

ASSOCIATION DES SECRETAIRES
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*ASSOCIATION OF SECRETARIES
GENERAL OF PARLIAMENTS*

COMMUNICATION

by

Mr Daniel GUSPAN
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on

“Ministers on deck: (Un)limited power under control”

Geneva Session
March 2024



THEME:

**The Attendance of Ministers of State to Parliament, to Report and Give Explanations About
Their Management of Government Business
(24th March 2024, 16:00 – 17:30)**

COMMUNICATION:

Ministers on deck: (Un)limited power under control

Dear Colleagues,

As I had contemplated over a suitable topic for today's communication, I had aimed for one that holds significance and offers insight into the functioning of the Slovak parliament. Amidst the array of subjects that have been deliberated upon, the notion of ministerial accountability may appear to be a well-worn theme. However, especially in the aftermath of elections, and indeed, at any juncture when elections transpire, the issue of ministerial responsibility becomes more pertinent than ever.

Therefore, I am pleased to address you today on a vital and at the same time on a critical aspect of governance: the power of government. That power when held properly brings positive and welcoming changes in society and that one when abused brings chaos, violations, and an uncertain future. Who better than members of parliament, possessing a unique position, a countervailing power, balancing and forming one from citizens, can stand against the authority, hold the helm, and steer the course?

As I mentioned before, this issue becomes even more crucial after the elections. As parties shift and new faces emerge, the responsibility of government power weighs heavily on those entrusted with it. It is during these transitional phases that the integrity and accountability of government officials are put to the test: first hundred days, overwhelming reforms requiring attention from day one or hesitant beginnings of government members.

Slovak elections were held in September previous year. Our parliament changed. The previous coalition became opposition, previous opposition created the ruling trefoil. In the opposition, parties have also changed, and new faces have appeared. With newly elected representatives the landscape of Slovak politics has undergone a transformation.

This never-ending transformation which is the case for all countries of the world does not have any impact on the preserved balance set by rules. From my long-term experience and perspective, in the case of the supervisory mechanism, the opposition takes the lead and often tries to be heard more than other ones. It is more critical and aimed. However, it can occur that the coalition itself may have internal issues and may

not agree with the course of some sectors. As representatives of the people, they all hold a treble role:

- to advocate the interests of voters which means a legislative role,
- to ensure the proper exercise of executive power to cover the supervisory role, and
- to create entities by which they follow parliamentary creative authority presumed by legal provisions.

Constitution. Rules of Procedure. Other acts and regulations. All are packed with necessary powers to promote all roles at once, to scrutinize, to hold accountable and to safeguard the principles of democracy.

Slovak members of parliament possess one of the key supervisory mechanism interlaced with means included in the Rules of Procedure. The choice is on them.

Let me start with general provisions, in particular Sections 2 and 127 which delineate the scope of supervisory powers vested in the National Council, its committees, and members. The scope is defined by special laws and by Rules of Procedure. By exercising these powers, the National Council plays a crucial role in upholding the principles of accountability and transparency within the governance structure.

Further provisions explicitly state the means used by the National Council such as reports, interpellations, or question time and if you, as a member know how to use law for your interest, even more. I will also focus on some statistics for the year 2022 to zoom into practice.

Firstly, according to Section 128 parliament holds the authority to demand **reports** from the Government, heads of central state administration authorities, and senior government officials. These reports address issues falling within respective areas of responsibility. The timeframe for submitting these reports is set at 30 days, although the National Council reserves the right to establish different deadlines, provided they are not less than 15 days. This allows the National Council to receive timely updates on important matters and exercise its oversight function effectively.

Furthermore, also committees within the National Council are empowered to request reports directly from members of the Government, heads of other central-state administration authorities, and senior government officials. These are legally obligated to comply with such requests within a period of 30 days. This provision grants committees the necessary tools to conduct thorough inquiries into specific areas of government activity, fostering a deeper understanding of pertinent issues and facilitating informed decision-making within the legislative process.

The National Council of the Slovak Republic discussed 49 reports and other materials in 2022. Reports, information and materials are listed under individual committees.

And then I mentioned **interpellation**. It is defined as a qualified question relating to the implementation and enforcement of laws, and the fulfilment of the Manifesto of government of the Slovak Republic.

An MP may interpellate the government, a member of the government or a head of another central state administration authority on matters within their official powers. It can be made in writing or oral form.

When it comes to writing internal procedure in the National Council starts with submission to the Speaker who delivers it to the interpellated person and the Prime Minister. If a member wants to make an oral interpellation, he or she can do so during the period of the session's agenda of the National Council reserved for interpellations. There is still a legal demand to deliver a written version of the interpellation to the Speaker of the Council, and the National Council shall refer it to the interpellated person.

Interpellations, as outlined in the Rules of Procedure, serve as a fundamental tool for holding the government accountable for its actions and decisions. Through interpellations, MPs can pose inquiries regarding the implementation and enforcement of laws, government policies, and resolutions. This mechanism facilitates direct engagement between the legislature and the executive, enabling rigorous scrutiny of governmental actions and fostering transparency in decision-making processes.

In 2022, 39 interpellations were filed. From a substantive point of view, the interpellations were focused on the areas of social, economic and public life, in the area of health care, to monitor side effects after the administration of the vaccine against the disease COVID-19. In the area of the economy, the interpellations mainly concerned the regulation of gas and electricity prices and the situation of the European market, in the area of the environment and agriculture, specific measures and solutions to the environmental burden from the former production, the delimitation of property in national parks, the energy use of waste, as well as the protection forests from fires in risky locations and the privatization of state-owned forest land. In the area of transport, the interpellations focused on the construction of expressways, in the social area they were concerned with the payment of financial aid and the increase of social benefits in material needs.

Thirdly, to facilitate a profound dialogue between parliament and government the **question time** serves as the best option. As stipulated in the Rules of Procedure, it provides a platform for MPs to engage with government officials on topical issues.

During Question Time, members of the government and other authorities are obligated to answer questions submitted by MPs. This interactive forum which takes place every Thursday at 2 pm during the session promotes transparency and a better understanding of current topics which may be answered in a more in-depth and democratic way. Under this procedure, MPs may also see the ability to present crucial issues by ministers and may evaluate their expression, honesty, and ongoing work. Even though the answer to the question shall not exceed five minutes and the presentation of an oral supplementary question shall not exceed two minutes, it is an esteemed vehicle bringing ministries on the parliament's deck to face realities which bother the legislative body.

In 2022, the question time was included in the agenda of the session 17 times and MPs asked a total of 759 questions. Out of the total number, 272 were answered. 130 questions were addressed to the Prime Minister of the Slovak Republic and 53 were answered. Members of the government were asked 607 times; 219 questions were answered.

From a content point of view, the questions were primarily focused on measures and support for economic growth, questions related to health, infrastructure, environment and education, but also related to the solution to the growth of prices of energy, goods and services prices, and the questions also related to the war in Ukraine.

Furthermore, there is Section 132 which allows Members to submit **initiatives and observations** during committee meetings. You may ask, what if a minister is not able to answer or react to these actions? In addition, there is a safety net. When the initiatives or observations have not been explained during committee debate, the committee Chairman shall refer the matters to the appropriate members of the government, requiring them to provide notification of the measures taken on their basis within thirty days. The Members shall be informed about these measures at the next committee meeting. Through this mechanism, Members can address pertinent issues within the purview of the government and advocate for legislative reforms or policy changes. By actively engaging in the legislative process, Members play a proactive role in shaping the governance agenda and driving positive change for the benefit of the country.

Ministers may attend committees. Our parliament enhances the scope of their authorities, so, each area is covered by a respective committee. There is always at least one committee covering a ministry. From experiences, it can be said, that this creation following the competencies of each ministry, strengthens their reciprocal relationship and supports cooperation.

Another means I would stretch out is, so-called ultima ratio, a **motion of no confidence** regulated by the Constitution of the Slovak Republic. According to Article 88, the National Council discusses a motion of no confidence in the government of the Slovak Republic or its member when at least a fifth of its MPs request it. To pass this motion, the consent of the majority of all MPs is required. No confidence affects the fundamental functionality of the constitutional system. It traces back to the origins of parliamentarism, the development of our constitutional framework, as well as various constitutional solutions in countries with a parliamentary form of government.

The supervisory activities of the National Council of Slovakia represent a fundamental pillar of our democratic framework. Empowered by laws the National Council has a mechanism for ensuring transparency, accountability, and effective governance following significant means.

To sum them up during my presentation I took you on a short boat trip to show you the waves influencing the course of the governmental voyage: reports, interpellations, question time, the submission of initiatives and observations during committee meetings and motions of no confidence. I consider them as a navigation when potential collisions, sinking or unexpected obstacles occur. Let's be realistic. The main course is always set by the government; therefore, some guidance, a few helpful waves, the right wind in the sails, and occasionally grasping the helm by MPs would not and cannot hurt.

Thank you for your attention.

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