without waiting for the tabling of the report. If the report has still not been distributed, the text amended by the Committee shall be drawn up.

Unless the Conference of Presidents decides otherwise, the Ways and Means Budget and the General Expenditure Budget, together with their adjustments, the Government bills relating to the final settlement of budgets, the Government finance bills and/or Government bills making provisional appropriations and the Government bills containing budgetary riders in application of Rule 115 shall be discussed in plenary sitting in accordance with Rule 48, point 1, 2°.

## SECTION V

### **Special provisions**

#### Rule 117

During the budget year, the standing committees responsible shall dedicate a certain number of meetings to questions asked by the Members and to the answers from ministers authorising public expenditure and the Secretaries of State concerned on the subject of the implementation of budgets and the updating, if any, of the policy notes mentioned in Rule 111, para. 3.

These meetings shall concentrate in particular on the following subjects: The deliberations of the Council of Ministers relating to application of the right to exceed appropriations, which must be sent immediately (and before their publication in the *Belgisch Staatsblad/ Moniteur belge*) to the House and the Court of Audit; the modified administrative budgets, which must

be communicated to the House and the Court of Audit during the budget year (and also before their publication in the *Belgisch Staatsblad/ Moniteur belge*); the periodic statements of budget appropriations together with their utilisation – per programme and per basic allocation – which must be sent to the House and the Court of Audit by the Budget and Finance Ministers (at least three times) during the budget year.

These meetings may give rise to the adoption of a reasoned motion proposal, to which the provisions of Rule 113, point 2, apply.

### Rule 118

Any amendment to a budget or its adjustment, to a Government bill relating to the final settlement of budgets, a Government finance bill or Government bill making provisional appropriations or a Government bill containing budgetary riders in application of Rule 115 must be tabled before the closure of the general discussion mentioned in Rule 116, para. 3.

Amendments to the Ways and Means Budget or the General Expenditure Budget, or their adjustments, or a Government finance bill or Government bill making provisional appropriations, which includes provisions of a legislative nature not relating directly thereto are not admissible.

### Rule 119

The House shall pronounce on the proposals for reasoned motions as described in Rules 113 and 117.

Rule 75, nos. 2 to 7, does not apply to these proposals.

Any amendment to a proposal for reasoned motion adopted in committee must be tabled before the day when that proposal is included in the Order of Business for the plenary sitting.

Deliberations on a reasoned motion in plenary sitting are limited to amendments that have not yet been tabled previously. Voting explanations are permitted in accordance with Rule 57.



## CHAPTER III:

**CONSTITUTIONAL AMENDMENTS (71)**

## Rule 120

1. When the Legislative Power has declared that there is reason to amend certain provisions in the Constitution, those declarations shall be sent, at the beginning of the new session, by the House for processing by the Standing Committee for Constitutional Review and Institutional Reform.
2. All Government and Private Members' bills declaring there is reason to amend particular provisions in the Constitution shall be sent to the Committee.
3. All Private Members' bills for modification or redrafting of the articles to be amended shall be submitted to the Committee without authorisation to print them and without their being taken into consideration (72).
4. Even if the sitting has closed, the Committee may hold meetings and bills for constitutional amendments may be submitted to it directly, regardless of whether they have been tabled by the Government or at the initiative of Parliament.
5. The text of the bills, whether they have been tabled by the Government, at the initiative of Parliament, by the Committee or one of its members, if the latter so wishes, shall be printed and distributed to the Members of the House.

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<sup>71</sup> Constitution: Art. 195. – The Federal Legislative Power has the right to declare that any such constitutional provision as it designates should be amended. After that declaration, both Houses are automatically dissolved. These Houses shall rule on the points submitted for amendment, by mutual agreement with the King.

In this case, the Houses may only deliberate if at least two-thirds of the Members each of them is comprised of are present; and no amendment may be adopted unless it attracts at least two-thirds of the votes.

<sup>72</sup> This provision does not apply to Private Members' or Government bills of declaration for the amendment of the Constitution, nor to other Government or Private Members' bills that might be sent to the Standing Committee for Constitutional Amendments and Institutional Reforms.

The same applies to any explanatory statement that might have been presented in support of the bills.

6. The Committee may order the minutes of its meetings to be printed out and distributed to the Members of the House.
7. Rule 26, point 6, does not apply in this Committee.

## CHAPTER IV

### SPECIAL LEGISLATIVE PROCEDURES

#### SECTION I

##### **Naturalisations** <sup>(73)</sup>

###### Rule 121

1. At the start of each parliamentary term, the House shall nominate from among its Members a Committee for Naturalisations, consisting of seventeen members appointed in accordance with Rules 22, 157 and 158.
2. The Committee is presided over by a chairman elected from among its members. Furthermore, the Committee appoints a first and second vice-chairman.
3. The Committee is responsible for examining requests for naturalisation.

It lays down the general rules for processing naturalisation requests in standing orders. These standing orders and any modification thereto are approved by the Plenary Assembly after being approved by the Committee for the Rules of Procedure. They are appended to the present Rules of Procedure

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<sup>73</sup> Constitution: Art. 9 – Naturalisation is granted by the Federal Legislative Power. Art. 74. – As the departure from Article 36, federal legislative power is jointly exercised by the King and by the House of Representatives for:

1° the granting of naturalisations; (...)

The Committee also determines the criteria for examining requests for naturalisation. These criteria are communicated to all Members of the House.

4. The Committee is divided into chambers in the manner specified in the standing orders.
5. Requests for naturalisations are divided between the chambers in accordance with the rules specified in the standing orders. At least one rapporteur is appointed for each request.
6. The Committee makes its decisions only on the basis of documentary evidence.
7. The chamber to which the request has been referred may:
  - propose to the House that naturalisation be granted, or
  - propose to the House that naturalisation be rejected, or
  - decide to adjourn and/or ask for further examination.
8. If unanimity on naturalisation or rejection thereof is not reached within the chamber to which the request has been referred, the request shall be submitted to the Committee, which will give its decision in accordance with Rule 26, point 1, first paragraph, and 26, point 5.
9. The Committee's meetings are held in public, except when the Committee is deliberating on individual naturalisation dossiers or unless the Committee decides otherwise.
10. Individual naturalisation dossiers may only be examined and perused in the premises of the Committee.
11. The proposal for naturalisation deeds appended to the Committee's report shall mention – subdivided according to the applicable legislation – the applicants' surnames in alphabetical order, their first names and the municipalities where they are residing <sup>(74)</sup>, drawn up in separate lists according to the nature of the departures from the law.

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<sup>74</sup> As a transitional measure, mention is also made of the profession for requests that do not come under the application of the law of 28 June 1984, amended by the law of 1 March 2000, but that of a previous version of the law of 28 June 1984.

12. At least fifteen full days must elapse between the day on which the report and the proposal for naturalisation deeds are distributed among the Members of the House and that on which the Plenary Assembly votes. The documents will in the meantime be kept with the secretariat of the Committee, where any Member of the House may peruse them without removing them.  
Any Members who have observations to make on the proposal for naturalisation deeds may send them in writing to the President of the House, who will keep copies thereof for the chairman of the Committee, until no later than five days before the plenary sitting. The Committee shall give its opinion on these observations before the plenary sitting.
13. The plenary sitting shall vote both on the rejections proposed in the report, which are identified by a dossier number only, and on the proposals to grant naturalisation.
14. Voting on proposals to grant naturalisation is by secret ballot. Refusal to grant naturalisation to an applicant is expressed by deletion of any mention of that applicant. At the call-over each Member shall deposit the proposal for deeds of naturalisation in a ballot box. The Bureau shall verify the number of voters. The votes shall be recorded by two secretaries appointed by lot.
15. The whole proposal for deeds of naturalisation shall be submitted to a nominal vote.
16. The obligation to secrecy described in Rule 67 applies to requests for naturalisation, both with regard to the members of the Committee and the Members of the House who, although not members of the Committee, may nevertheless consult the dossiers in relation to the application of point 12 above.

## TITLE III

**THE FUNCTION OF OVERSIGHT AND INFORMATION**

## CHAPTER I

**QUESTIONS**

## SECTION I

**General provisions**

## Rule 122

Questions must be precise, succinct and limited to what is strictly necessary to understand them without further explanation.

The following are in particular inadmissible:

- a) Questions relating to matters of private interest or concerning personal cases;
- b) Questions aimed purely at obtaining statistical information;
- c) Questions aimed at obtaining documentation;
- d) Questions whose sole aim is to obtain advice of a legal nature;
- e) Questions whose aim is the same as that of a request for interpellation or a Government or Private Member's bill tabled previously.

No motion may be tabled in relation to the answer to a question.

## SECTION II

**Written questions**

## Rule 123

Any Member who wishes to ask the Government a question shall remit the written text thereof to the President of the House; the President shall pass it on to the minister concerned.

The answer must be sent to the President within no more than twenty working days <sup>(75)</sup>.

The question and the answer shall be inserted into the *Bulletin of Questions and Answers* which appears every week when the House is sitting.

If the answer does not reach the President by the deadline mentioned in the present article, the question shall be published by itself, it being understood however that it will be included again when the answer is published.

Answers by Ministers to written questions shall not give rise to any rejoinder or discussion and Rule 48, point 4, shall not be applicable thereto.

## SECTION III

**Oral questions in plenary sitting**

## Rule 124

1. Members may put oral questions to the Government at least once a week, for an hour at the beginning of an afternoon sitting, preferably on Thursdays.

If necessary, a second hour of questions is provided during the first plenary sitting following a meeting of the Council of Ministers.

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<sup>75</sup> For questions asked during the period extending from the day after that on which the House met for the last time before the parliamentary holidays to 31 August, the period of reply only begins from the first Monday of September.

2. Questions must be topical and of general interest. The President of the House shall judge their admissibility.
3. Any Member who wishes to ask such a question shall inform the President of the House thereof, through the chairman of his group, before 11:00 hrs of the day planned for this <sup>(76)</sup>. He shall designate the minister concerned and indicate the subject of the question. The Minister shall be notified thereof without delay.
4. With regard to the order of the questions, the President shall give the floor alternately to the opposition and the majority.
5. If the subject of a question tabled for Government question time in plenary sitting is the same purpose as that of an oral question put previously but not yet put in Committee, the question initially intended for the Committee is sent back to question time in plenary sitting, where it shall have priority <sup>(77)</sup>.
6. Speakers shall formulate their questions and answers without having any document whatsoever to hand.
7. Speaking time is limited to two minutes for the question, two minutes for the Government member's reply and one minute for any rejoinder by the questioner. Thereafter, the incident is closed.
8. Any questions which, through lack of time, could not be asked during the day's sitting shall be carried over to the next sitting that includes oral questions in its Order of Business.
9. If the questioner is absent when his name is called, his question shall be considered withdrawn and he may not ask any new question on the same subject.
10. An oral question may be sent to a committee by the President of the House if he believes that it is of lesser importance.

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<sup>76</sup> Members of the House who are not part of a group may inform the President directly of their intention to ask a question.

<sup>77</sup> The oral question thus sent to the plenary sitting is not taken into account when calculating the quota of oral questions to which each group is entitled.

## SECTION IV

**Topical debate in plenary sitting**

## Rule 125

When different questions as described in Rule 124 concern a topical subject, the President of the House may, on the advice of the chairmen of the political groups, on the advice of the Conference of Presidents, or after consulting the Plenary Assembly, group these questions together in such a way that they can be processed during a topical debate that follows question time.

Speaking time is two minutes per questioner. The Government member has five minutes to reply.

With the exception of the group to which the questioner belongs, a single speaker per group may also take the floor for two minutes, either immediately after the questioner(s), or after the rejoinders from questioners to the Government's reply.

Questioners may add a rejoinder to the Government's reply. They may speak for two minutes.

The incident is closed after the interventions of other speakers or, if there are no such interventions, after the rejoinders.



## SECTION V

### **Urgent questions in plenary sitting**

#### Rule 126

1. If, for urgent reasons, a Member wishes to put a question to a minister orally, he must inform the President of the House thereof in writing beforehand, and he will decide as to its admissibility.

If the question is declared admissible, it may be put at such time as the President shall determine, after consultation with the Minister. Speaking time is limited to two minutes for the question, two minutes for the Government member's reply and one minute for any rejoinder by the questioner.

If the question is considered inadmissible, the President may decide that it should be converted into a question to which either Rule 123 or Rule 124 applies.

2. An urgent question may be sent to a committee by the President if he believes that it is of lesser importance.
3. This Rule does not apply on days when the Order of Business provides for questions to be put in application of Rule 124 or Rule 125.

## SECTION VI

### **Oral questions in committee**

#### Rule 127

1. Oral questions may be put to the Government in standing committees, at least once a week.
2. Questions must be topical and of general interest. The President of the House shall judge their admissibility.

3. The questions must be deposited with the President of the House on the day before, no later than 11.00 a.m. They shall be sent without delay to the Minister to whom they are addressed, as well as to all political groups.
4. Each question must be included in the Order of Business of the committee concerned.
5. The questions are asked per minister and in the chronological order in which they were tabled.
6. The questions are appended to the interpellations tabled on the same subject.

Only those questions tabled before the first request for interpellation on the same subject have priority over the interpellations. The other questions are asked before the Government's reply.

In the rejoinders, the interpellants and the questioners intervene in the same order as that in which their interpellations or questions were tabled and before the other Members.

7. Oral questions on the same subject in committee and in plenary sitting may not be asked during the same week. If a question tabled for Government question time in plenary sitting has the same subject as an oral question put previously but not yet put in committee, the question initially intended for the committee is sent to question time in plenary sitting, where it shall have priority <sup>(78)</sup>.
8. Five minutes is the total speaking time allowed the question and the answer. The Member who asked the question may ask another question or add a rejoinder. In this case, the total speaking time for the additional question or the rejoinder and the reply is limited to two minutes. The incident is closed either after any rejoinder following the answer to the question, or after the reply to the additional question.

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<sup>78</sup> The oral question thus sent to the plenary sitting is not taken into account when calculating the quota of oral questions to which each group is entitled.

9. Any questions which, through lack of time, could not be asked during the day's meeting shall be carried over to the next meeting that includes oral questions in its Order of Business.
10. If the questioner is absent when his name is called without giving notice thereof, the chairman of the committee may consider his question as withdrawn and that questioner may not then put another question on the same subject again.
11. All the questions asked in committee, together with the replies thereto, shall be included in the *Verbatim Report* and the *Summary Report*, except for those appended to the discussion of a budget.

## SECTION VII

### **Topical debate in committee**

#### Rule 128

If at least three questions are asked on the same subject, the chairman of the committee may decide to join them together to make them the subject of a topical debate in committee. The provisions of Rule 125 apply *mutatis mutandis* to this debate.

## SECTION VIII

### **Urgent questions in committee**

#### Rule 129

An urgent question that has been sent to committee in application or Rule 126, point 2, may be put at such time as the chairman of the committee shall determine, after consultation with the minister. Speaking time is limited to two minutes for the question, two minutes for the Government member's reply and one minute for any rejoinder by the questioner.

The present Rule does not apply on days when the Order of Business provides for questions to be put in application of Rule 124 or Rule 125.

CHAPTER II

**INTERPELLATIONS**

SECTION I

**General provisions**

Rule 130

1. Any Member who intends to interpellate the Government shall inform the President of the House of the subject of his interpellation by a written declaration accompanied by a note precisely indicating the question or the facts on which explanations are being sought, together with the principal considerations that the interpellant wishes to set out.
2. A request for interpellation may only be introduced by a single Member.
3. The President of the House may declare inadmissible a request for interpellation introduced within one month of an interpellation on the same subject.
4. Unless the Conference of Presidents decides otherwise, requests for interpellation on the same subject shall only be admissible if they are introduced no later than the day before that on which the principal interpellation is to be held.
5. Interpellations are held in committee. The chairman decides on the referral thereof.

In accordance with Rule 41, para. 2, the Conference of Presidents may however designate interpellations of general or particular political interest to be held in plenary sitting.

6. The President of the House may, if the Conference of Presidents agrees, decide that a request for interpellation has to be converted into a question to which either Rule 123 or 124 applies.

The question mentioned in the previous paragraph may be sent to committee by the President if he believes that it is of lesser importance.

7. Interpellations are held within two weeks of their being sent to committee <sup>(79)</sup>.
8. If the interpellant or a Member requests urgency in plenary sitting and that request is supported by one-fifth of the Members of the House, the interpellation shall be held during the same week or, if the Government consents thereto, on the same day. The President, after consulting the House, shall decide whether the interpellation is to be held in plenary sitting or in committee.
9. Urgency may also be adopted by the Conference of Presidents if it is supported therein by one or more members representing one-fifth of the Members of the House. In this case, the Conference of Presidents shall decide in the same way whether the interpellation is to be held in plenary sitting or in committee.
10. Unless the Conference of Presidents decides otherwise, any interpellation shall be included in the deliberations on a legal budget – either the Ways and Means Budget or the General Expenditure Budget – if that budget:
  - a) is introduced within the two weeks following the request for interpellation;
  - b) is discussed within two weeks of its introduction.

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<sup>79</sup> For requests for interpellation introduced during the period leading up to the day after that on which the House met for the last time before the parliamentary holidays on 31 August, this period only begins from the first Monday of September.

## SECTION II

**Interpellations in plenary sitting**

## Rule 131

1. The President shall read out the written declaration referred to in Rule 130, point 1.
2. The interpellant has ten minutes to set forth his interpellation. If one or more questions have been added to the interpellation, each questioner may take the floor for five minutes, in the order in which the questions were introduced.

If other interpellations or questions have been added to the first interpellation introduced, the interpellations and questions will be set forth in the order in which they were introduced. In this debate, the first interpellant has ten minutes to set forth his interpellation, the other interpellants and questioners each having five minutes.

If there is only one interpellation, with or without appended questions, the Government has ten minutes to reply. It shall have twenty minutes if it is replying to several interpellations, with or without appended questions.

If the Government does not reply immediately after the interpellations are set forth and the questions asked, the President shall close the debate after giving permission only to the interpellants to take the floor for five minutes and after the introduction of any motions.

If the Government has replied to one interpellation only, the interpellant, the authors of appended questions and three other Members may add their rejoinders, each for five minutes. If the Government has replied to several interpellations, only the interpellants may add their rejoinders, each for five minutes. The President shall close the debate after these interventions and the introduction of any motions.

3. Acting on the advice of the Conference of Presidents, the President may, if the importance of the subject of the interpellation justifies it, double the speaking time allowed in application of point 2, for such categories of speakers as he shall determine. If several interpellations have been joined together, he may also increase the number of speakers after the rejoinders or authorise other speakers to take the floor after the rejoinders, within the speaking time established for their category.
4. In the case mentioned in Rule 130, point 10, only the interpellant may take the floor.
5. Each interpellation shall be concluded during the sitting in which it was held.
6. If no motion is introduced after the rejoinders, the incident shall be closed. On the other hand, if motions are introduced after the rejoinders, then only the discussion shall be closed.
7. The right to take the floor as an interpellant is personal.
8. When a request for interpellation is addressed to the Prime Minister, the latter may delegate a member of the Government responsible to reply. The President of the House shall be informed of the Prime Minister's decision.
9. The interpellations and subsequent deliberations shall be included in the *Summary Report* and the *Verbatim Report*.

## SECTION III

**Interpellations in committee**

## Rule 132

1. The committees shall hear the interpellations sent to them by the President of the House in accordance with Rule 130. When sending them, the President may set the order in which they are to be held and, at the same time, double the speaking time for the interpellants and/or the time for rejoinders and/or the number of other speakers permitted to add rejoinders in accordance with Rule 131, point 3.

They will be held during the first meeting of the committee after the interpellations were sent to them, unless the President of the House or the committee arranges a meeting during which the interpellations and/or questions will have the benefit of priority over the Government bills, in departure from Rule 24, para. 2 <sup>(80)</sup>.

2. Without prejudice to Rule 127, point 6, the provisions of Rule 131, points 1 to 8, similarly apply.
3. All the interpellations in committee shall be included in the *Verbatim Report* and the *Summary Report*, except for those appended to the discussion of a budget.

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<sup>80</sup> «In committee, interpellations and questions may only benefit from priority in relation to Government bills and not to budgets...» (Doc. House, no. 738/1, 20 January 1987, p. 9).



## CHAPTER III

**MOTIONS TABLED IN RELATION TO A GOVERNMENT POLICY STATEMENT, A GOVERNMENT ANNOUNCEMENT OR AN INTERPELLATION**

## Rule 133

To wind up a debate on a Government policy statement with regard to the formation of the Government, a change to its programme or a change to its composition, or on a Government announcement for which the Government seeks a vote of confidence, the Members of the House may table two types of motion <sup>(81)</sup>:

- A constructive motion of no-confidence;
- A motion of no-confidence.

To wind up a debate on an interpellation, the Members of the House may table four types of motion <sup>(82)</sup>:

- A simple motion;
- A constructive motion of no-confidence;
- A motion of no-confidence;
- A motion of recommendation.

In the same cases as mentioned in the first and second paragraph, the Government may table a motion of confidence.

## Rule 134

A simple motion is one that simply entails proceeding with the items for discussion on the Order of Business. A simple motion may not be introduced to wind up a debate on a Government policy statement or Government announcement, as mentioned in Article 133, first paragraph.

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<sup>81</sup> Proposals designed to enable the tabling of motions of confidence or constructive motions of no-confidence in cases other than those mentioned in [paragraphs 1 and 2], have been rejected by the committee (Doc. House, no. 1766/2 94-95, p. 3, note at bottom of page).

<sup>82</sup> Proposals designed to enable the tabling of motions of confidence or constructive motions of no-confidence in cases other than those mentioned in [paragraphs 1 and 2] have been rejected by the committee (Doc. House, no. 1766/2 94-95, p. 3, footnote).

The simple motion automatically takes precedence over all other motions, except for the motion of confidence. The consequence of adopting a simple motion is that all other motions fall.

### Rule 135

1. A motion of confidence is a motion in which the House either unconditionally grants its confidence to the Government or a member thereof, or unconditionally confirms its confidence in the Government or a member thereof.

It may only be tabled by the Prime Minister.

2. A motion of confidence automatically has priority over all other motions.
3. The consequence of adopting a motion of confidence is that all other motions fall.
4. After a motion of confidence in the Government has been rejected with an absolute majority of its Members, the House may pronounce on the motion of nomination mentioned in Rule 136, within a period of three days <sup>(83)</sup> starting from that rejection.

All voting in plenary sitting is suspended until the vote on the motion of presentation or – if there is no motion of nomination – until the expiry of the period of time within which that motion may be put to the vote.

5. The consequence of rejecting a motion of confidence with an absolute majority of votes is that all pending motions fall.

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<sup>83</sup> This period is laid down by the Constitution (Art. 46 of the Constitution) and may not be extended by decision of the House.

## Rule 136

A motion for nomination is one in which the House nominates a successor to the Prime Minister for appointment by the King. It may only be introduced after a motion of confidence in the Government has been rejected by an absolute majority of the Members of the House, but must be introduced in time to enable a vote within a period of three days from when the motion of confidence was rejected.

In order to be admissible, a motion for nomination that has been introduced by one or more Members must be supported by one-third of the Members of the House.

Motions for nomination may not be put to the vote if the proposed successor to the Prime Minister informs the President of the House before the vote that he does not wish to accept his nomination.

If several motions for nomination are introduced, priority is given at the vote to the one which was introduced first.

Adoption of a motion for nomination with an absolute majority of the Members means that all pending motions fall, and that the Government must present its resignation to the King.

After adoption of a motion for nomination with an absolute majority of the votes, but not with an absolute majority of the Members, or after its rejection, the King may dissolve parliament in application of Article 46, para. 1, of the Constitution.

Immediately after the rejection or adoption of a motion for nomination with an absolute majority of the votes, the House may still pronounce on the other motions for nomination in the chronological order in which they were introduced.

### Rule 137

A constructive motion of no-confidence is one in which the House not only withdraws its confidence in the Government, but simultaneously nominates a successor to the Prime Minister for appointment by the King <sup>(84)</sup>.

In order to be admissible, a constructive motion of no-confidence must be supported by one-third of the Members of the House.

A constructive motion of no-confidence automatically takes precedence over a motion of no-confidence and a motion of recommendation.

Adoption of a constructive motion of no-confidence with an absolute majority of the Members of the House means that all pending motions fall, and that the Government must present its resignation to the King.

After adoption of a constructive motion of no-confidence with an absolute majority of the votes, but not with an absolute majority of the Members, the other constructive motions of no-confidence pending may be put to the vote in the chronological order in which they were introduced.

If a constructive motion of no-confidence is rejected, the other constructive motions of no-confidence, motions of no-confidence and motions of recommendation may be put to the vote.

A constructive motion of no-confidence may not be put to the vote if the proposed successor to the Prime Minister informs the President of the House before the vote that he does not wish to accept his nomination.

### Rule 138

A motion of no-confidence is one in which the House withdraws its confidence in a member of the Government or the Government, without simultaneously nominating a successor to the Prime Minister. It automatically takes precedence over the motion of recommendation.

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<sup>84</sup> Constructive motions of no-confidence may never be directed against a particular minister.

The consequence of adopting a motion of no-confidence with an absolute majority of the Members of the House is that all pending motions fall. The King may dissolve parliament if the motion was directed against the Government <sup>(85)</sup>.

The consequence of adopting a motion of no-confidence with an absolute majority of votes is that all pending motions fall.

If a motion of no-confidence is rejected, the House may pronounce on the pending motions of recommendation.

No motion of nomination may be introduced after the adoption of a motion of no-confidence.

### Rule 139

A motion of recommendation is a reasoned motion introduced to wind up a debate on an interpellation and by which the House does not declare its confidence or lack of confidence in the Government or in a member thereof.

If a number of motions of recommendation have been introduced on the same subject, then the motions introduced by the interpellants automatically take precedence in the voting over motions introduced by other Members. For each of the two categories of motion, the order of voting is determined by the order in which the motions were introduced.

The consequence of adopting a motion of recommendation is that all other pending motions of recommendation fall. If the motion is rejected, the House may pronounce on the other pending motions of recommendation in the chronological order in which they were introduced.

### Rule 140

1. The motions described in Rule 133 are introduced:
  - at the conclusion of a debate on a Government policy statement or announcement, in the case mentioned in Rule 133, first paragraph;

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<sup>85</sup> Application of Art. 46, para. 1, of the Constitution.

- however, the Government may introduce a motion of confidence immediately after its statement or announcement;
- after the reply by the Government or, in the absence thereof, after the interpellation in the case mentioned in Rule 133, para. 2;
  - and, in both cases, before closure of the debate.
2. Motions are introduced in writing; they are translated and distributed, unless para. 2 of point 6 of the present rule applies.
3. The motions described in Rule 133 are remitted:
- to the President of the plenary assembly;
  - or, in the case mentioned in Rule 133, para. 2, to the chairman of the committee in which the interpellation is held.
- The President announces the motions as soon as they are introduced and before closure of the discussion.

Motions of nomination are always remitted to the President of the House.

4. A motion may be amended by one or more signatories up to the time of the vote in plenary sitting, though the amendments may not modify the type of motion, however.

If an amendment is introduced to a motion for nomination mentioned in Rule 136 or a constructive motion of no-confidence mentioned in Rule 137, which is signed by all the signatories of the initial motion and which proposes a different successor to the Prime Minister, that amendment is considered as replacing the initial motion.

The amendments may not give rise to a debate.

A motion or an amendment to a motion may be withdrawn until the vote is taken in plenary sitting, provided all the signatories agree thereto.

5. Motions may not include any injunctions in their purview. Neither may they include proposals in their purview, except in the cases mentioned in Rules 136, first paragraph, 137, first paragraph, and 139, first paragraph.

6. The House shall only pronounce on the motions of confidence or no-confidence and on constructive motions of no-confidence after a period of forty-eight hours following their introduction <sup>(86)</sup> but no later than during the week following their introduction.

The House shall pronounce on simple motions and on motions of recommendation no later than during the week following their introduction. If urgency has been adopted in application of Rule 51, the House may pronounce on these motions without waiting for forty-eight hours.

7. No motion may be introduced to wind up an interpellation that has been appended to the deliberations on a budget in accordance with Rule 130, point 10.

#### Rule 141

If the Prime Minister presents the resignation of the Government, all the interpellations and all the votes on motions are suspended.

If the Government's resignation is accepted, all the pending interpellations and all the motions relating thereto shall fall.

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<sup>86</sup> This is a period laid down by the Constitution (Art. 46, second paragraph, of the Constitution), which the House may not reduce under any circumstances.

## CHAPTER IV

**PETITIONS AND MATTERS CONCERNING THE COLLEGE OF  
FEDERAL OMBUDSMEN <sup>(87)</sup>**

## Rule 142

Petitions must be addressed in writing to the President of the House.

They may not be remitted in person or by a delegation of persons.

Any petition must be signed by the petitioner and legibly indicate his surname and first name, and his place of residence.

Only the constituted authorities have the right to enter petitions in joint names.

A concise summary of the petitions addressed to the House since its last sitting shall be appended to the *Verbatim Report*.

The President of the House shall send the petitions either to the Committee for Petitions, or to the committee responsible for the matter to which the petition relates, or decide to table them before the House.

The Committee for Petitions is composed of 17 members appointed by the House in accordance with Rules 157 and 158. Replacements are appointed in accordance with the provisions of Rule 22.

The Committee for Petitions appoints a chairman and a first and second vice-chairman elected from among its members.

The Committee for Petitions lays down in its standing orders the general rules for the way it operates and particularly for considering petitions. These standing orders are appended to the present Rules of Procedure.

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<sup>87</sup> Constitution: Art. 28. – Everyone has the right to send petitions signed by one or more persons to the public authorities.

Constituted bodies are alone entitled to address petitions under a collective name.

Art. 57. – It is forbidden to present petitions to the Houses in person.

Each House has the right to send to Ministers petitions that are addressed to it. Ministers are obliged to explain the content of these petitions whenever the House so requires.



## Rule 143

1. Depending on the case, the Committee for Petitions shall take one of the following decisions as soon as possible:

1° To send the petition:

- Either to the Minister, for a written explanation ;
- Or to the College of Federal Ombudsmen, for dealing with complaints in application of the law instituting federal ombudsmen;
- Or to the committee responsible for the matter to which the petition relates;

2° To table the petition before the House;

3° To dismiss the petition.

If the petition has been sent to the Minister, the latter shall provide written explanations thereto within six weeks or any other period of time set by the Committee for Petitions. If the Minister has not given his reply to the Committee within the aforementioned period of time, the Committee may require the presence of the Minister, in accordance with the provisions of Rule 26, point 6, and Rule 30.

If the petition has been sent to the College of Federal Ombudsmen, the latter shall inform the Committee for Petitions regularly and in writing on its response thereto. The substantiated decision not to deal with the complaint shall be communicated without delay to the Committee, which may decide at any time to hear the Federal Ombudsmen.

If the petition has been sent to another of the House's committees in application of Rule 142, para. 6, or in application of point 1, first paragraph, 1°, third dash, of the present Rule, that committee shall inform the Committee for Petitions, regularly and in writing, of its response thereto.

If the petition has been tabled before the House in application of Rule 142, para. 6, or in application of point 1, first paragraph, 2°, of the present Rule, the Clerk of the House shall inform the Committee for Petitions, regularly and in writing, of its response thereto.

2. A list containing a summary of the petitions and the decisions of the Committee for Petitions mentioned in point 1 shall be distributed to the Members of the House every three months.
3. Within eight days of the distribution of the list, any Member of the House may request that a report be made separately on one of the petitions. That request shall be sent to the Conference of Presidents, who will decide on its admissibility.

If the deadline is exceeded, or if the Conference of Presidents refuses the request, the decisions of the Committee for Petitions are final.

4. Each year, the Committee for Petitions shall produce a report for the House on its work during the past year and may formulate recommendations on that occasion. Furthermore, it may produce interim reports every three months if it considers it useful.

#### Rule 144

The Committee for Petitions is also responsible for the following concerning the College of Federal Ombudsmen:

- a) Producing a report, after obtaining the advice of other committees if necessary, as the case may be, on the proposals for requests from the House to the College of Federal Ombudsmen to conduct an investigation into the workings of federal administrative departments;
- b) Producing a report on the annual and interim reports drawn up by the College of Federal Ombudsmen or sending these reports or parts thereof to standing committees, who shall report to the House after hearing the Federal Ombudsmen, if necessary;
- c) Hearing the Federal Ombudsmen at the request of the House. It may hear the College of Federal Ombudsmen at any time, at its own initiative or at their request.

- d) Producing a report on the establishment of and modifications to the standing orders of the College of Federal Ombudsmen, which contains detailed rules for handling complaints and must be approved by the House.

Rule 75, point 7, does not apply to the proposals mentioned in the first paragraph, letter a).

The annual and interim reports of the College of Federal Ombudsmen are addressed to the House. These reports are made public by the Committee for Petitions after they have been presented by the Federal Ombudsmen.

The Committee reports mentioned in the first paragraph, letter b), and in Rule 143, point 4, may be combined to form a single annual or quarterly report.

## CHAPTER V

### RIGHT OF INQUIRY

#### Rule 145

The committee of inquiry may empower its chairman:

- To take all or some of the investigative measures described in the Criminal Procedure Code, in application of Art. 4, para. 1 of the law of 3 May 1880 on parliamentary inquiries;
- To decide on requests to peruse or obtain copies of minutes of witness hearings and documents remitted by witnesses, in application of Rule 146<sup>(88)</sup>.

When the House is conducting the parliamentary inquiry itself, it may empower its President:

- To take all or some of the investigative measures described in the Criminal Procedure Code, in application of Art. 4, para. 1 of the law of 3 May 1880 on parliamentary inquiries;

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<sup>88</sup> For the interpretation of Articles [145 to 148], all those who have been heard by a committee of inquiry must be heard by way of «witnesses», whether they have taken the oath or not.

- To decide on requests to peruse or obtain copies of minutes of witness hearings and documents remitted by witnesses, in application of Rule 147.

If requests to peruse or obtain copies of minutes of witness hearings and documents remitted by witnesses are introduced after the work of a committee of inquiry has come to an end or when a parliamentary inquiry conducted by the House itself has concluded, the House may empower its President to decide on these requests, in application of Rule 147 <sup>(89)</sup>.

### Rule 146

1. If a committee of inquiry receives a request to peruse or obtain copies of minutes of witness hearings held during public meetings, it shall have sovereign authority to decide thereon, after giving due consideration to the legitimate interests concerned.

If, by granting perusal or copies, a person's fundamental rights risk being undermined – particularly the right to privacy, family life, the person's honour and good name – the committee shall reject the request <sup>(90)</sup>.

2. Point 1 also applies:

- To requests to peruse or obtain copies of minutes of witness hearings and documents remitted by witnesses whose contents have largely been divulged during a public meeting,
- And, if the committee of inquiry has not expressly bound itself to secrecy, to requests to peruse or obtain copies of minutes of witness hearings held in camera and documents remitted by witnesses whose contents have not been divulged during a public meeting.

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<sup>89</sup> That empowerment is only valid until the dissolution of the House. During the period running from the dissolution of the House to the installation of the new House, the outgoing President may not rule on any request to peruse or obtain copies of the dossiers of a committee of inquiry. Such a decision does not come within the authority of the Clerk, either.

It follows that a request to peruse a dossier may never be granted during the period of dissolution. It is up to the newly-elected House to rule on such requests.

<sup>90</sup> The advice of Professor De Nauw and the Public Prosecutor General Emeritus, Mr. Velu, must be sought with regard to those items to be taken into consideration for the evaluation of interests (Doc. House, no. 2094/2-98/99).

3. If it receives a request to peruse or obtain copies of minutes of witness hearings held in camera and if the committee of inquiry has expressly bound itself to secrecy, the committee of inquiry shall reject it.
4. The decisions mentioned in points 1 to 3 may be taken by the chairman of the committee of inquiry if he has been expressly empowered to do so in accordance with Rule 145, first paragraph.

#### Rule 147

The decisions mentioned in article 146, points 1 to 3, shall be taken by the House or by its President, insofar as he has been expressly empowered to do so in accordance with article 145, para. 3:

- a) If the committee of inquiry no longer exists at the time the request to peruse or obtain copies of minutes of witness hearings and documents remitted by witnesses was made;
- b) If the House itself has conducted the parliamentary inquiry;
- c) Or if the House is in the process of conducting the parliamentary inquiry.

If, in the cases mentioned in the first paragraph, a) or b), the request to peruse or obtain copies of minutes of witness hearings held in camera, or documents remitted during such a meeting, then the House or its President, if he has been expressly empowered to do so in accordance with Rule 145, third paragraph, shall reject the request unless the committee of inquiry, in the case mentioned in the first paragraph, a), or the House in the case mentioned in the first paragraph, b), has lifted the obligation to secrecy itself.

#### Rule 148

During the course of a parliamentary inquiry, neither the committee of inquiry nor the House if it is conducting the inquiry itself, nor their respective chairman and President in application of Rule 145, are empowered to allow persons other than the Members of the House, the civil servants responsible and the

committee's experts to peruse or obtain copies of judicial or administrative dossiers sent to the House by the responsible authorities in connection with a parliamentary inquiry.

As soon as the committee of inquiry or the House has finally completed its work, these dossiers shall be sent without delay to the authority responsible <sup>(91)</sup>. The House may decide that a copy of certain documents will be kept by way of documentation.

## CHAPTER VI

### MONITORING OF THE POLICE SERVICES

#### Rule 149

1. At the beginning of each parliamentary term, the House shall designate from among its Members, in accordance with Rules 22, 157 and 158, seven full members for the committee responsible for assisting the Standing Committee on monitoring Police Services, as provided by Art. 66*bis* of the law of 18 July 1991 arranging for supervision of the police and intelligence services.
2. The committee is responsible for those matters specified in the law of 18 July 1991 <sup>(92)</sup> and deliberates and decides in accordance with the rules laid down by the aforementioned law and by the present Rules of Procedure.

If it meets together with the Senate committee responsible for assisting the Standing Committee on monitoring Intelligence and Security Services, it shall moreover observe the rules of the standing orders common to both committees.

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<sup>91</sup> If, in application of Art. 4, §2, of the law of 3 May 1880 on parliamentary inquiries, a committee of inquiry or the House has made a magistrate responsible for carrying out the duties of investigation, the dossiers thus created belong to the House. They must thenceforth not be sent to the legal authorities, nor to any other authority.

<sup>92</sup> See Art. 66*bis* of the aforementioned law.

Members of the Supervisory Committee are appointed when the Houses are constituted.

## CHAPTER VII

**CONTROL OF ELECTORAL EXPENDITURE AND THE  
BOOKKEEPING OF THE POLITICAL PARTIES**

## Rule 150

1. At the beginning of each parliamentary term, the House shall designate from among its Members, in accordance with the principle of proportional representation <sup>(93)</sup>, ten full members for the committee responsible for supervising electoral expenditure and the bookkeeping of the political parties, as described in Art. 1 of the law of 4 July 1989 concerning the limitation and control of electoral expenses incurred in the elections to the Federal Chambers, the financing and open bookkeeping of the political parties.

The principle of proportional representation applies to all the members of the supervisory committee and not to the delegation from the House and the delegation from the Senate separately.

The House shall appoint the same number of substitutes, under the same conditions.

2. The committee shall be installed after the House and the Senate have designated their respective representatives. The Presidents of the House and the Senate are automatically members of that committee.
3. The committee shall deliberate and decide in accordance with the rules laid down by the law of 4 July 1989 concerning the limitation and supervision of the electoral expenses for the elections to the Federal Chambers, the financing and open bookkeeping of the political parties, in its statutes and in its standing orders <sup>(94)</sup>.

<sup>93</sup> Statutes of the Supervisory Committee – Art. 1: «The Supervisory Committee comprises: — the Presidents of the House of Representatives and the Senate;

- twenty serving MPs and twenty substitute MPs who are designated at the proposal of the groups of House of Representatives and the Senate in accordance with the principle of proportional representation stipulated by the Electoral Code and with respect for parity between Members of the House of Representatives and Senators.

<sup>94</sup> The statutes and standing orders of the Supervisory Committee were published in the *Belgisch Staatsblad/ Moniteur belge* on 8 October 1994.

## CHAPTER VIII

### **SUPERVISION OF THE ARMS TRADE**

#### Rule 151

At the beginning of each parliamentary term, the House shall designate from among its Members, in accordance with Rules 157 and 158, thirteen full members for the committee responsible for supervising the arms trade.

The committee shall lay down the rules for its operation in its standing orders. It shall conclude an administrative protocol with those Ministers responsible for the trade in arms, in which the relations between the latter and the committee are regulated.

The committee is empowered to examine the reports sent to it every six months in accordance with Art. 17 of the law of 5 August 1991 relating to the importation, exportation, transit of, and the combatting of the illegal trafficking in, arms, munitions and materials specially for military use or the maintenance of public order and the technology relating thereto. It shall deliberate in accordance with the rules laid down by the present Rules of Procedure and by its standing orders.

## CHAPTER IX

### **INTRODUCING REPORTS IN THE HOUSE**

#### Rule 152

The list of reports that must be introduced in the House is published every year before 31 October, in the form of a parliamentary document, mentioning the date on which each of these reports was introduced for the last time, the committee it was sent to and the date it was sent to it.



## CHAPTER X

**THE STATUS OF BILLS ADOPTED BY THE HOUSES**

## Rule 153

The list of bills adopted by the House is published every year before 31 October, in the form of a parliamentary document.

Depending on the case, this list mentions, for each bill, the state of progress of deliberations in the Senate, the date of the Royal Assent thereto, the date of its promulgation by the King, and the date of its publication in the *Belgisch Staatsblad/ Moniteur belge*.

## Rule 154

The list of laws for which all the required implementation measures have not yet been taken is submitted to the Conference of Presidents every six months.

## CHAPTER XI

**THE STATUS OF RESOLUTIONS ADOPTED BY THE HOUSES**

## Rule 155

The list of measures taken by the Government to implement the resolutions adopted by the House is submitted to the Conference of Presidents every six months.

## CHAPTER XII

**SUPERVISION OF THE USE AND PROPER FUNCTIONING  
OF THE AUTOMATED VOTING AND VOTE-COUNTING SYSTEMS**

## Rule 156

During the elections for the House of Representatives and the Senate, the European Parliament and the regional and Community Parliaments, as well as provincial and municipal Councils, District Councils and Social Welfare Councils <sup>(95)</sup>, the House may, in application of Art. 5*bis* of the law of 11 April 1994 on the organisation of automated voting, appoint two serving experts and two substitute experts responsible for supervising the use and proper functioning of all the automated voting and vote-counting systems.

The experts shall send their report to the House no later than fifteen days after voting has closed <sup>(96)</sup>.

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<sup>95</sup> Law of 11 April 1994 concerning automated voting, Art. 5 *bis*, §1, para. 2 : «These appointments may be made both upon the complete renewal of each assembly and upon a new election held following the annulment of a vote, and upon an election following a vacancy that could not be filled with a substitute.».

<sup>96</sup> At the election of the Members of the House of Representatives and the Senate, the European Parliament and the Community and Regional Governments, each political grouping represented in the House of Representatives by at least two MPs may furthermore designate a computer specialist, in application of Art. 5*ter* of the law of 11 April 1994 concerning automated voting.

## TITLE IV

**MISCELLANEOUS PROVISIONS**

## CHAPTER I

**NOMINATIONS, APPOINTMENTS AND THE APPOINTMENT OF  
DELEGATES TO INTERNATIONAL INSTITUTIONS**

## Rule 157

1. All the appointments and nominations which the House is called upon to process are done by secret ballot and by an absolute majority of votes, unless the Constitution or the Law provides for a different majority.

However, at the third vote, by ballot, a relative majority will suffice. Where the votes are tied, the oldest candidate shall stand elected.

Blank and invalid ballot papers shall not be counted when calculating the majority. Votes cast in favour of candidates who were not nominated before the vote or within the period of time set by the President, together with votes cast in favour of more candidates than there are vacant seats, shall be null and void.

2. The Secretaries shall verify the number of voters.
3. The votes shall be recorded by one or two bureaux of four scrutineers appointed by lot. The first of these bureaux undertakes the general count.
4. The results of the votes are announced by the President.
5. The President of the House shall, if necessary, determine the period within which the candidates must be nominated. In this case, the list of candidates shall be distributed to the Members of the House.

6. If the number of candidates corresponds with the number of places to be filled, the candidate(s) nominated is (are) declared elected.
7. When the chairman of a political group informs the President of the House in writing which member is to replace another member on a committee and both of those members have signed that notification, the replacement takes effect upon receipt thereof. The replacement is announced in the *Verbatim Report*.

#### Rule 158

1. Appointments that the House is called upon to process from among its Members, with the exception of those relating to the Bureau, take place in accordance with proportional representation of the political groups. That proportional representation of the political groups is determined on the basis of the number of seats they gained after each election to the House of Representatives. The House, at the proposal of the Bureau, shall determine the number of places to be allocated to each political group in each case.
2. Each member of a political group represented in the standing committees must have a seat on at least one committee.
3. Those members who are from a political group that is not represented on the standing committees or who are not part of any political group shall sit on at least one of those committees at their choice, but without the right to vote.

The President of the House shall be informed of that choice by the chairman of the group or by the member himself. He shall inform the House thereof.

#### Rule 159

When the House is called upon to appoint delegates to international assemblies, it shall do so in accordance with Rules 157 and 158.

## CHAPTER II

**AUTHORISATION TO PROSECUTE MEMBERS OF THE HOUSE <sup>(97)</sup>**

## Rule 160

A committee of seven members appointed in accordance with Rules 22, 157 and 158 shall be responsible for considering requests for authorisation to prosecute, try, arrest or hold on remand a Member of the House or requests to suspend prosecutions already instigated. The chairman and vice-chairman are appointed in accordance with Rule 20, para. 2.

The committee shall, as the case may be, hear the Member involved. The latter must be heard if he so requests. He may be assisted by one of his colleagues or by legal counsel.

In the debates in plenary sitting on one of the requests referred to in paragraph 1, the only persons who have the right to speak are the rapporteur of the committee, the Member concerned or a Member representing him/her, as well as one speaker for and one speaker against.

## CHAPTER II B/S

**AUTHORISATION TO PROSECUTE MINISTERS**Rule 160*bis*

The committee referred to in Article 160 is also charged with:

- a) scrutinising the requests for authorisation to prosecute, try, arrest or hold on remand a Minister for offences committed in the exercise of his office or for offences committed outside the exercise of his/her office but for which he/she is tried during the ministerial term of office;
- b) scrutinising appeals for pardon on behalf of Ministers convicted of such offences.

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<sup>97</sup> See Art. 59 of the Constitution.

During the scrutiny of the requests referred to under a), the committee shall observe the provisions of the law of 25 June 1998 on the criminal liability of Ministers.

During the scrutiny of requests for autorisation to arrest ministers, the House may not request to see the file.

In the debates in plenary sitting on one of the requests referred to in paragraph 1, the only persons who have the right to speak are the rapporteur of the committee, the Minister concerned or a Member or a Minister representing him/her, as well as one speaker for and one speaker against.

### CHAPTER III

#### **DECLARATION OF ASSETS AND PLURALITY OF OFFICES**

##### Rule 161<sup>(98)</sup>

A list of offices held, public or private, indicating whether they are remunerated or not, shall be deposited with the Court of Audit each year by every Member, at the start of the parliamentary session or whenever he takes his seat during the session.

##### Rule 162<sup>(99)</sup>

When he takes his seat and when he vacates it, each Member must deposit a declaration of assets in a sealed envelope with the Court of Audit.

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<sup>98</sup> This matter is governed by the law (special law of 2 May 1995 relating to the obligation to deposit a list of mandates, positions and professions and a declaration of assets, and law of 2 May 1995 relating to the obligation to deposit a list of mandates, positions and professions and a declaration of assets). The application of the aforementioned laws requires the adoption of a complementary law.

<sup>99</sup> See explanation at Art. 161.

## Rule 163

1. When he takes his seat, each Member of the House shall inform the President of the House of all the useful details relating to other public mandates, public positions and public offices of a political nature that he holds, for the application of Art. 1 *quinquies* of the law of 6 August 1931 establishing incompatibilities and interdictions concerning Ministers, former Ministers and Ministers of State, as well as Members and former Members of the Houses of Parliament <sup>(100)</sup>.

He shall inform the President of any change in his situation in this regard.

2. The ceiling mentioned in para. 1, Art. 1 *quinquies* of the aforementioned law is set by the Bureau, at the proposal of the Conference of Presidents of the seven Parliamentary Assemblies. It is published in the *Belgisch Staatsblad/ Moniteur belge* before the end of January.
3. The Bureau defines, at the proposal of the College of Quaestors, the further rules required to implement Art. 1 *quinquies* of the aforementioned law.

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<sup>100</sup> Art. 1 *quinquies*: «The amount of the allowances, salaries or attendance fees collected in exchange for the activities undertaken by the Member of the House of Representatives or the Senate in addition to his regular parliamentary duties may not exceed half of his parliamentary allowance.

For the calculation of this amount, the allowances, salaries or attendance fees ensuing from the exercise of a parliamentary mandate, a position or a public office of a political nature are taken into consideration.

If the limit set in the first paragraph is exceeded, the amount of the parliamentary allowance shall be reduced, except when the mandate of the Member of the House of Representatives or the Senator is exercised concurrently with a tenure of office as Burgomaster, Deputy Burgomaster or Chairman of a social aid council. In this case, the salaries relating to the office of Burgomaster, Deputy Burgomaster or Chairman of a social aid council are reduced.

When the activities mentioned in paragraphs 1 and 2 begin or end while a Member holds a seat in Parliament, the MP concerned shall inform the President of his assembly thereof.

The Rules of Procedure of each Assembly stipulate the modalities for implementation of these provisions.»

## CHAPTER IV

**DISCRIMINATION ON IDEOLOGICAL OR PHILOSOPHICAL GROUNDS  
WITHIN A COMMUNITY PARLIAMENT <sup>(101)</sup>**

## Rule 164

1. The Houses of Parliament pronounce as to the legitimacy of the reasoned motion, signed by at least one-quarter of the Members of a Community Parliament and introduced therein after presentation of the report and before the final vote in plenary sitting, which declares that the designated provisions of a Government or Private Member's bill before that Parliament contain discrimination on ideological or philosophical grounds.

In the German-speaking Community Parliament, the motion must be signed by at least three Members.

2. The Presidents of the Legislative Chambers and the French and Flemish Community Parliaments, sitting in collegium, shall decide on the admissibility of the motion, taking into account the conditions mentioned in point 1 above. If the vote is tied, the motion shall be admissible.

If the motion is sent by the German-speaking Community Parliament, then the Collegium shall be supplemented by the President of that Parliament, and the Presidents of the Senate and the House of Representatives shall preside alternately.

3. If the motion is judged to be admissible, it shall be sent to the Standing Committee for Constitutional Amendments and Institutional Reform, which is responsible for producing the report. The President of the House shall determine the period within which the report must be tabled.

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<sup>101</sup> Law of 3 July 1971 concerning the division of Members of Parliament into language groups and containing various provisions relating to cultural councils for the French cultural community and the Dutch cultural community.



4. The House shall pronounce within a period of sixty days, starting from the day when the motion was sent to it by the Collegium mentioned in point 2 above.
5. One speaker per political group may take the floor within the limits fixed by Rule 48, point 1, no. 6.
6. The decision of the House shall be sent to the Senate and the Parliament concerned, where consideration of the provisions designated in the motion declared admissible is suspended until each Legislative Chamber has declared the motion groundless.

## CHAPTER V

### **PRESERVATION OF THE INTERNATIONAL ROLE OF BRUSSELS AND ITS FUNCTION AS THE CAPITAL**

#### Rule 165

1. If – in order to preserve the international role of Brussels and its function as the capital - the implementation of an ordinance from the Parliament of the Brussels-Capital Region or a decree from the Government of this Region has been suspended by a Royal decree issued after deliberation in the Council of Ministers, and if that suspension has been extended for a period of sixty days, the House may annul that ordinance or decree within that extended period by means of a resolution adopted by a majority in both language groups. That resolution shall be drawn up in French and Dutch and published in the *Belgisch Staatsblad/ Moniteur belge* <sup>(102)</sup>.
2. If the consultation organised within the Cooperation Committee mentioned in Art. 43 of the special law of 12 January 1989 relating to the institutions in Brussels does not result in an agreement on the measures proposed by the Federal Council of Ministers for promoting the international role of Brussels or its function as the capital, the House may, at the request

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<sup>102</sup> Special law of 12 January 1989 on Brussels institutions - Art. 45.

of the Federal Council of Ministers, approve the said measures by a resolution adopted with a majority in both language groups. In this case, these measures shall be financed entirely by the State budget <sup>(103)</sup>.

3. As soon as the Government has informed the House of the extension of the suspension mentioned in point 1 above, or as soon as the Government has requested the House to approve the measures mentioned in point 2 above, the matter shall be referred to the Standing Committee for Constitutional Amendments and Institutional Reform, which is responsible for producing a report to the House. Rule 75, nos. 2 to 7, does not apply to the proposals for resolution arising from the work of this Committee.

If it considers it useful, the said Committee will consult the Finance and Budget Committee on the subject of the proposal for resolution mentioned in point 2 above.

The proponents of proposals for resolution and one speaker per political group may take the floor in plenary sitting, within the time limits for speaking fixed by Rule 48, point 1, n° 6.

## CHAPTER VI

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<sup>103</sup> Special law of 12 January 1989 on Brussels institutions - Art. 46.

## THE INTRODUCTION OF CLAIMS AND STATEMENTS AT THE CONSTITUTIONAL COURT

### Rule 166

1. At the request of two-thirds of the Members <sup>(104)</sup>, the President of the House shall introduce a claim with the Constitutional Court, within six months following the publication of a law, a decree or a rule as described in Article 134 of the Constitution and in accordance with the other conditions laid down by the special law of 6 January 1989 on the Constitutional Court, to repeal the whole or part of that law, decree or rule as described in Article 134 of the Constitution for violation of:
  - 1° The rules laid down by the Constitution or in virtue thereof for determining the respective jurisdictions of the State, the Communities and the Regions;
  - 2° The articles of Title II «The Belgians and their rights», and Articles 170, 172, and 191 of the Constitution; or
  - 3° The articles of the Constitution designated by a special law.

If two-thirds of the Members so request, he shall moreover require, within three months following publication of the law, decree or rule as described in Article 134 of the Constitution, the complete or partial suspension of that law, decree or rule as described in Article 134 of the Constitution.

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<sup>104</sup> Although Art. 2 of the special law of 6 January 1989 imposes an obligation on the President when a qualified majority has asked to file such a claim, the Secretary of State for Institutional Reforms has stated during the preparatory work that the Presidents do have the authority to make an assessment as to whether filing such a claim is opportune or as to when it is to be filed (Doc. House, no. 633/4 -1988/1989, p. 23). In order to sustain his statement, he referred to the interpretation given unanimously by the Senate committee and confirmed by the Minister for Institutional Reforms during the preparatory work on the law of 28 June 1983. The Minister for Institutional Reforms had, indeed, declared that in most cases the President will follow the advice of two-thirds of the Members, but it is also possible that, in exceptional cases, he may deem it unnecessary to file a claim with the Constitutional Court (Doc. House, no. 647/4 -1982/1983, p. 19).

Claims for the complete or partial repeal of a law, decree or rule as described in Article 134 of the Constitution by which assent to a treaty is granted are only admissible if they are introduced within sixty days following publication of the law, decree or rule as described in Article 134 of the Constitution.

At the request of two-thirds of the Members, the President of the House shall introduce a claim with the Constitutional Court, within six months from the date when the Court's decision was given and in accordance with the other conditions laid down by the special law of 6 January 1989 on the Constitutional Court, to repeal a law, decree or rule as described in Article 134 of the Constitution if the Court, in giving judgement on a prejudicial question, has declared that that law, decree or rule as described in Article 134 of the Constitution violates one of the rules or articles of the Constitution mentioned in point 1, para.1.

2. If a Member proposes asking the President to introduce such a claim, that proposal shall be discussed in plenary sitting, at a date to be set by the President, if thirty Members support it.

The proposal for resolution introducing that request must be communicated in writing beforehand to the President. Rule 75, nos. 2 to 7, does not apply to such a proposal.

The proponent of the proposal for resolution under discussion and one speaker per political group may take the floor within the limits fixed by Rule 48, point 1, no. 6.

3. If, in accordance with point 1 above, the President has filed a claim for a repeal by means of an application before the Constitutionale Court, he shall inform the House thereof at the next plenary sitting.

## Rule 167

When a claim has been filed with the Constitutional Court for the entire or partial repeal of a law, decree or rule as described in Article 134 of the Constitution by a President of one of the other Legislative Assemblies, by the Council of Ministers, by the Parliament of a Community or Region, or by any natural or legal person who demonstrates an interest, or when a prejudicial question has been put thereto by a court of law, the President of the House may also submit a statement to the Constitutional Court, after receiving notification of the claim or the referral decision from the Clerk of the Constitutional Court, and within the period and under the other conditions laid down by and in virtue of the special law of 6 January 1989 on the Constitutional Court (and, as the case may be, after having obtained the advice of the Conference of Presidents).

After receiving a copy of the statements submitted to the Constitutional Court by the other parties mentioned in the first paragraph, the President of the House may also submit a statement in reply to the Constitutional Court, within the period and under the other conditions laid down by and in virtue of the special law of 6 January 1989 on the Constitutional Court (and, as the case may be, after having obtained the advice of the Conference of Presidents).

When the Council of State lays a prejudicial question before the Court in virtue of Art. 6, § 1, VIII, 5°, of the special law of 8 August 1980 on institutional reform, the President of the House may (after having consulted the Conference of Presidents, if necessary) send a statement to the Court within ten days of receiving notification by the Clerk of the Constitutional Court of the referral decision.

The texts of the statements and statements in reply sent by the President to the Constitutional Court shall immediately be communicated to the Conference of Presidents.

## CHAPTER VII

**THE CLERK**

## Rule 168

The House shall appoint a Clerk with the rank of secretary-general; he may be dismissed at any time.

The vote for this appointment is held in accordance with the rules that apply to the appointment of the Bureau.

## Rule 169

The Clerk makes records of the deliberations of the House and keeps minutes of its sittings.

He takes his place at the bureau and assists the President during public sittings of the House, committee meetings in camera, meetings of the Bureau and the Conference of Presidents, and in all circumstances.

He is responsible for the implementation of decisions by the House with regard to convening the assembly and its committees, printing and distributing Government bills, Private Members' bills and proposals, reports, amendments and all other documents whose distribution is prescribed by the Rules of Procedure, sending adopted Government bills, correspondence, etc.

He maintains the archives of the House.

Under his supervision, the registers and files of matters before the House are kept up to date, as well as the precedents.

He keeps minutes of meetings in camera, meetings of the Bureau and the Conference of Presidents.

In the name of the Bureau, he has authority over all the departments of the House and their staff.

The Clerk is assisted by an assistant Clerk appointed by the Bureau and replaced thereby if he is ill or prevented from attending.

## CHAPTER VIII

### THE COLLEGE OF QUAESTORS

#### Rule 170

A maximum of six MPs fulfil the duties of Quaestor.

They are appointed, by voting on one list, in the same way as for the Bureau, for a term of two years.

#### Rule 171

1. The College of Quaestors is responsible for all the measures relating to the buildings, the material, the ceremonial and expenses of the House. As the case may be, it takes those measures in accordance with the directives of the Bureau.
2. The College draws up the draft budget of the House. No expense may be incurred without its agreement. It may delegate that authority in such circumstances and for such categories of expenditure as it shall determine. It reports to the Accounts Committee, which verifies and settles all accounts.
3. The College submits proposals to the Bureau concerning the appointment and dismissal of the staff of the House. It may be expressly empowered by the Bureau to make certain appointments.
4. The College may be charged by the Bureau to submit reasoned proposals to it for decision.

5. The College is empowered to undertake the ordinary transactions of day-to-day management within the framework of the authorisations conferred upon it under point 1 above.

It consults with the Quaestors of the Senate for those measures concerning the maintenance of the parliament buildings and annexes, as well as for any measures involving both Houses in common. To this end, joint bodies may be set up, which shall always report to the College, however.

It may, under such conditions as it shall lay down, assign the exercise of certain authorities to its members.

6. The College deliberates in accordance with the rules applicable to the Bureau with regard to quorum and votes.

## CHAPTER IX

### **THE ACCOUNTS COMMITTEE**

#### Rule 172

1. A committee of eleven members, including its chairman, is responsible for examining the accounts of the funds of the House.

After each renewal of the House, that committee is appointed in the same way and under the same conditions as for standing committees.

Quaestors may not be members of this committee. At the end of their tenure of office, they may not be re-appointed to the committee until the year after that in which the accounts relating to their management have been verified and settled.

The committee is chaired by the President of the House or a Vice-President of the House designated by the former.



2. The committee verifies and settles all the accounts, even previous, unsettled accounts; it checks whether the furnishings belonging to the House correspond with the inventory. The committee, at the proposal of the Quaestors, sets the budget for the House and submits it for its approval.
3. The committee may require the presence of the Quaestors, who are obliged to provide the committee with any explanations and produce any documents it deems necessary for the accomplishment of its task.

## CHAPTER X

### THE LIBRARY

#### Rule 173

1. Every year, the budget of the House contains an allocation of funds for the Library.

From these funds the Quaestors purchase, as and when the House requires, those books and documents that could be most useful to its work.

2. A book may not be taken from the Library without a receipt. Each Member may only keep a book for twice twenty-four hours in his possession.
3. A catalogue of the works available in the Library is available for the perusal of the House.

## CHAPTER XI

**ORDER IN THE HOUSE AND GALLERIES**

## Rule 174

The supervision of order in the House rests with the House. It is exercised in its name by the President, who gives the necessary orders to the duty officers.

## Rule 175

No person foreign to the House may, under any pretext, enter the enclosure where the Members of the House meet to deliberate.

## Rule 176

To be able to enter the House's premises, strangers must submit, if so invited, to a security and identity inspection. Once admitted into those premises, they must be recognizable at all times.

The people placed in the galleries shall be dressed in such a way as not to impair the institution's dignity. They shall remain seated, keep silent and refrain from any reaction throughout the entire session.

All signs of approval or disapproval are prohibited.

Any person who causes a disturbance shall be excluded from the galleries forthwith. He or she shall be brought without delay, if necessary, before the proper authority.]

This Rule shall be printed and displayed at each entrance to the House, and at each entrance to the galleries.

## CHAPTER XII

**REPORTS OF DEBATES**

## Rule 177

The *Verbatim Report* forms the report of public plenary sittings, as well as committee meetings and others for which the present Rules of Procedure prescribes this type of reporting or for which the Conference of Presidents – or in urgent cases, the President – decides this type of report shall be drawn up. The *Verbatim Report* is drawn up under the supervision of the Clerk and is published on paper and on the Internet.

The *Verbatim Report* is an exhaustive report, written as literally as possible, of the communications, interventions (in the speaker's own language), proceedings and decisions. The speakers are mentioned by name.

The *Verbatim Report* alone shall constitute the official account of the debates.

## Rule 178

The *Summary Report* is the report of public plenary sittings, as well as committee meetings and others for which the present Rules of Procedure prescribes this type of reporting or for which the Conference of Presidents – or in urgent cases, the President – decides this type of report shall be drawn up. The *Summary Report* is drawn up under the supervision of the Clerk and is published on paper and on the Internet.

The *Summary Report* is a very concise report of the interventions (in the speaker's own language), proceedings and decisions. The speakers are mentioned by name.

The *Summary Report* may only be quoted with a statement that it is a summary which is not binding upon the House or the speakers.

The *Summary Report* is written during the meeting and translated into French or Dutch. It is made available to the Members without delay. Moreover, it is appended to the *Verbatim Report* as soon as the latter is distributed.

## Rule 179

The House lays down, in the «Rules relating to verbatim, interim and summary reports», the further rules concerning the manner in which the reports mentioned in Rules 177 and 178 are to be composed. These rules are published in an appendix to the Rules of Procedure of the House.

## CHAPTER XIII

**AMENDMENTS TO THE RULES OF PROCEDURE**

## Rule 180

At the start of each parliamentary term, the House shall appoint from among its Members a Committee for the Rules of Procedure, consisting of seventeen members appointed in accordance with Rules 22, 157 and 158.

The Committee is chaired by the President of the House, without the right to vote, or a Vice-President of the House designated by the former. Furthermore, the Committee appoints a first and second Vice-chairman.

The Committee considers proposals to amend the present Rules of Procedure in accordance with the provisions governing the consideration of proposals by standing committees.

The Conference of Presidents may make the Committee responsible for coordinating the text of the present Rules of Procedure. The coordinated text shall be submitted to the House for its approval.

## CHAPTER XIV

**DISSOLUTION OF THE HOUSE**

## Rule 181

The House shall be dissolved on the day set in accordance with Art. 105 of the Electoral Code for the ordinary meeting of the electoral colleges, convened to provide for the replacement of the outgoing Members <sup>(105)</sup>.

The House shall automatically be dissolved after the adoption, by the Federal Legislative Power, of a declaration to amend the Constitution in accordance with Art. 195 of the Constitution.

The House may be dissolved by the King if, with an absolute majority of its Members, it has:

- 1° either rejected a motion of confidence in the Government, in accordance with Rule 135, without having nominated a successor to the Prime Minister for appointment by the King within three days starting from the day the motion was rejected;
- 2° or adopted a motion of no-confidence in the Government, in accordance with Rule 138, without having simultaneously nominated a successor to the Prime Minister for appointment by the King.

The House may be dissolved by the King if the Government resigns and it adopts a motion for dissolution with an absolute majority of its Members. Such a motion may only be tabled by the Prime Minister. The House shall pronounce on this motion no later than the week following its introduction.

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<sup>105</sup> See Art. 68 of the Constitution and Art. 239 of the Electoral Code.

CHAPTER XV

**PUBLICATION OF THE RULES OF PROCEDURE**

Rule 182

The present Rules of Procedure shall be published in the *Belgisch Staatsblad/Moniteur belge*.