

# Committee on Constitutional Affairs, Rights, Freedoms and Guarantees

## Regulations

### CHAPTER I The Committee's name, composition, responsibilities and competences

#### Article 1

##### (Name and composition)

1. The Committee on Constitutional Affairs, Rights, Freedoms and Guarantees is the first standing committee of the Assembly of the Republic.
2. The Committee's composition is determined by the Assembly of the Republic, in compliance with Decision no. 11-PL/2015, with respect to the provisions of Article 29(1) of the Rules of Procedure of the Assembly of the Republic, and is as follows:

**Chairperson** – PS

**1<sup>st</sup> Vice-Chairperson** – PSD

**2<sup>nd</sup> Vice-Chairperson** – CDS-PP

<b>Members</b>	<b>Full</b>	<b>Alternate</b>
<b>PPD/PSD</b>	<b>9</b>	<b>9</b>
<b>PS</b>	<b>9</b>	<b>9</b>
<b>BE</b>	<b>2</b>	<b>2</b>
<b>CDS-PP</b>	<b>1</b>	<b>1</b>
<b>PCP</b>	<b>1</b>	<b>1</b>
<b>PEV</b>	<b>1</b>	<b>1</b>

Total: 24 members

#### Article 2

##### (Responsibilities)

The Committee's responsibilities are as follows:

- a) Addressing questions whose object is the interpretation or application of constitutional precepts;
- b) Dealing with all subjects concerning the fundamental rights and duties that are enshrined in the Constitution and the law with respect to all matters inherent to this Committee's responsibilities;
- c) Stating its position on all matters concerning incompatibility, incapacity, impediments, the lifting of immunity, conflicts of interest and Members' suspension or loss of seat.

#### Article 3

##### (Competences)

1. In the exercise of its responsibilities, the Committee has the competence to:

- a) Give an opinion on questions involving interpretation of the Constitution;
- b) Give an opinion on the constitutionality of government bills, members' bills and other parliamentary initiatives, when asked to do so by the President of the Assembly of the Republic or other parliamentary standing committees, and produce the relevant opinions;
- c) Check, consider and, when necessary, issue an opinion on any questions that are inherent to the mandates of Members of the Assembly of the Republic as set out in the law and the Rules of Procedure, in particular:
  - i) Suspension, substitution, resignation and loss of seat;
  - ii) Members' powers;
  - iii) Incompatibility, incapacity and impediments;
  - iv) Conflicts of interest;
  - v) The lifting of immunity.
- d) Consider members' and government bills and any draft amendments thereto, and produce the relevant opinions;
- e) Vote on the details of texts that the Plenary has passed with respect to the general principles, as provided for in Article 168 of the Constitution and in the Rules of Procedure;
- f) Consider petitions submitted to the Assembly of the Republic that are within its areas of competence;
- g) As laid down in the Constitution and the law, monitor, consider and pronounce on Portugal's participation in the process of constructing the European Union and on the European initiatives that fall within its areas of competence;

- h) Be aware of political and administrative questions that fall within its areas of competence;
  - i) Give an opinion on questions involving the interpretation and integration of shortcomings in the Rules of Procedure that are submitted to it by the President, the Bureau or the Plenary of the Assembly of the Republic;
  - j) Give an opinion on draft amendments to the Rules of Procedure and suggest the modifications it deems justified and appropriate to the Assembly of the Republic;
  - k) At the request of the President of the Assembly of the Republic, issue an opinion on inter-committee conflicts of competence;
  - l) When the Assembly sees fit, provide it with elements needed to consider the acts of the Government and the Administration;
  - m) Check that the Government and the Administration comply with the Assembly of the Republic's laws and resolutions, in which respect the Committee may also suggest to the AR such measures as it deems appropriate;
  - n) Propose to the President of the Assembly that the Plenary hold thematic debates on matters within the Committee's area of competence so that the Conference may decide whether or not they are opportune and of interest, and appoint a rapporteur if the proposal is approved;
  - o) By the end of the legislative session, draw up its draft activity plan and respective draft budget for the following legislative session, to be submitted to the President of the Assembly for consideration;
  - p) Draw up and pass its own Regulations.
2. The competing competences of the other parliamentary standing committees with responsibility for the matter in question limit this Committee's work to questions of constitutionality and the safeguarding of fundamental rights.

#### **Article 4 (Powers)**

1. The Committee may ask any citizens, members of the Government, senior managers and members of staff of the state's direct administration, and senior managers, members of staff and contracted staff of the state's indirect administration and the state's business sector to take part in its work, and it may ask them for information or opinions.
2. For the proper exercise of its functions the Committee may:
  - a) Set up subcommittees and working groups;
  - b) Carry out studies;
  - c) Request information or opinions;
  - d) Ask any citizens or bodies to give evidence;
  - e) Requisition or retain specialists to assist it in its work;
  - f) Undertake information or study missions;
  - g) Participate in the periodic meetings of the counterpart committees of the national Parliaments of the European Union countries;
  - h) Hold parliamentary hearings.

## **CHAPTER II Committee Bureau**

#### **Article 5 (Composition)**

The Bureau is made up of the Chairperson and two Vice-Chairpersons.

#### **Article 6 (Competences)**

In addition to the competences that are specifically entrusted to it by the Committee, the Bureau is responsible for organising the Committee's work.

#### **Article 7 (Chairperson's competences)**

The Chairperson is responsible for:

- a) Representing the Committee;
- b) After first consulting the other members of the Bureau, convening Committee meetings;
- c) Directing the Committee's work;
- d) Convening and directing the Bureau's meetings;
- e) Coordinating and taking part in the work of the subcommittees, whenever he/she deems fit;
- f) Participating in the Conference of Parliamentary Committee Chairpersons, and informing it about the progress of the Committee's work;
- g) Justifying Committee members' failure to attend;
- h) Discharging the Committee's normal day-to-day business, in accordance with the criterion set by the Committee.

## **Article 8**

### **(Vice-Chairpersons' competences)**

The Vice-Chairpersons shall deputise for the Chairperson whenever he/she is absent or unable to perform his/her functions, and exercise any competences the latter may delegate to them.

## **CHAPTER III**

### **Functioning of the Committee**

## **Article 9**

### **(Scheduling and convening meetings)**

1. Meetings are scheduled by the Committee itself or by the Chairperson acting on his/her own initiative.
2. Unless scheduled at the previous meeting, the Chairperson shall convene the meetings he/she schedules in writing, through the appropriate services, at least twenty-four hours in advance. The notification must include the order of business.
3. Notification of meetings shall be sent to the full members of the Committee, and the information that a meeting has been convened shall be sent to the alternate members.

## **Article 10**

### **(Quorum)**

1. The Committee shall meet in plenary session and may only function if more than half the Committee members in full exercise of their office are present.
2. If there is no quorum 30 minutes after the time for which the meeting has been scheduled, the Chairperson or whoever is deputising for him/her shall declare the meeting closed once the attendance record has been taken.
3. Committee decisions shall be made if more than half the Committee members in full exercise of their office are present.
4. Without prejudice to the quorum for functioning and making decisions or to the rules applicable to the attendance of Members at committee meetings, in the case of votes that are decided by a simple majority, each parliamentary group's votes shall correspond to its share of seats in the Assembly of the Republic.

## **Article 11**

### **(Order of business)**

1. The order of business of each meeting is set at the previous meeting or by the Chairperson if the meeting is convened by him/her.
2. The order of business may be changed during the meeting itself if there is a justified reason for doing so and no member of the Committee opposes it.

## **Article 12**

### **(Breaks)**

Any parliamentary group may obtain a break in the Committee's work of not more than 30 minutes once during the course of each meeting.

## **Article 13**

### **(Texts)**

No text may be discussed by the Committee that has not been distributed to the Committee members beforehand unless the Committee decides otherwise in an unopposed vote.

## **Article 14**

### **(Speeches)**

1. Speeches by Committee members are not subject to a time limit.
2. The Chairperson may propose rules for the discussion in such a way as to comply with the time limits established by the Assembly of the Republic for the completion of work.

## **Article 15**

### **(Consideration of members' and government bills)**

1. When the Committee receives any members' or government bill and the Committee is understood to be competent to consider it, a Member shall be appointed to draw up the Committee's opinion.
2. The author or one of the authors of the bill has the right to present it to the Committee, and there is then time for the author or authors to provide clarifications to the Members who are present.

## **Article 16**

### **(Opinions)**

1. For each subject that is to be submitted to the Plenary, the Committee may appoint one or more Members to be responsible for drawing up opinions and, when it is advisable to divide the aforesaid subject, the Committee may also appoint a Member to be responsible for drawing up an opinion on each part.
2. Members have the right and duty to draw up opinions, and the Committee's Bureau is responsible for

arranging the distribution of this task in such a way as to ensure that in each legislative session there is a balance between Members in this process. Members shall preferably be responsible for drawing up opinions on legislative initiatives from other parliamentary groups.

3. Without prejudice to the application of the provisions of paragraph 2, the opinion should, in principle, be entrusted to the Member who wishes to write it.

4. Wherever, for the purposes of paragraph 3, there are several candidates, the opinion shall be entrusted to whoever has produced the fewest opinions. In the event of a tie, there shall be a secret ballot.

5. Opinions on members' or government bills comprise four parts:

- a) Part I for the recitals;
- b) Part II for the views of the Member who is the author of the opinion;
- c) Part III for the conclusions;
- d) Part IV for the annexes.

6. Each opinion must without fail contain parts I and III, which are deliberated upon by the parliamentary Committee and, furthermore, one of the annexes in part IV must include the technical note drawn up by the services of the Assembly of the Republic.

7. Part II, which is optional, is the sole responsibility of its author and may not be put to a vote, altered or removed.

8. Any Member and any parliamentary group may have their political positions attached to opinions as an annexe in part IV.

#### **Article 17 (Decisions)**

1. Without prejudice to the provisions of Article 11(2), the Committee may only make decisions on subjects that are included on the order of business for the meeting in question.

2. Except in relation to subjects for which the Rules of Procedure of the Assembly of the Republic require a qualified majority, decisions shall be made by simple majority, without counting abstentions.

#### **Article 18 (Voting)**

1. Voting shall be by a show of hands, except for matters for which the Rules of Procedure of the Assembly of the Republic require a secret ballot for votes in the Plenary.

2. Voting is compulsory, and reserving one's position for the Plenary of the Assembly shall signify abstention.

#### **Article 19 (Postponement of votes)**

If so proposed by the Chairperson or requested by any parliamentary group, voting on a given matter may be postponed to the next meeting once only.

#### **Article 20 (Appeals)**

Rulings made by the Bureau or decisions made by the Chairperson may be appealed to the Committee plenary.

#### **Article 21 (Minutes)**

1. Minutes shall be kept of each meeting and must include a list of those present and those absent, a summary of the matters addressed, the positions of the Members and parliamentary groups, and the result of votes, with the respective individual and collective explanations of vote.

2. The minutes shall be drawn up by the Committee's advisors and approved at the first meeting of the month after the one to which they refer.

#### **Article 22 (Public nature of Committee meetings)**

1. The Committee's meetings are public.

2. The Committee may exceptionally meet in camera when this is justified by the confidential nature of the matters to be addressed.

#### **Article 23 (Audiences)**

1. All the day-to-day business relating to audiences must be processed via the Bureau.

2. Audiences may be entrusted to a Committee representation, which shall be made up of at least one Member from each parliamentary group.

3. The views that are voiced during audiences are not binding on the Committee.

## **CHAPTER IV**

### **Subcommittees and working groups**

#### **Article 24** **(Formation)**

1. The Committee may create the subcommittees it deems necessary, subject to prior authorisation by the President of the Assembly of the Republic, who shall first consult the Conference of Parliamentary Committee Chairpersons.
2. The Committee may also form working groups, both to consider legislative processes and to address other subjects.

#### **Article 25** **(Scope and competence)**

The decision to form any subcommittee or working group shall contain a definition of its scope and competences.

#### **Article 26** **(Composition)**

1. Subcommittees shall be made up of two Members from each of the two largest parliamentary groups represented on the Committee and one Member from each of the other parliamentary groups represented on the Committee. The Member who is chairing the subcommittee may appoint one more member.
2. Only Members who are full or alternate members of the Committee may be full or alternate members of subcommittees.
3. Any other Member of the Committee may attend the meetings of its subcommittees and take part in their work.
4. Members of other Committees may also attend meetings of the Committee's subcommittees and, subject to prior authorisation by the Committee, take part in their work.
5. Working groups shall be made up of one Member from each of the parliamentary groups represented on the Committee.

#### **Article 27** **(Chairpersons)**

1. Each subcommittee shall have a chairperson, who shall convene and chair its meetings and also act as rapporteur.
2. Subcommittee chairpersons are appointed by the plenary of the Committee.
3. Chairpersons shall be chosen in conformity with the provisions of the Rules of Procedure of the Assembly of the Republic.

#### **Article 28** **(Activity plan)**

Subcommittees must submit their draft activity plan for each legislative session at least 15 days before the end of the preceding legislative session, except at the start of the legislature.

#### **Article 29** **(Time limits)**

The Committee plenary may set time limits for subcommittees to complete the tasks entrusted to them.

#### **Article 30** **(Limitations on powers)**

1. Subcommittees do not have decision-making powers except on procedural matters and subject to consensus.
2. The conclusions of the work done by subcommittees shall be submitted to the Committee for consideration.
3. Without prejudice to the provisions of the previous paragraphs and save opposition from any parliamentary group, the conclusions of the Ethics Subcommittee that have already been submitted to the Plenary, for their urgent nature, are considered confirmed by the Committee.

#### **Article 31** **(Functioning)**

The precepts governing the Committee's operating procedures apply to subcommittees, *mutatis mutandis*, as do those relating to the responsibilities of the relevant chairpersons.

#### **Article 32** **(Dissolution of working groups)**

Working groups are dissolved automatically once the purpose for which they were created has been achieved, or by resolution of the Committee when it is considered that the reason which justified their formation has ceased to exist.

**CHAPTER V**  
**Final provisions**

**Article 33**  
**(Revision of these Regulations)**

These Regulations may be revised upon a proposal made by any Member. Such proposal must be included in the order of business in advance.

**Article 34**  
**(Omissions)**

Any situation that cannot be regulated through the provisions of these Regulations shall be resolved by means of the precepts set out in the Rules of Procedure of the Assembly of the Republic.

Assembly of the Republic, 25 November 2015

**THE CHAIRMAN OF THE COMMITTEE**  
**Bacelar de Vasconcelos**