

**The Most Important Rights of Control and Scrutiny
and Rights of Parliamentary Minorities
in the National Council
(As of 15 March 2016)**

1. Rights available to one Member

- a) Oral questions and supplementary questions during Question Time
- b) Demand for separate votes
- c) Demand for the votes to be counted
- d) Demand for printout of the electronic voting record
- e) Procedural motions and requests for the floor on procedural matters (as a rule, the President gives the floor to one speaker of each parliamentary group; adoption of motion requires a majority vote)
- f) Objections to the agenda, with a joint debate to be held on all objections raised (5 Members belonging to the same parliamentary group may demand a separate debate to be held on all the objections raised by that group)
- g) Right to take the floor (no Member shall speak more than twice during any one debate)
- h) Filing of petitions for consideration by the Committee on Petitions and Citizens' Initiatives
- i) Demand by the sponsor(s) of a private Members' motion – if the committee fails to embark on deliberations within six months – that the deliberations be started within eight weeks of the demand being submitted
- j) If a Member prosecuted for an offence so demands, the prosecuting authority shall seek a decision of the National Council on whether or not any connection exists between the offence in question and the Member's political activity

2. Rights available to one committee member

- a) Demand for a "Debate on current issues within the remit of the committee" (once per half-year)
- b) "Debate on EU matters of topical interest in connection with the remit of the committee" (once per half-year)

- c) Submission, by a committee member, of motions to amend the item under deliberation or to present to the National Council plenary proposals for the adoption of legislative bills or of resolutions germane to the matter under deliberation (to be complied with, the committee member's motion must be adopted by a majority vote of the committee)
- d) Demand for separate votes
- e) Personal dissenting opinion on a committee report
- f) Demand for 5 brief written questions, filed in the course of the Federal Budget Act's deliberation in the Budget Committee, to be answered in writing within 4 working days
- g) Procedural motions and requests for the floor on procedural matters (for motions to be complied with, they must be adopted by majority vote)
- h) Questioning of witnesses in an investigating committee
- i) Each parliamentary group represented on an investigating committee may file a separate report to be attached to the investigating committee's report; this also applies to small parliamentary groups that are represented on the investigating committee by only one Member.
- j) Each parliamentary group within the meaning of § 7 GOG represented on the respective committee may demand that Members of the European Parliament elected in Austria be called on to participate in deliberations on reports submitted by a Federal Minister or by the Main Committee and dealing with EU matters, or in a "Debate on EU matters of topical interest". The respective Members of the European Parliament must be members of the same parliamentary group within the meaning of the Parliamentary Groups Funding Act 1985 as the members of the National Council group making the demand.
- k) Demand that an EU project that is likely to be adopted in the next meeting of the Council of the European Union be placed on the agenda of the EU Main Committee or of its Subcommittee as an additional item
- l) Motions for the adoption of opinions etc. on EU projects - to be entered in the Main Committee or its EU Subcommittee -, and on ESM projects – to be entered in the Standing Subcommittee of the Budget Committee (adoption of motion requires a majority vote)

3. Rights available to 3 committee members

- a) presentation of a so-called "minority report" (dissenting opinion on a committee report)

4. Rights available to 5 Members

- a) Written question
- b) Urgent question (may also be demanded by the parliamentary group)

- c) Urgent motion (may also be demanded by the parliamentary group)
- d) Debate on matters of topical interest that come under the executive authority of the federal government
- e) Debate on EU matters of topical interest (as a rule four times per year)
- f) Brief debates on
 - Answers to questions
 - Setting of deadlines (for committee reporting)
 - Setting up of investigating committees (applies both to motions submitted by a minimum of five members and to demands filed by a qualified minority)
- g) Demand by the sponsor(s) of a private Members' motion that the committee to which it was referred present a report to the National Council one year after the motion's referral (demand must be supported by 5 Members, including the sponsor(s))
- h) Demand for a debate to be held on a statement delivered in the plenary by a member of the Federal Government
- i) Submission of the following motions in the National Council (adoption requires a majority vote):
 - legislative motions (private Members' bills)
 - motions for resolutions
 - motions of no confidence
 - motions to amend or add to the text under deliberation
 - motions to set up an investigating committee (adoption requires majority vote)
- j) Private Members' motions to bring action against a legislative act of the European Union before the Court of Justice of the European Union on grounds of infringement of the principle of subsidiarity
- k) Private Members' motions calling for rejection of an EU initiative to move from unanimous voting to qualified majority voting or from the special legislative procedure to the ordinary legislative procedure (passerelle clause)
- l) First reading to be held on a private Members' bill (legislative motion) if so required in the text of the bill; in the same way, the mover may additionally demand that the first reading take place within three months
- m) demand that a vote which has been decided to be held by secret ballot be held in voting booths
- n) Brief written questions to a member of the Federal Government on which bills, documents, reports, items of information and communications regarding a given project of the European Union have been received (Questions regarding documents). Any Member may second such a question only once within three months.
- o) Five Members may form a parliamentary group. Parliamentary groups within the meaning of the Parliamentary Groups Funding Act may also be joined by Members of the Federal Council and Members of the European Parliament.

- p) Demands by five Members belonging to the same parliamentary group (§ 7 GOG) to hold a separate debate on the objections raised by that group (see also under 1.f)

5. Rights available to 20 Members

- a) Demand for one special sitting per year
(in case of smaller parliamentary groups, the number of seconding Members may be lower than 20, provided that all Members of the group sign the demand)
- b) Demand that a special audit concerning a matter of federal financial administration be carried out by the Court of Audit (no more than three audits may be pending at any one time)
- c) Demand for a vote to be taken by roll-call
- d) Demand for the Official Record to be read at the end of a sitting
- e) Demand that the names of the Members and the votes they have cast electronically – which as yet is not possible – be reflected in the Stenographic Record
- f) Demand that a sitting of the EU Main Committee be convened within the scope of a session in such a way that the Main Committee can meet within two weeks
- g) Demand that an EU project be placed on the agenda of a sitting of the EU Main Committee or its Subcommittee
- h) Demand that the Budget Committee's Standing Subcommittee on ESM (European Stability Mechanism) Affairs be convened in due course
- i) Demand to place an item of business concerning ESM matters on the agenda of the Standing Subcommittee on ESM Affairs (only one demand may be made per parliamentary group)

6. Rights available to one fifth of the Members (37)

- a) Demand that the vote on a motion of no confidence or on a motion to dissolve the National Council be postponed to the second working day thereafter
- b) Demand to exclude the public from plenary deliberations (will only become effective if adopted by a majority vote of the National Council)

7. Rights available to one fifth of the committee members

- a) Demand that a vote in committee be taken by roll-call

8. Rights available to a quarter of the Members (46)

- a) Demand that the Standing Subcommittee of the Court of Audit Committee investigate a special event concerning a matter of the federal administration of public funds
- b) Demand to set up an investigating committee. No Member may support more than one investigating committee at any one time. If such demand is held to be inadmissible in total or in part by the Rules of Procedure Committee, the Qualified Minority may petition the Constitutional Court to rule on its admissibility.
- c) A demand to set up an investigating committee may be withdrawn by the Qualified Minority (one quarter of the Members) as long as the consideration by the National Council of the Rules of Procedure Committee's report has not started.
- d) In connection with an investigating committee, the Qualified Minority may petition the Constitutional Court to rule on whether the basic order to take evidence adopted by the Rules of Procedure committee, or the supplement thereto, is sufficient in scope.
- e) Demand that an investigating committee's maximum duration of 14 months be extended by a further three months.
- f) Motion of the Qualified Minority to extend the duration of an investigating committee by a further three months (needs to be adopted by a majority vote)

9. Rights available to a quarter of the committee members

- a) A quarter of the members of an investigating committee may require the competent authorities to produce files as far as such demand is not in conflict with other provisions of legislation (supplementary requests for evidence). If the committee majority rules such demand inadmissible, a quarter of the committee members may appeal to the Constitutional Court.
- b) A quarter of the members of an investigating committee may demand the summoning of witnesses if this is not in conflict with other provisions of legislation. (No witness shall be summoned more often than twice on the basis of such demand). If the committee majority invokes a lack of relevance to the subject under investigation, a quarter of the committee members may petition the Constitutional Court to rule on the matter.
- c) A quarter of the members of an investigating committee may appeal to the Constitutional Court if authorities refuse to surrender to the investigating committee files requested by the investigating committee or by a quarter of its members.
- d) A quarter of the members of an investigating committee may petition the Parliamentary Board of Arbitration (composed of the members of the Ombudsman Board) to rule on the lawfulness of the disallowance of questions to be asked in the course of a hearing before the investigating committee.

10. Rights available to a quarter of the members of a subcommittee

- a) Demand for the Standing Subcommittee of the Committee on Interior Affairs (scrutiny of State Police action) to be convened within 2 weeks

- b) Demand for the Standing Subcommittee of the National Defence Committee (scrutiny of military intelligence services' action) to be convened within two weeks

11. Rights available to one third of the Members of the National Council (61)

- a) Demand for an extraordinary session to be convened during the National Council's recess
- b) Demand for (an unlimited number of) special sittings to be convened during the course of a session (see also under 5.a)
- c) Challenge of federal statutes before the Constitutional Court
- d) Demand for a referendum to be held on a partial amendment of the federal constitution

12. Rights available to one third of the members of a committee

- a) Demand that a motion to hold a parliamentary hearing ("Enquete") or to set up a parliamentary commission of enquiry on matters to be settled by federal legislation be deliberated on in the next meeting of the Main Committee
- b) If one third of the Immunity Committee's members so require, the prosecuting authority has to seek the National Council's decision on whether or not a connection exists between the offence in question and the respective Member's political activity.

13. Rights in parliamentary proceedings that are available/reserved to a majority

- a) Establishment of an unlimited number of investigating committees in response to motions submitted by five Members
- b) Impeachment of a Federal Minister by majority vote (quorum of half of the Members required)
- c) Vote of no confidence (quorum of half of the Members required)
- d) Adoption by majority vote of a motion requiring a member of the Federal Government, the President of the Court of Audit or the members of the Ombudsman Board to attend a sitting
- e) Decision to adjourn items of business, refer them back to committee or pass on to the next item of the agenda (in the latter case the matter is considered lapsed)
- f) Decision to hold a parliamentary hearing on matters to be settled by federal legislation
- g) Decision to hold a parliamentary hearing on EU matters
- h) Establishment of commissions of enquiry (by vote of the Main Committee)

- i) Decision that a vote be held by secret ballot (in response to a corresponding motion submitted by 20 Members)
- j) Decision to hold a debate on a procedural motion
- k) Decision or demand to hold a referendum on ordinary statutes (vote is to be taken after the third reading)
- l) Decision to hold a consultative referendum
- m) Decision to exclude the public from plenary deliberations (in response to a demand submitted by one fifth of the Members)
- n) Decision by a committee that the final deliberation of a report submitted by the Federal Government or by one of its members, or of a Federal Minister's report on EU matters, take place in a plenary sitting of the National Council rather than at committee level (alternatively, this can be required by a parliamentary group; each parliamentary group is entitled to make a limited number of such demands)
- o) Decisions by the EU Main Committee or its Subcommittee that EU matters assigned to said (sub)committee for final deliberation be brought before the plenary of the National Council
- p) Decisions by the Standing Subcommittee on ESM Affairs that matters whose final deliberation is incumbent on said Subcommittee be brought before the plenary of the National Council