

# **Extra-Parliamentary Administrative Commissions**

**Summary of the report by the Parliamentary Control of the  
Administration for the Control Committee of the Council of States**

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## Key terms

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### Extra-parliamentary commissions

Extra-parliamentary commissions advise the Federal Council and the Federal Administration on their duties. There are two types of commissions: the executive and administrative commissions.

### Administrative commissions

There are 84 administrative commissions at present. In contrast to executive commissions, administrative commissions may only perform advisory and preparatory tasks but not make any decisions.



### Regular consultation

Regular consultation enables administrative commissions to examine the Administration's draft legislation from a technical point of view or to formulate opinions.

### Order of appointment

Extra-parliamentary commissions are appointed by order of the Federal Council. The order describes why the commission is necessary and what its tasks are.



### General election of new commission members

Every four years the Administration reviews the necessity, the tasks and the composition of the extra-parliamentary commissions. This review is coordinated by the Federal Chancellery and is carried out before the general election of new members to the commissions by the Federal Council.

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## Summary

***The majority of administrative commissions are appointed expediently and in accordance with the legal provisions. The commissions generally fulfil their mandate of holding regular consultations with the Federal Council and the Federal Administration. However, some of them are outdated and some of their services are rarely used because of shortcomings in appointment orders.***

*In January 2021, the Control Committees (CC) of the Federal Assembly commissioned the Parliamentary Control of the Administration (PCA) to evaluate the Extra-Parliamentary Administrative Commissions.*

*At its meeting on 22 March 2021, the competent FDJP/FCh sub-committee of the Council of States Control Committee (CC-S) decided that the evaluation should examine the appointment and services of the administrative commissions as well as the use of these services by the Administration. In addition, the PCA should examine to what extent the tasks of the commissions could be performed by external consultants.*

*The evaluation is based both on an online survey and on case studies. The online survey was completed by approximately 1,000 members and nearly all the secretariats of the administrative commissions. The PCA commissioned the case studies from an external consulting firm, Strategos SA, which examined nine commissions in more detail.*

*Overall, nearly 50 interviews were carried out with members of the Federal Administration and the commissions. The PCA also analysed documents and commissioned a short legal opinion from Professor Uhlmann. The key findings of the evaluation are:*

### ***Administrative commissions are a flexible instrument***

*The purpose and appointment of the Administrative Commissions are regulated in the corresponding laws and ordinances. The relevant legal provisions are expedient. Since they define 'regular consultation' very broadly, the Administration is flexible in determining the scope of the commissions' tasks (Section 3.1). While the processes for appointing and renewing members is expedient, managing the membership database is inefficient and time-consuming (Section 3.2).*

### ***Appointment orders are not reviewed in detail***

*The Federal Council appoints administrative commissions by means of an appointment order. The Federal Administration only superficially reviews the content of these appointment orders and rarely modifies them. Approximately one in ten appointment orders does not comply with the legal requirements for appointing extra-parliamentary commissions. Moreover, the tasks of some commissions are not defined sufficiently clearly (Section 3.3), which leads to them providing services that are not directed at a clear recipient within the Federal Administration (Section 4.1). The fact*

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that appointment orders are not subject to scrutiny presented the Federal Commission for Pandemic Preparedness and Response (EKP), for example, with a problem during the coronavirus crisis: although the appointment order contained a list of pandemic-related management tasks, the Commission had virtually no role to play (Section 5.2).

### ***Obsolete administrative commissions are not dissolved***

Some commissions meet rarely or not at all, which is not consistent with their role as a regular consultation body. Despite this, the departments did not propose dissolving them during the 2018 review process. The reasons for the continuing existence of these commissions vary. The Federal Administration has often pointed out that some commissions are enshrined in law, which would have to be amended if they were to be dissolved. However, by virtue of its statutory powers, the Federal Council can appoint different tasks to a commission without amending legislation, provided these tasks are better fulfilled as a result (Section 3.5).

### ***The members of administrative commissions are competent, and commissions are composed largely in accordance with the legal requirements***

The requirements of the relevant laws and ordinances concerning the commissions' composition, e.g. with respect to gender, language and regions, are generally complied with; any deviations from these requirements are, in general, plausibly justified. However, one requirement that is not met is that members of the Federal Administration may only be appointed to a commission if it is justified. Nearly half the commissions include at least one member of the Federal Administration, although this is usually plausibly justified. Although the requirements on composition limit the choice of members, the commissions are generally made up of competent members (Section 3.6).

### ***The Administration uses the commissions' services if they are relevant for them***

The services provided by the administrative commissions are largely of a high quality. This is because the services reflect the expertise of the commission members and bring together different opinions and interests. Services that are clearly aimed at the Federal Administration meet its needs (Section 4.1). The Federal Administration generally uses them as a basis of its work. However, decisions by the Federal Council or the Federal Administration not only reflect the expert advice of the commissions but also political considerations (Section 5.2).

### ***Costs arise mainly from the commissions' secretariats rather than from their members***

Most of the costs incurred by the commissions can be attributed to the salary costs of the secretariat staff; by contrast, the daily allowance for commission members accounts for a smaller share of the costs. Members consistently rate the secretariats as being competent and central to enabling the commissions to fulfil their tasks. The secretariats are particularly important for ensuring good ties between the commissions and the Federal Administration (Section 4.3).

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***External mandates cannot replace the work of the administrative commissions***

*A commission's tasks can only be outsourced to an external party in very specific circumstances. The work of an entire commission cannot be outsourced because a major added value of a commission is that it provides consolidated opinions and expertise which external mandates can only provide to a limited extent. In addition, members of permanent commissions gain knowledge of the subject matter and context over time (Section 6.1). Moreover, services provided by external mandates are likely to be more expensive than those of a commission because commission members work much more cost-effectively, especially under the current daily allowance system (Section, 6.2).*

The full report is available in French, German and Italian ([www.parliament.ch](http://www.parliament.ch)).