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Vademecum

For the Federal Assembly control committees



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Foreword

This Vademecum, produced by the Secretariat of the control committees (CCs) in conjunction with the Parliamentary Control of the Administration (PCA), is intended to help familiarise new members of control committees (CC) with their duties and with the special features of parliamentary oversight as well as providing readers with a quick guide to specific questions that they may have. Although it sets out the theoretical principles, it primarily offers practical information on processes and procedures in the CCs that will prove useful in the daily work of committee members. It is updated at the beginning of each legislative period.

The information on each topic is kept brief and always structured in the same way: a short introduction in the lead is followed by “The main points in brief” and references to additional relevant documents (“References”). The Vademecum thus makes no claims to be an exhaustive source of information, and members of the CCs are encouraged to consult the additional source documents as their interest and needs require, and/or to contact the specialists in the secretariat if they have further questions on parliamentary oversight. To aid understanding, the various sections also provide a number of practical examples relevant to the various issues discussed.

Part One is devoted to the CCs’ duties, their area of activity and their means of action. Sections 1.1 and 1.2 outline the framework for oversight of the Federal Assembly (statutory mandate, goals, criteria and time frame), while the subsequent sections deal with the particular aspects of oversight of the judiciary (1.3), of autonomous entities (1.4) and of the Swiss National Bank (1.6). The workflow diagram (1.7) highlights certain basic criteria that demarcate the areas of activity of the CCs. As the CCs are frequently confronted with issues concerning the Federal Administration staff, Section 1.8 provides information about its tasks and scope of action in this area.

Part Two deals with the internal organisation of the CCs: the allocation of powers between the plenary committees and the sub-committees (2.1), the CCs’ structures (2.2), the Control Delegation (CDeI; 2.3), the standing working group on federal risk management (2.4), the presidents’ duties (2.5), the annual programme and meetings schedule (2.6) and dealings between the CCs and other parliamentary committees and delegations as well as with the Swiss Federal Audit Office (2.7, 2.8 and 2.9).

Part Three contains details of the instruments that the CCs use to implement their mandate; these include inspections (3.1 and 3.2), which in certain cases are based on an evaluation carried out by the Parliamentary Control of the Administration (PCA) (3.3 and 3.4). Sections 3.5 and 3.6 provide information on the procedure for dealing with submissions from citizens. Lastly, 3.7 lists additional instruments: review of annual reports, hearings, visits to offices, expert opinions, etc.

Part Four deals with information and communication. The CCs have extensive rights to request information (4.1), which must then be handled with the strictest confidentiality (4.2). This part concludes with observations on committee information policy (4.3).

Part Five considers the duties and services of the Secretariat (5.1) and of the PCA (5.2). Part Six provides CC members with answers to a range of frequently asked questions (FAQs). Finally, Parts Seven and Eight contain the relevant legal provisions (7.1), a bibliography (7.2) and further information about the Secretariat (8.1) and the PCA (8.2).

This Vademecum can be accessed on Parlnet (the Swiss parliament’s intranet), and there are direct links available to the relevant legal texts and other documents.

The Secretariat of the
Control Committees

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1. Parliamentary oversight and the control committees

1.1 The tasks and objectives of the control committees

Introduction

The control committees are Federal Assembly standing committees that exercise parliamentary oversight over the business conducted by the Federal Council and the Federal Administration, the federal courts and other bodies entrusted with federal tasks. Their statutory mandate is set out in Article 169 of the Federal Constitution and in Articles 26 and 52 of the Parliament Act (ParIA).

The main points in brief

Oversight is the **political scrutiny** by Parliament of the executive and the judiciary, in which Parliament reviews the way in which the federal authorities have conducted their business. The CCs focus on the criteria of legality, expediency and effectiveness. They do not have the power to amend or reverse the decisions of an administrative or judicial authority. Accordingly, they limit themselves to issuing recommendations and checking whether these have been followed. The political nature of the control activities derives from the nature of the controlling body (parliamentary committee), the fact that this has no power to instruct the overseen entities and that it selects the topics it wishes to investigate.

The CCs' oversight covers all the activities of the Federal Council and the Federal Administration. Oversight of the courts and the Office of the Attorney General of Switzerland is limited to the administration of justice and does not cover the content of the decisions made (see Section 1.3). Also subject to parliamentary oversight – albeit indirectly – are all public and private corporations and natural persons and legal entities that are entrusted with federal tasks (see Section 1.4). The parliamentary oversight exercised by the CCs is **subsidiary** to the oversight of the departments and the Federal Council and cannot replace it.

The goals of the control committees are:

- to increase the **democratic accountability** of the Federal Council and the Federal Administration, the federal courts and other bodies entrusted with federal tasks;
- to monitor, review and comprehensively evaluate the effectiveness of these institutions, so that the need for political action **can be identified at an early stage**;
- to help **remedy any deficiencies and irregularities identified** and exploit any scope for optimising the conduct of business;
- to develop a **constructive dialogue** with all bodies entrusted with federal tasks so as to initiate a learning process that raises the authorities' problem-solving capacity;
- to create **more transparency** in state activities so as to increase public trust in these institutions;
- to learn lessons in relation to the **coherent implementation of the law** and for future legislation.

References

- Federal Assembly control committees, *Handlungsgrundsätze der GPK vom 30. Januar 2015* ([BBI 2015 4841](#)).
- MASTRONARDI PHILIPPE / SCHINDLER BENJAMIN / LOUIS PATRIK, Kommentar zu Artikel 169 BV, in: Ehrenzeller Bernhard et al. (Ed.), *Die Schweizerische Bundesverfassung, St. Galler Kommentar*, 3rd edition, Zurich / St Gallen: Dike Verlag, 2014, 2749-2765.
- MASTRONARDI PHILIPPE, *Kriterien der demokratischen Verwaltungskontrolle, Analyse und Konzept der parlamentarischen Oberaufsicht im Bund*, Basel / Frankfurt am Main: Neue Literatur zum Recht, Helbing & Lichtenhahn Verlag, 1991.
- GRAF MARTIN / THELER CORNELIA / WYSS MORITZ VON (Ed.), *Parlamentsrecht und Parlamentspraxis der Bundesversammlung, Kommentar zum Parlamentsgesetz vom 13. Dezember 2002*, Basel: Helbing & Lichtenhahn Verlag, 2014 (esp. pp. 220-241, 437-458, 873-876, 1044-1087).



1. Parliamentary oversight and the control committees

1.2 Oversight criteria and when it is exercised

Introduction

Under Article 52 paragraph 2 ParlA, the control committees focus their activities on the criteria of legality, expediency and effectiveness. Whereas oversight used to always be carried out retrospectively, nowadays it is in some cases exercised concurrently.

The main points in brief

Article 26 paragraph 3 ParlA lays down the criteria by which oversight is to be carried out: legality, regularity, expediency, effectiveness and economic efficiency. The criteria of regularity and economic efficiency are primarily relevant to the oversight exercised by the finance committees. The control committees focus on the criteria of legality, expediency and effectiveness (Art. 52 para. 2 ParlA).

- **Legality:** Under the criterion of legality, a check is made on whether the regulations, decisions and measures of the overseen bodies comply with Swiss legislation (the Federal Constitution, federal acts and ordinances and other Federal Assembly enactments) and international legal provisions that are binding on Switzerland. The legality of ordinance provisions may also be scrutinised.
- **Expediency:** If the Constitution or law allows the Executive a degree of discretion, the CCs may assess, under the criterion of expediency, whether the intended goals can be achieved by the measures taken.
- **Effectiveness:** Under the criterion of effectiveness, the CCs assess whether the effect of a measure actually corresponds to the intended objective. A political measure is regarded as effective if it can generally achieve the targets laid down by the law. The laws issued by the Federal Assembly are not themselves investigated as to their effectiveness, but simply the decisions and measures taken by the overseen bodies.

The law says nothing expressly on when oversight should be carried out. The conventional understanding is that oversight is generally exercised **retrospectively**. In practice however, oversight procedures have developed over the years and may now be conducted **concurrently**: oversight is carried out simultaneously with the procedures under scrutiny. Restricting oversight to retrospective scrutiny meant that the **separation of powers** was interpreted in an overly dogmatic manner and the CCs were limited in what they could do. Through their activities, the CCs found that oversight may in fact be carried out concurrently while still taking account of the various responsibilities of the Legislature and the Executive. Having said that, the CCs exercise concurrent oversight with caution and only in special cases – primarily major long-term projects.

The oversight bodies make their assessments with a **degree of caution**. As a result, the CCs' recommendations are normally couched in general terms and leave the executive authority with some latitude to introduce the most expedient measures to implement the recommendations. If the CCs want their recommendations to be more binding, they submit a parliamentary procedural request to Parliament.

References

- Federal Assembly control committees, *Die Oberaufsicht in der neuen Bundesverfassung: Stellungnahme der Geschäftsprüfungskommissionen*, Report of 6 and 16 May 1997 by the control committees on their activities in 1996/1997 ([BBl 1997 III 1378](#), here 1383).
- National Council Political Institutions Committee, Parliamentary initiative: Parliament Act (ParlA), Report of 1 March 2001 ([BBl 2001 3467](#), here 3538).
- AUBERT JEAN-FRANÇOIS, Art. 169 Haute surveillance, in Aubert Jean-François / Mahon Pascal, *Petit commentaire de la Constitution fédérale de la Confédération suisse*, Zurich: Schulthess, 2003, 1279-1288.
- SÄGESSER THOMAS, Art. 52 Aufgaben der Geschäftsprüfungskommissionen, in Graf Martin / Theler Cornelia / Wyss Moritz Von (Ed.), *Parlamentsrecht und Parlamentspraxis der Schweizerischen Bundesversammlung, Kommentar zum Parlamentsgesetz vom 13. Dezember 2002*, Basel: Helbing & Lichtenhahn Verlag, 2014, 437-447.



1. Parliamentary oversight and the control committees

1.3 Oversight of the judiciary

Introduction

Under the Constitution, the judiciary is independent, so there is a certain contradiction in making it subject to parliamentary oversight. Legal experts and the control committees themselves take the view that there is no violation of separation of powers if Parliament oversees the management and workings of the courts or monitors trends in case law, while specific cases are not subject to oversight. The principles that apply to the oversight of the courts also apply to the Office of the Attorney General of Switzerland. The latter has been organisationally independent since 2011, and is subject to the oversight of the specially created Supervisory Authority for the Office of the Attorney General of Switzerland.

The main points in brief

Under Article 169 of the Federal Constitution, Parliament is responsible for overseeing the federal courts, i.e. the Federal Supreme Court, the courts of first instance subject to the oversight of the Federal Supreme Court (Federal Administrative Court, Federal Criminal Court, Federal Patent Court) and the Military Supreme Court, as well as the Office of the Attorney General of Switzerland (OAG) and the Supervisory Authority for the Office of the Attorney General of Switzerland (SA-OAG).

Legal experts generally recognise three **principles** in relation to oversight of the judiciary. Parliament:

- may not instruct a court to take a particular decision in a specific case;
- may not amend or overturn a judicial decision (as specified in Art. 26 para. 4 ParlA);
- may not discipline or remove a judge for reaching a certain decision.

Expert opinion differs however on the scope of oversight. If oversight is **narrowly interpreted**, then only the 'formal regularity' of the courts, i.e. the administration of justice, is subject to oversight. A **broader interpretation** may also include oversight of the outwardly visible workings of the courts, namely when justice is denied or when a case is delayed without justification, and also checks on the efficiency of the legislation. The oversight authority can also discuss trends in case law with judges in order to identify potential legislative shortcomings.

In practice, the CCs interpret oversight in broader terms and take the view that overseeing the judiciary is much the same as overseeing the Federal Council and the Federal Administration. The sub-committees for the courts/OAG visit the Federal Supreme Court every April in order to examine its annual report and the annual reports of the courts of first instance. Similar meetings are held with the SA-OAG and the OAG. The main points of discussion at these meetings are the statistics on cases that have been concluded, the length of proceedings, the management of the courts and the OAG and their efficiency. Since 2011, the CC sub-committees for the courts/OAG have worked with the finance committees in order to make the oversight of the courts and the OAG more efficient.

References

- Council of States Control Committee, *Parlamentarische Oberaufsicht über die eidgenössischen Gerichte*, Report of 28 June 2002 ([BBl 2002 7625](#)).
- LIENHARD ANDREAS, Die Oberaufsicht über die Gerichte: Rolle und Kompetenzen des Parlaments = La haute surveillance des tribunaux: Rôle et compétences du parlement, In: *Parlament: Mitteilungsblatt der schweizerischen Gesellschaft für Parlamentsfragen*. 20(2017), no 3, pp. 3–31.
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- BIAGGINI GIOVANNI, Besonderheiten der parlamentarischen Oberaufsicht im Bereich der Gerichte and der Strafverfolgung, in: Biaggini Giovanni, *Informationsrechte der Geschäftsprüfungskommissionen der Eidgenössischen Räte im Bereich der Strafverfolgung aus verfassungsmässiger Sicht*, Report of 5 June 2008, 16-23.



1. Parliamentary oversight and the control committees

1.4 Oversight of autonomous entities

Introduction

Parliamentary oversight of the autonomous entities is carried out indirectly and mainly consists of checking how the Federal Council monitors and if necessary redirects these entities. In particular, every spring the CCs examine the Federal Council reports on whether the autonomous entities have achieved their strategic goals.

The main points in brief

Since the end of the 1990s, numerous federal entities have been **(semi-)privatised**. The Federal Council's 2006 corporate governance report draws a distinction between entities that effectively have a monopoly over the services they provide (the federal institutes of technology, national museums, etc.), entities that oversee the private sector and safety/security (Swiss Financial Market Supervisory Authority [FINMA], Swissmedic, etc.) and entities that provide services in the market (Swiss Post, Swisscom, the SBB, etc.). As these entities are no longer directly subordinate to the Federal Council, it was necessary to reconsider how Parliament can exercise oversight in this area. To this end, the CCs commissioned several legal opinions.

Scrutiny of outsourced public services is closely linked with oversight of the Federal Council and its management instruments. Whereas Parliament exercises direct oversight over the Federal Administration, autonomous entities are subject to **indirect scrutiny** via the Federal Council.

The Federal Act on the Participation of the Federal Assembly in the Supervision of Autonomous Entities, which came into force on 1 January 2012, requires the Federal Council to control autonomous entities (when it appears expedient) by setting **strategic goals** and to report to the Federal Assembly on the extent to which these goals have been achieved. Every spring the supervisory committees examine the Federal Council reports on the following entities, which are regarded as being especially important: RUAG, Swiss Post, Swisscom, the SBB, Skyguide, the ETH Domain and FINMA. The aim is to check whether the Federal Council is appropriately safeguarding **the Confederation's proprietary interests**. In 2019, the Federal Council commissioned external experts to review federal corporate governance, and introduced measures on the basis of this review that summer. The control committees have made demands with regard to federal corporate governance (e.g. government inquiries into the PostBus case, the cyber attack on RUAG and into conflicts of interests in government-associated (autonomous) companies).

In principle, the CCs are responsible for oversight of all autonomous entities. They decide each year which annual reports they wish to examine in greater detail. They often stay in direct contact with the autonomous entities in order to be able to assess the extent to which the Federal Council's proprietary interests are represented (see Section 3.7). Normally the CCs only take action if there are specific and credible indications of serious shortcomings that could jeopardise the proper operations of an entity. The CCs concentrate on the Federal Council's oversight tasks and set themselves certain limits in order to take due account of the entities' legal status and autonomy (see CC's principles of conduct). For example, in the CC's investigations into the Postauto affair and into the cyber attack on RUAG, the focus was on how the Federal Council and the federal department responsible handled the events in these autonomous entities.

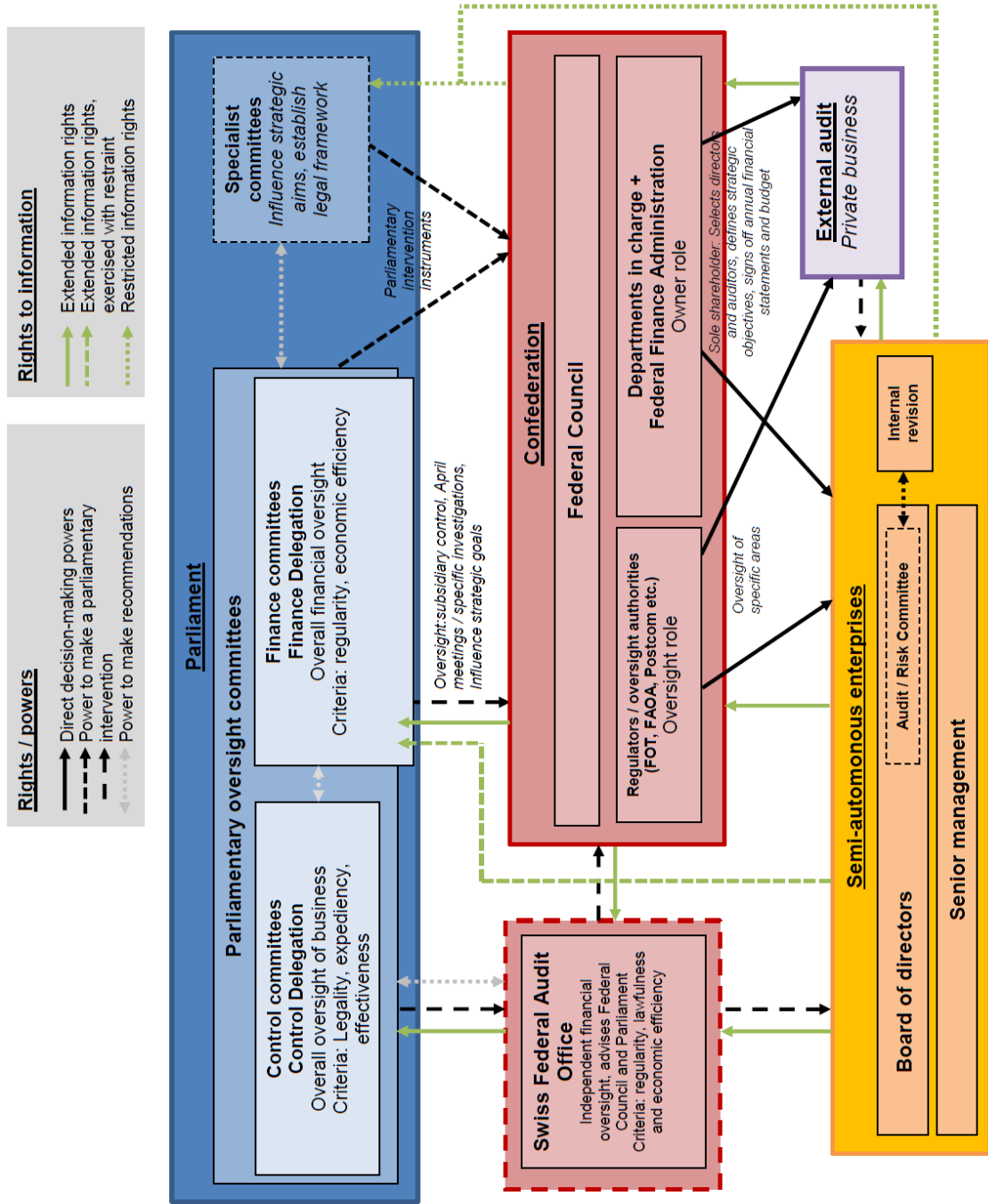
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- UHLMANN FELIX, *Gutachten betreffend Oberaufsicht über die Eidgenössische Finanzmarktaufsichtsbehörde (FINMA)*, report of 28 August 2013.



1. Parliamentary oversight and the control committees

1.5 Workflow diagram: Oversight of autonomous entities



- Parliament / Legislature**
 - Sets the legal framework
 - Exercises parliamentary oversight
 - Can influence setting of strategic objectives
- Federal Council and Administration / Executive**
 - Exercise control and oversight
 - Regulator role (oversight of certain areas)
 - Report to Parliament on strategic goals
- Businesses / directors and senior management**
 - Responsible for the proper functioning of the company (operational issues)
 - Organise and implement internal audits and risk management



1. Parliamentary oversight and the control committees

1.6 Oversight of the SNB

Introduction

The Swiss National Bank (SNB) is also theoretically subject to oversight by Parliament. Given that the SNB's independence is guaranteed by the Federal Constitution and the National Bank Act, Parliament's activities are somewhat restricted. Every spring, the CCs discuss the National Bank's annual report with members of the SNB Governing Board.

The main points in brief

Under Article 99 paragraph 2 of the Federal Constitution, the Swiss National Bank is an independent central bank that pursues a monetary policy that serves the overall interests of the country and which is 'administered with the cooperation and under the supervision of the Confederation'. The independence of the SNB and the cooperation and oversight of the Confederation is regulated in detail in the Federal Act of 3 October 2003 on the Swiss National Bank (National Bank Act, NBA).

In a legal opinion on SNB oversight procedures commissioned by the Federal Council in early 2012, Prof. Paul Richli concluded that **the general provisions of the Federal Constitution and of the Parliament Act on parliamentary oversight does not apply to the SNB**; only the provisions of the NBA were applicable. The SNB thus differs from other administrative entities that are subject to the CCs oversight.

The NBA provides for only one instrument of oversight: in terms of Article 7 paragraph 2, the SNB must 'render account of the fulfilment of its tasks to the Federal Assembly annually in the form of a report'. This **accountability report** is the subject of discussions between the two CCs and members of the SNB Governing Board every spring. The SNB also publishes an annual business report combining the accountability report and the finance report.

Parliamentary oversight also encompasses the manner in which the Federal Council exercises its powers under the NBA in relation to the SNB. However, these powers are limited since the SNB is an independent body. As a consequence, parliamentary oversight is also limited.

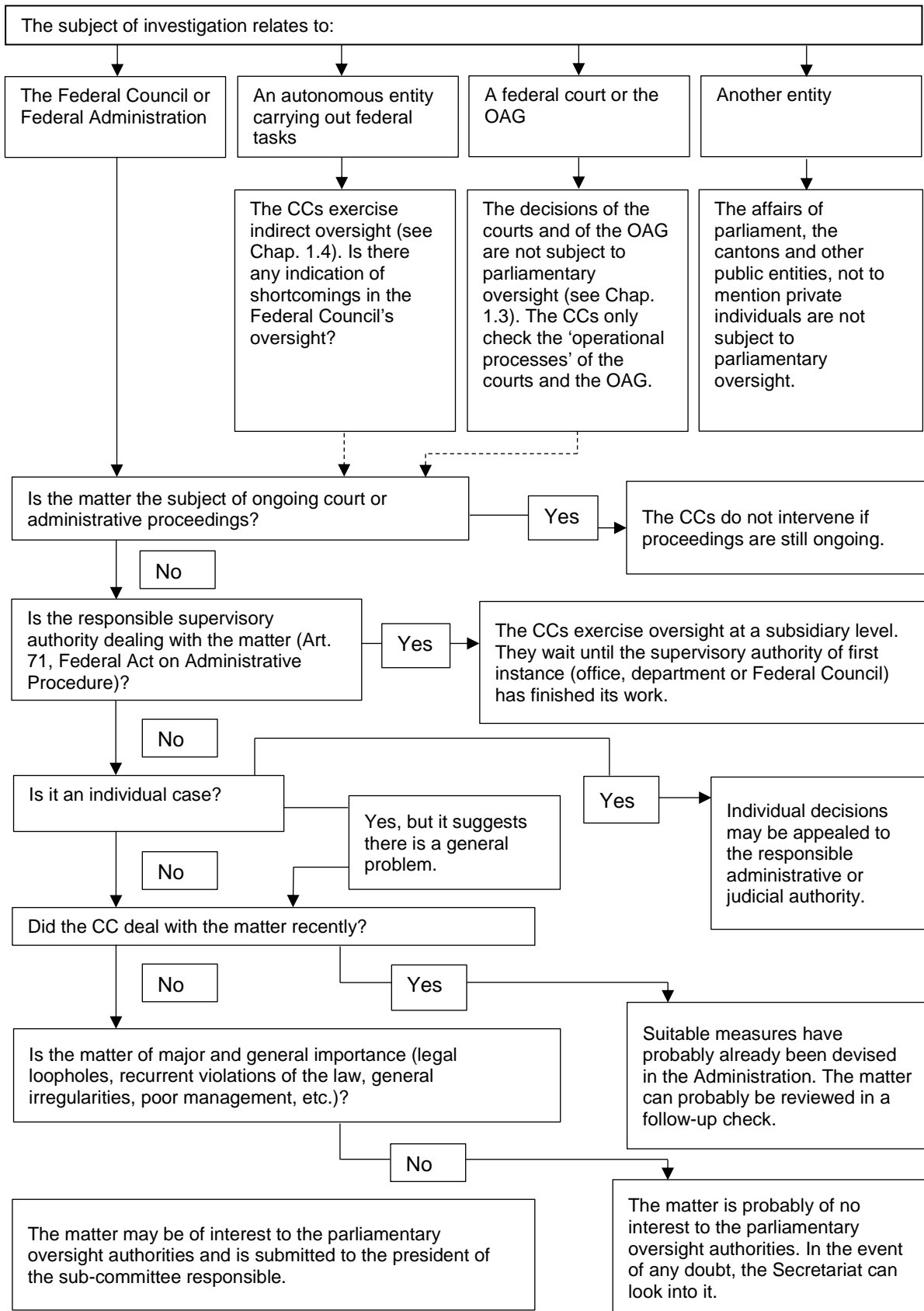
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1. Parliamentary oversight and the control committees

1.7 Workflow diagram: How parliamentary oversight works





1.8 Oversight of staff

Introduction

Personnel policy falls under Federal Council and Federal Administration management and is therefore subject to parliamentary oversight. However, it is not the task of the CCs to deal with the work-related issues of individual staff members of the Federal Administration. Furthermore, the CCs have little to no involvement in the personnel policy of semi-federal institutions such as the ETH Domain.

The main points in brief

Federal personnel policy is a key factor in ensuring that the Administration performs its tasks effectively and to the full. Staff policy must satisfy the relevant statutory requirements (Federal Personnel Act, various related implementing provisions). There is also a personnel strategy issued by the Federal Council which forms a guideline for the implementation of federal personnel policy.

The importance of federal personnel policy is reflected in Article 5 paragraph 1 of the Federal Personnel Act, which states that the Federal Council must produce an annual report for the parliamentary oversight committees on the achievement of objectives in federal personnel policy (personnel reporting). This is treated each April by the control committees' FDF/EAER sub-committees. Rules on the form and content of this report were drawn up in an agreement dated 27 January 2010.

In cases where the CCs consider other issues and events in connection with federal personnel policy, the focus tends to be on systemic aspects, i.e. aspects which are of general yet central importance in the management of the given administrative entity. However, it is not the CCs' task to deal with individual cases unless they relate to these aspects. For example, if a staff survey shows a radical drop in satisfaction with the top management of a federal office, and the office also has higher-than-average levels of staff turnover, it may be appropriate for the CCs to get involved. If, on the other hand, an office reorganises one of its divisions and individual employees complain to the CCs, this does not fall within their remit. Nor are the CCs responsible for dealing with any employment relationship problems of individual federal employees.

These principles derive from the separation of powers and the principle of subsidiarity. In the event of individual problems in the employment relationship, the responsibility for solving such problems lies with the employees concerned and their superiors. The employees concerned also have the option of taking legal action. The CCs are not employment tribunals.

The personnel policies of semi-federal entities is regulated differently. However, common to all these entities is the fact that their tasks and organisation are defined in specific legislation and that they also have a legally established independence with regard to personnel policy, with specific oversight and appeal powers. In accordance with their principles of action, the CCs only become active in this area if there are qualified and concrete indications of deficiencies that could endanger the proper functioning of the entity.

References

- *Vereinbarung vom 27.1.2010 über das Reporting im Personalmanagement zwischen den Geschäftsprüfungs- und Finanzkommissionen der Eidg. Räte und dem Bundesrat.*



2. Organisation of the control committees

2.1 Plenary committees, sub-committees and working groups

Introduction

The control committees of the National Council and the Council of States (CC-N and CC-S) have the same powers and divide up their work when drawing up their annual programme (see Section 2.5). They instruct their sub-committees and working groups to conduct investigations and are regularly updated by these sub-committees and working groups on how their work is progressing at the plenary meetings. The reports and recommendations for the authorities concerned may only be approved and released for publication by the plenary committees.

The main points in brief

The Swiss Parliament is a perfect example of the bicameral model. The two '**sister committees**', the CC-N the CC-S, have the same powers. The CC-N has 25 members while the CC-S has 13. The CCs each have **five standing sub-committees**, which handle oversight of the seven departments of the Federal Administration, the Federal Chancellery, the federal courts and the Office of the Attorney General of Switzerland. Generally the sub-committees conduct investigations on behalf of the CCs and report regularly to the plenary committee, which has the power to take decisions.

The two CCs can also set up joint **working groups** for larger or particularly sensitive investigations or to answer questions that relate to several areas of government. In addition, the sub-committees can delegate particular investigations to a **smaller committee**, primarily to ensure confidentiality. The CCs make sure that the composition of sub-committees, working groups and committees is based on the strengths of the parliamentary groups in the Council concerned and that the members of these bodies represent the official languages and different parts of the country fairly and as far as possible.

Tasks and powers of the plenary committees:

- Setting up the sub-committees;
- Instructing and concluding inspections, defining investigation assignments
- Approving letters and reports to the Federal Council;
- Assessing cases involving the Federal Council, heads of department, the general public, etc.;
- Publishing reports and issuing press releases.

Tasks and powers of the united plenary committees:

- Approving the annual programme and issuing evaluation assignments to the PCA, approving the annual report;
- Examining the annual reports of the Federal Council;
- Setting up joint working groups;
- Approving the reports of the joint working groups.

Tasks and powers of the sub-committees and working groups:

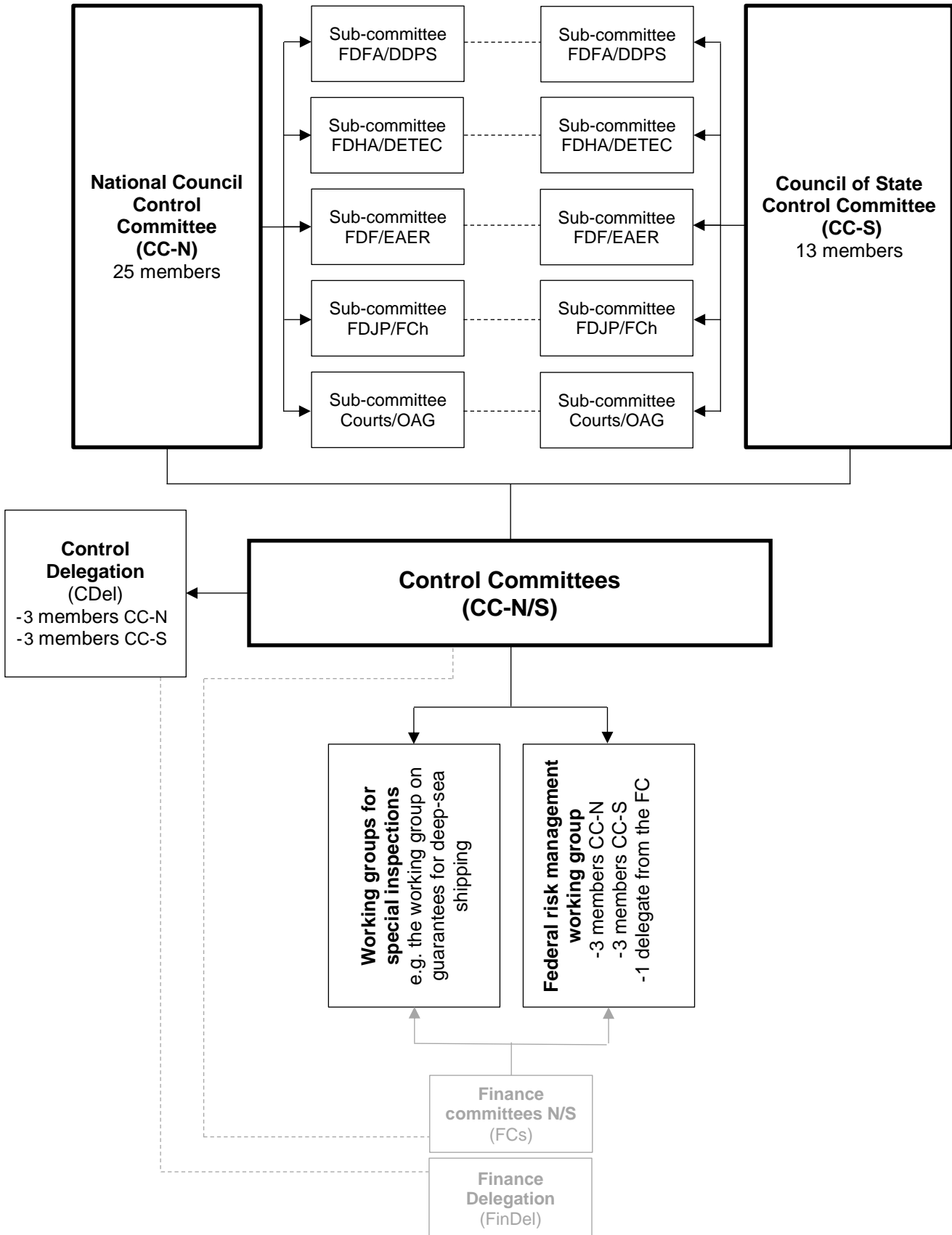
- Conducting the actual investigations: identifying the object of investigation; obtaining information from the Federal Administration and inviting Administration representatives to hearings; preparing and approving draft letters and reports;
- Preliminary investigations;
- Organising visits to offices;
- Normally: deciding how to respond to submissions from citizens (see Section 3.5);
- Making regular reports to the plenary committee.

The plenary committees meet at least twice a year for a joint session: in January to decide on the annual programme and in spring to examine the Federal Council annual report.



2. Organisation of the control committees

2.2 Structures of the control committees





2. Organisation of the control committees

2.3 The Control Delegation

Introduction

The Control Delegation (CDel) is made up of an equal number of members of the CC-N and the CC-S and is responsible for the parliamentary oversight of federal activities in relation to civilian and military intelligence services, state security and other sensitive areas. In order to fulfil its remit, it has extensive rights to information, i.e. it can demand the handover of all the files that it requires, and its access cannot be denied on the grounds of official secrecy or military secrecy.

The main points in brief

The CDel was formed in 1992 in the aftermath of the 'Secret Files Scandal' (*Fichenaffäre*). It now has the task of overseeing the Federal Intelligence Service (FIS), responsible for **domestic** (state security) and **foreign intelligence activities**, and the **Military Intelligence Service** (MIS). Proceedings brought by the Office of the Attorney General of Switzerland relating to state security are also subject to the oversight of the CDel. In practice, the CDel primarily checks whether the Federal Council and the relevant department are meeting the statutory requirements on their management and supervisory duties. The CDel coordinates its activities in particular with the inspection plan of the Federal Department of Defence, Civil Protection and Sport (DDPS); under Article 26 paragraph 1 of the Federal Act on Measures to Safeguard Internal Security (ISA) and Article 99 paragraph 5 of the Federal Act on the Armed Forces and the Military Administration (Armed Forces Act, ArMA), the DDPS exercises administrative scrutiny over the civilian and military intelligence services.

In order to carry out these tasks, the CDel has **extensive rights to information** (Art. 169 para. 2 Federal Constitution and Art. 154 ParIA). The Delegation has an unrestricted right to obtain the information that it needs; this includes documents used directly by the Federal Council in reaching its decisions and documents that are classified as secret in the interests of state security or by the intelligence services, or which could cause serious harm to national interests if disclosed to unauthorised persons (Art. 154 para. 2 let. a ParIA). The CDel also has the authority to obtain information from authorities, offices and other bodies entrusted with federal tasks. It can also question persons as witnesses (Art. 154 para. 2 let. b ParIA). The Delegation is not subject to civilian or military duties of secrecy.

The delegation members however are bound by **official secrecy** (Art. 8 ParIA). The Delegation gives the highest priority to preserving the secrecy of the confidential information it receives and takes special measures to guarantee secrecy. The CDel is a standing committee of the two CCs, in which one of the parties not in government is also represented. It is composed of three members from each of the two CCs, constitutes itself (Art. 53 para. 1 ParIA) and appoints its chairperson for a term of two years.

Examples of inspections by the CDel:

- Arrest of a former FIS source in Germany (13 March 2019)

The two CCs can give the Delegation additional **special assignments** (Art. 53 para. 3 ParIA). Normally the CCs issue these assignments to the CDel if they are unable to carry out a conclusive investigation because of their limited rights to information.

References

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- Federal Assembly control committees, Rechte und Organisation der GPDel, 2018 annual report of the Federal Assembly CCs and the CDel ([BBI 2019 2729](#) 2794).



2. Organisation of the control committees

2.4 Federal risk management working group

Introduction

The federal risk management working group deals each year with risk reporting when it meets to discuss the Federal Council management report. This risk reporting involves the top risks faced by each government department, those for the Federal Council and those faced jointly by all areas of government. It is part of federal risk management.

The main points in brief

The working group was established in 2009. Since risk reporting entails highly sensitive information, at the time the CCs decided to set up a **small working group**. This comprises the president and vice president of each CC and the president of the two FDF/EAER sub-committees – i.e. three members from each CC. The CC presidents chair the working group for a year on an alternating basis. A member of the Finance Delegation also sits on the working group.

Conducting risk management is essentially the responsibility of the departments and the Federal Chancellery. However, the Federal Finance Administration (FFA) and the General Secretaries Conference (GSK) fulfil important coordination functions in risk management. By issuing guidelines, the FFA ensures that risk management is conducted as homogeneously as possible within the Federal Administration. The Risk Management Coordination Office is part of the FFA. The GSK is responsible for risk consolidation at Federal Council level. **Risk reporting** to the Federal Council is not intended for the public and reports are therefore classified as CONFIDENTIAL. Reports comprise the risk map, the title, the description, the assessment of the risk and the measures to be taken, as well as details of the person responsible for managing the risk. A comprehensive report is submitted to the Federal Council once a year. A risk update of the greatest risks facing the Confederation and addressed by the Federal Council is also produced annually.

In accordance with the Federal Council directives of 24 September 2010 on the federal government's risk policy, risk management is a management tool allowing risks to be identified at an early stage and measures to be taken to avoid or reduce the occurrence of risks. Risk reporting forms part of this risk management, is an instrument of the Federal Administration for the Federal Administration in general and within the framework of the activities of the working group for the Federal Council in particular. For this reason, the working group's role in risk reporting for the Federal Council is limited to questions of completeness, appropriateness, and comprehensibility of both the reporting itself and changes in the assessment of individual risks. In addition, the working group addresses the optimisation of various processes, procedures and structures in federal risk management.

References

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- Federal risk policy guidelines, explanations
- FFA guidelines on federal risk management, 31 March 2016
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- Federal Assembly control committees, Risikoreporting zuhanden des Bundesrates – eine Bestandsaufnahme, report by the CC-N and CC-S 30 January 2018 ([BBI 2018 1457](#))



2. Organisation of the control committees

2.5 Duties and rights of the presidents of the committees and sub-committees

Introduction

The presidents of the CCs, their sub-committees and working groups have a key role to play in the practical aspects of parliamentary oversight. In particular, they are responsible for chairing meetings and they have important project management tasks during inspections.

The main points in brief

The presidents and vice presidents (**plenary presidents**) are appointed by the office of the council concerned at the request of the parliamentary groups (the parties take turns to hold these positions/ have a right to fill the position of president based on the size of the parliamentary group in the council concerned). The term of office is two years. The vice president is normally appointed president after two years. Since November 2013, the Parliament Act has provided that presidents of the CCs of each council may not belong to the same parliamentary group (Art. 43 para. 2^{bis} ParlA).

The **standing sub-committees** of both CCs each have a president appointed by their CC. Under usual CC practice, a committee president cannot chair a sub-committee. Normally, the term of office (legislature) is tacitly prolonged until one of the presidents or vice presidents stands down or leaves the council. The sub-committees have no vice presidents.

If the CCs set up a **working group**, they appoint its president. In exceptional cases a vice president may also be appointed (e.g. in the case of the joint working groups of both CCs).

The president

- plans the committee's work;
- sets the agenda for committee meetings, subject to committee decisions to the contrary;
- leads the committee's negotiations;
- prepares committee's work with the Secretariat;
- represents the committee in its external dealings;
- decides on information protection measures (see Section 4.2).

In addition, the presidents of the plenary committees are responsible for setting **information policy** (see Section 4.3 and issued the Guidelines on information and communication of the CCs dated 22 May 2006). They also take the final decision on requests to inspect files (see Section 4.2).

The presidents of the sub-committees and working groups report – when they deem it appropriate – in their plenary committee on the activities of the sub-committees and working groups.

The **Coordination Group** of the CCs is made up of the sub-committee presidents and vice presidents. They discuss the secretariat's draft of the annual programme for the two CCs including the PCA's evaluation proposals to the plenary committees for the coming year.

References

- Federal Assembly control committees, Weisungen der Geschäftsprüfungskommissionen der eidgenössischen Räte über die Behandlung von Protokollen und anderen Dokumenten, 28 January 2019.
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- Federal Assembly control committees, Weisungen der Geschäftsprüfungskommissionen der eidgenössischen Räte über ihre Massnahmen zum Geheimnisschutz, 27 January 2012 (as of 24 January 2013).



2. Organisation of the control committees

2.6 Annual programme and meetings schedule

Introduction

The CCs' agenda primarily covers the meetings of the sub-committees and the plenary committees. In addition, every two years, a seminar is held and a information-gathering session outside the Federal Palace is made. The CCs annual programme, agreed every January, provides details of the work planned for the coming year.

The main points in brief

A key item on the CCs' agenda are the regular **meetings of the standing sub-committees**. The frequency of these meetings depends on the work planned and the ongoing situation. The **plenary committees** of both councils each meet every two months or so. **Joint meetings** of the two committees (CC-N and CC-S), however, are rare: normally these are limited to the January meeting and the meeting to discuss the Federal Council annual report in May (see below).

The following events are a fixed element of the CCs' annual agenda:

- At the end of January, the CCs of both councils hold a two-day joint meeting. They consider the annual reports of the CCs, the CDeI and PCA from the previous year. They finalise the details of the annual programme (see below) and decide on the new PCA evaluations (see Section 3.3). Every second year, they also consider one specific matter in greater detail (to date, for example, the CCs' public relations, rights to information and confidentiality, the role and function of the Federal Chancellery).
- In April and in May, several meetings are held to discuss the **Federal Council's annual report**. In April, the sub-committees in the first instance consider the reports from various entities outside the central Federal Administration (in particular the SNB, FINMA, Swiss Post, the SBB, Swisscom, etc.) and with the regular reports on specific matters (personnel management, risk reporting, etc.) [for more details, see Section 3.7]. Here the CCs' members can discuss various issues with the heads of these enterprises or with their representatives in the. In May, CCs of both councils hold a joint meeting to question all the members of the Federal Council as well as the Federal Chancellor (see Section 3.7).
- Every two years the two committees make a two-day **information-gathering session outside the Federal Palace** in August or September to the home canton of the current CC president. This involves one or more plenary meetings (and, possibly, sub-committee meetings), meetings with representatives of the local cantonal and communal authorities and visits to important cultural or business institutions in the area.

In May of each year, the CCs approve a provisional **schedule of meetings** (plenary meetings, joint meetings and pre-reservation dates for sub-committee meetings) for the following year, to add to the offices' meetings schedule. These meeting dates are reserved for the CCs as part of the overall committee planning schedule. However, the sub-committees decide themselves on their meeting dates, based on the pre-reservation dates. Normally they also have to set additional provisional dates. Generally the sub-committees meet more frequently when an inspection is being carried out.

The **annual programme of the CCs** is drawn up towards the end of the year and approved at the January meeting. It is made public and contains a list of the cases that the committees intend to deal with in the coming year, whether as inspections and evaluations, follow-up checks, assessments of reports, visits to offices or other measures. In addition, the programme gives details of which committee or sub-committee is responsible for which case. Further cases may be added in the course of the year as a result of recent events, submissions to the oversight authority or developments in particular issues.



2. Organisation of the control committees

2.7 Coordination with the finance committees and the Finance Delegation

Introduction

In practice, parliamentary oversight of the conduct of business cannot always be clearly distinguished from parliamentary oversight of the financial budget, which is the responsibility of the finance committees (FC) and the Finance Delegation (FinDel). Accordingly, the CCs and the FCs/FinDel exchange information about their activities and work together in certain areas.

The main points in brief

Under Articles 50 and 51 ParlA, financial oversight is the responsibility of the **finance committees** (FCs), which carry out a preliminary examination of the financial plan, the budget and the state accounts, and the **Finance Delegation** (FinDel), which reviews and monitors the entire federal financial budget. In practice it is sometimes difficult to draw a clear distinction between general and financial management. In general, matters that relate primarily to financial issues are assigned to the FC and the FinDel, and matters relating to the conduct of business go to the CCs.

For the CCs and the FCs to perform comprehensive and effective oversight, they must first cooperate in certain areas and exchange information on their respective activities (see Art. 49 para. 1 ParlA). To this end, the secretariats of the CCs and FCs meet four times a year and the secretaries of the sub-committees as often as their business requires. The FCs are included when the **annual reports** of the Federal Supreme Court and selected public enterprises (Swiss Post, the SBB, Swisscom, Skyguide) as well as the annual reports of the OAG and the SA-OAG are dealt with. The FCs are also involved when the accounts and budget of the federal courts and the OAG/SA-OAG are reviewed (joint meetings); likewise, the CCs are involved when the FC deals with the federal courts' and OAG/SA-OAG's budget and accounts.

Lastly, cooperation between **the CDel and the FinDel** is now organised in an agreement. The two delegations coordinate their oversight activities where their specialist areas overlap. This applies especially in relation to classified projects with high political risk potential that require high levels of funding and are financially controversial. The two delegations exchange information on their work. The FinDel can ask the CDel for its views on matters that fall within the FinDel's remit. Furthermore, the two delegations can conduct joint investigations, in particular with regard to the DPSS's armaments programme.

References

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- Finance Delegation and Control Delegation, Vereinbarung der FinDel und der GPDel betreffend die Oberaufsicht über den Staatsschutz und die Nachrichtendienste, 6 December 2006.
- Federal Assembly finance and control committees, The Federal Tax Administration's Insieme IT project, Report of 21 November 2014 (BBI 2015 6377), in particular Section 7.



2. Organisation of the control committees

2.8 Dealings with the Swiss Federal Audit Office

Introduction

The **Swiss Federal Audit Office (SFAO)** is the federal government's supreme financial oversight body. It exercises financial oversight according to the criteria of regularity, legality and economic efficiency. The SFAO's powers are regulated by the Federal Audit Office Act (FAOA). The office is subject to parliamentary oversight by the CCs. Its activities may also be of relevance to the CCs, so it is important that the latter receive information quickly and directly about relevant findings made by the SFAO.

The main points in brief

The CCs maintain regular contact with the SFAO. This autonomous body supports the Federal Council and the Federal Assembly in carrying out their duties of supervision and oversight in relation to financial matters. To this end, it carries out regular economic performance audits, among other activities.

In general, the direct contact partners for the SFAO in Parliament are the FCs and the FinDel (Art. 15 para. 1 FAOA). However, a **certain overlap with the CCs' oversight duties** may also arise. Under the 2015 agreement with the FinDel and the SFAO, the CCs are therefore provided with the SFAO's inspection programme at the end of January each year and take this opportunity to discuss any fundamental issues. The SFAO also informs the CCs in writing if, in the course of its activities, it identifies serious deficiencies in the way an administrative entity is conducting its affairs, and it submits the relevant inspection report to the committees. In addition, the CCs also review the SFAO annual report each spring.

Since 1 January 2018, the Federal Audit Office Act has required the SFAO to report any serious deficiencies in management to the control committees or the Control Delegation at the same time as it reports to the Finance Delegation. In practice, the CC secretariat receives all the SFAO reports sent to the FinDel. However, the secretariat does not evaluate these reports systematically, as the SFAO has to actively report serious deficiencies to the CCs anyway.

If the SFAO identifies unusual incidents or deficiencies of fundamental or considerable financial reach, it informs the services concerned, the department head and the head of the FDF. It may also contact the Federal Council as a whole body. It also informs the FinDel (Art. 15 para. 3 FAOA). The CCs have decided that they also wish to receive all such reports from the SFAO, but have agreed that only those reports that relate to a considerable deficiency in management should be sent to them for the time being.

As they have differing legal mandates and there is no corresponding legal basis, it is generally neither legal nor expedient for the CCs to commission the SFAO with a task. If clarification is required in a particular case, the CCs make their assessment and if necessary take the matter to the FinDel.

References

- Federal Assembly control committees, Verbesserte Koordination zwischen den GPK und der EFK, letter to the FinDel dated 11 June 2015.
- Letters from the CCs to the SFAO, 5 March and 3 April 2018
- Letter from the CCs to FinDel, 29 March 2018.
- Federal Assembly finance and control committees, Informatikprojekt Insieme der Eidgenössischen Steuerverwaltung, report of 21 November 2014 (BBl 2015 6377), in particular Section 6.



2. Organisation of the control committees

2.9 Dealings with the legislative committees

Introduction

The CCs maintain direct contact with the legislative committees. The committees exchange information on their activities and work together when necessary in certain areas.

The main points in brief

The CCs also regularly exchange information with the **legislative** committees, as the activities of the two sides can have reciprocal effects. Information is exchanged primarily via the committee secretariats or occasionally by letter.

The CCs can demand legislative measures in a particular field if they encounter **legal loopholes** in the course of their oversight activities that fall within the remit of a legislative committee. These demands, however, are not binding. The CCs can also draw up joint reports on legislative bills, and these must be discussed by the legislative committees. Conversely, the legislative committees can call the CCs in to assist with their cases and request them to assess whether there is any **need for action related to parliamentary oversight**. The legislative committees can also directly request CCs to conduct an investigation within the Federal Administration or instruct the PCA to carry out an evaluation. The CCs decide in their plenary meetings whether they wish to comply with the request or not.

The CCs work with some legislative committees in specific areas. For example, the presidents of the Transport and Telecommunications Committees (TTCs) are invited to attend the annual meetings of Swiss Post, the SBB and Swisscom held in April. The presidents of the Science, Education and Culture Committees (SECCs) take part in the ETH Domain annual meeting (federal institutes of technology). Further cooperation is restricted because of the different tasks and information rights.

For reasons of procedural efficiency, the CCs normally dispense with a formal joint reporting procedure and report their findings to the legislative committees via double members or by letter.



3. Instruments

3.1 Inspections

Introduction

The inspection is the CCs' main instrument. Inspections serve to clarify any irregularities or deficiencies within the sphere of responsibility of the Federal Council, the Federal Administration, the federal courts or other bodies entrusted with federal tasks. Generally, an inspection leads to the publication of a report that contains recommendations for the authority concerned.

The main points in brief

An inspection can be initiated for various reasons: the decision may be taken when approving the annual programme for the CCs in January, or inspections may be carried out in response to a request from a member of the public or ongoing political events, or be called for by a sub-committee, a CC member or a legislative committee. The decision to conduct an inspection and defining the scope of the related investigation is always the responsibility of the plenary committee, which instructs its concerned sub-committee to carry out the actual work. The sub-committee defines the object of the investigation in more detail, conducts hearings, gives instructions to the secretariat and formulates its conclusions in a draft report, which is then sent to the plenary committee (see Section 2.1).

An inspection may accompany an **evaluation by the PCA** (see Section 3.3). In this case, the PCA is assigned the task of carrying out a study (evaluation) and setting out its results in a report. The PCA's report then serves as the basis for the CCs' work. Normally the CCs draw up their own report on this basis, with their political conclusions and recommendations to the authority concerned.

In other cases, above all those that relate to important political events or for which a scientific evaluation would not be appropriate, the CCs conduct the **inspection** themselves, working with their secretariat.

The CCs' organs use their extensive rights to obtain the **information** required for their investigations (see Section 4.1). Project management rules govern how inspections are planned and run.

The inspection is based on an **analysis of the circumstances**, which is used by the committees to draw up their **recommendations** to the authority concerned, normally the Federal Council. These recommendations are political in their nature and non-binding. However, the Federal Council is required by Article 158 ParlA to provide the CCs with information on the implementation of the recommendations. If the committees want to make their proposals more binding, instead of recommendations they can file a parliamentary procedural request (motion, postulate) or a parliamentary initiative at any time.

The **final report** on an inspection is **published** in the Federal Gazette, unless publication will be prejudicial to overriding public or private interests. Under Article 157 ParlA, the draft reports are submitted in advance to the relevant authority so that it can decide whether there are any sensitive interests that preclude publication and whether the drafts contain any formal or factual errors that have to be corrected. The sub-committee then submits its draft report to the plenary committee for discussion, approval and publication.

Generally, the CC concerned arranges for a **follow-up check** to be carried out by the relevant sub-committee two to three years after publication of the inspection report.

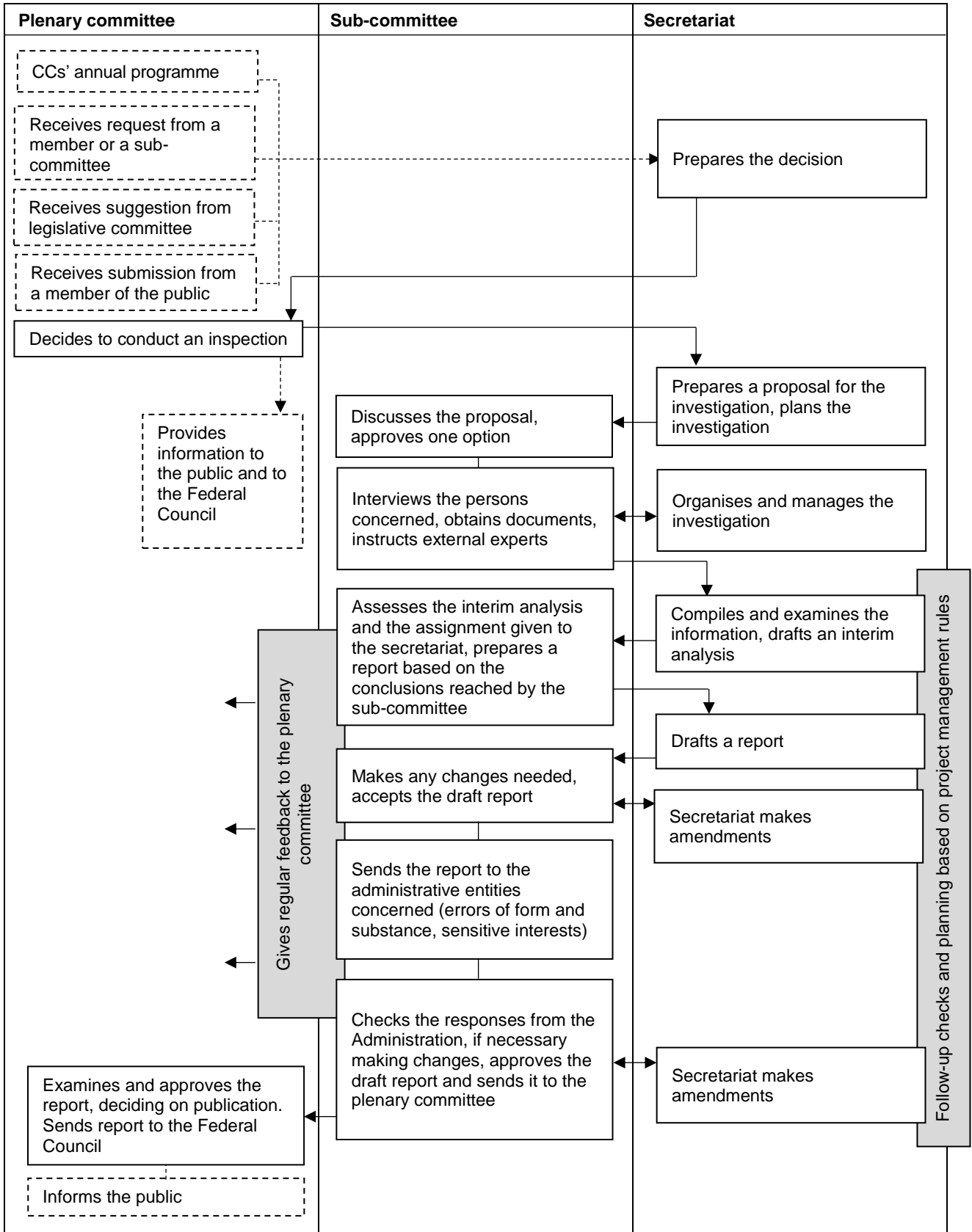
References

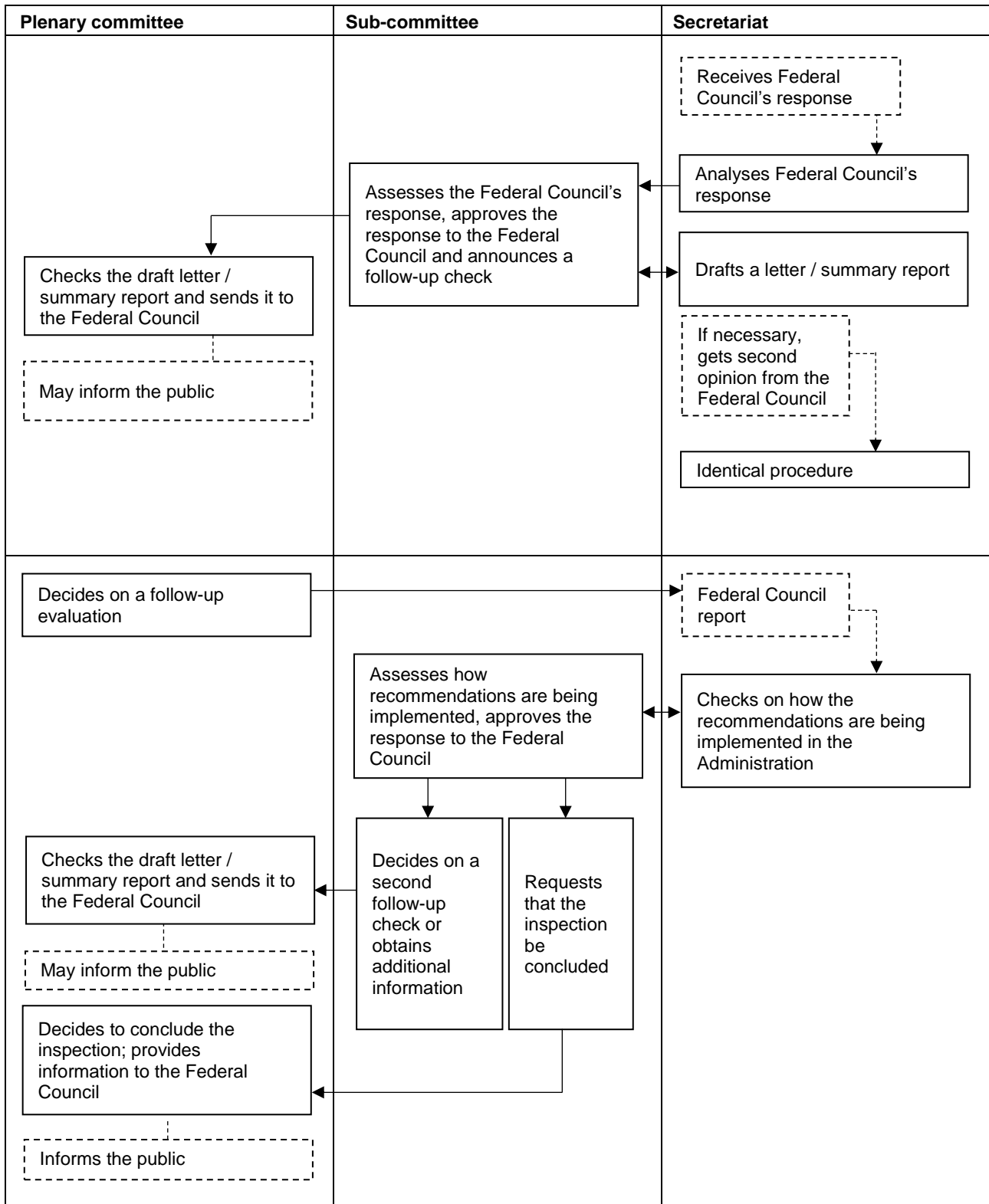
- CCs' annual programme.



3. Instruments

3.2 Workflow diagram: The stages of an inspection (without PCA evaluation)





Examples of inspections recently carried out by the CCs:

- Accounting irregularities at PostBus Switzerland (21 November 2019)
- Guarantees for deep-sea shipping (26 June 2018)
- Cyber attack on RUAG (8 May 2018)



3. Instruments

3.3 Evaluations

Introduction

The CCs may instruct the Parliamentary Control of the Administration (PCA, see Section 5.2) to conduct evaluations that will serve as a basis for them to reach political conclusions and to formulate recommendations. The PCA evaluations take the form of studies into the legality, expediency and effectiveness of federal measures. An evaluation is appropriate if scientific methods, substantial resources, special skills and investigations in the Administration are required in order to carry out an inspection.

The main points in brief

The CCs may instruct the PCA to carry out evaluations within the scope of its annual programme. The PCA draws up a list of matters requiring clarification as a basis. Generally, the PCA is given two to four evaluation assignments each year.

The PCA works out a project outline for each evaluation, which usually comprises several possible options for the investigation. The CC sub-committee decides which option will be used. From this point until it submits the evaluation report to the sub-committee, **the PCA works independently**, applying scientific methods. If necessary, the PCA can bring in external experts. A budget is provided for this purpose.

In its evaluations, the PCA normally concentrates on **three key questions**:

- The basic concept: has the measure been appropriately planned?
- Implementation: is the measure being implemented lawfully, i.e. in accordance with the statutory requirements, and expediently, i.e. in line with the relevant goals and in accordance with good practices in the field concerned?
- Effect: will the measure achieve the desired effect?

Based on the PCA's evaluation, the CCs make **recommendations** to the Federal Council.

The **results of the evaluation** can lead to parliamentary procedural requests and amendments to acts or ordinances.

The evaluation process – from the sub-committee of the CCs issuing the instruction to the point when the report is submitted to the relevant sub-committee – **normally takes 12 to 18 months**.

The evaluation reports are submitted to the committees and, like the inspection reports, are **published** unless they could harm any sensitive interests (Art. 10 para. 6 PAdminO; see Section 4.3). The published evaluation reports are published on the parliament website. In certain cases, publication is preceded by a background discussion between the PCA and media representatives.

Examples of recently conducted evaluations:

- DNA analyses in criminal proceedings (14 February 2019)
- Confederation's public relations (3 May 2019)
- Dealing with adopted motions and postulates (7 May 2019)
- Administrative and disciplinary investigations in the Federal Administration (17 June 2019)

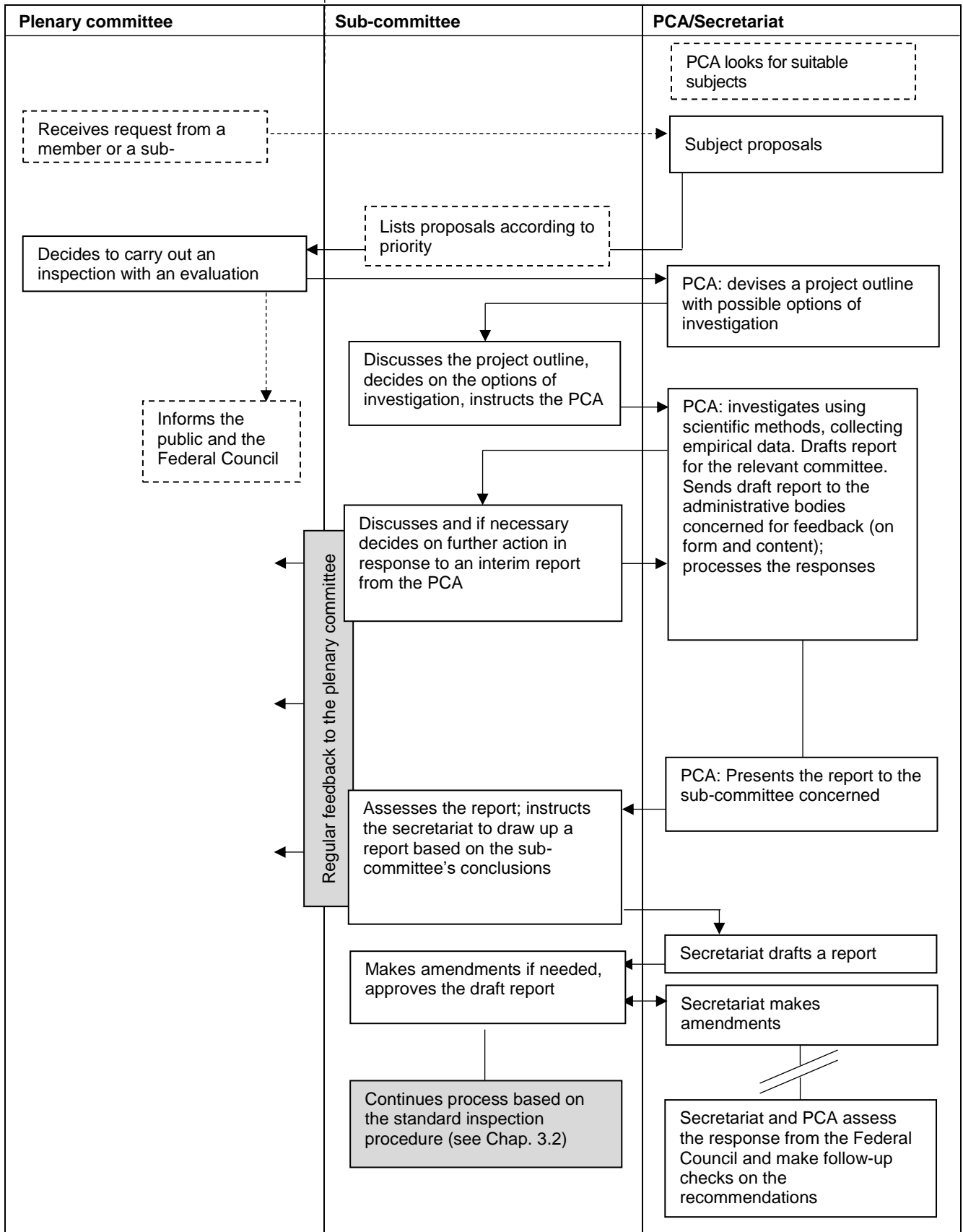
References

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3. Instruments

3.4 Workflow diagram: The stages of an inspection with an evaluation





3. Instruments

3.5 Submissions to the oversight authority

Introduction

Submissions (Art. 129 ParIA) are complaints from members of the public or organisations about people or public authorities that are subject to Federal Assembly oversight. They raise the issue of potential irregularities or inadequacies in the implementation of the law or in the conduct of business by a federal authority. Submissions are dealt with by the control committees if they relate to the conduct of business, and by the finance committees if they relate to financial matters.

The main points in brief

The **general restrictions** on oversight also apply in the case of submissions (see Section 1). In particular, the CCs have no powers to overrule or amend individual decisions, nor can they check on substantive aspects of court decisions (Art. 26 para. 4 ParIA). Generally, the CCs deal with individual cases that indicate a systematic problem. In addition, persons who file submissions do not have the rights of party litigants and they cannot appeal against the CCs' decisions.

If a submission is admissible, the Secretariat checks whether the point it raises is relevant to parliamentary oversight. In some cases, submissions can be dealt with by giving a brief answer or simply by providing information. In these cases, the Secretariat itself can conclude the matter.

If a submission requires more complex enquiries or if it points to potential irregularities or inadequacies in the implementation of the law or in the conduct of business by a federal authority, it is passed on to the **president of the relevant sub-committee**. The Secretariat may however carry out its own preliminary enquiries (for example by asking the Administration for its opinion). The president of the sub-committee then decides on what action needs to be taken.

Submissions to the CCs are **less important** than reports made to a supervisory authority (Art. 71 of the Federal Act on Administrative Procedure). If a report is made, a supervisory authority is required in the public interest to take action against a subordinate administrative authority. Reports may relate to an act or decision of an administrative authority. In contrast to the CCs, the supervisory authority may change or overrule a decision. If a person making a submission to the CCs has not already submitted their case to the competent supervisory authority or if the case is the subject of court or administrative proceedings, the CCs normally do not consider the case, or take a decision on it only once the proceedings have been concluded.

Examples of submissions that have led to investigations by the CCs:

- Reunification of Mr A's family from Syria (in CC 2018 annual report)
- FINMA regulatory activities (in CC 2018 annual report)

If a submission demands a change in the law, it falls within the responsibility of the relevant specialist committee and not that of the CCs.

References

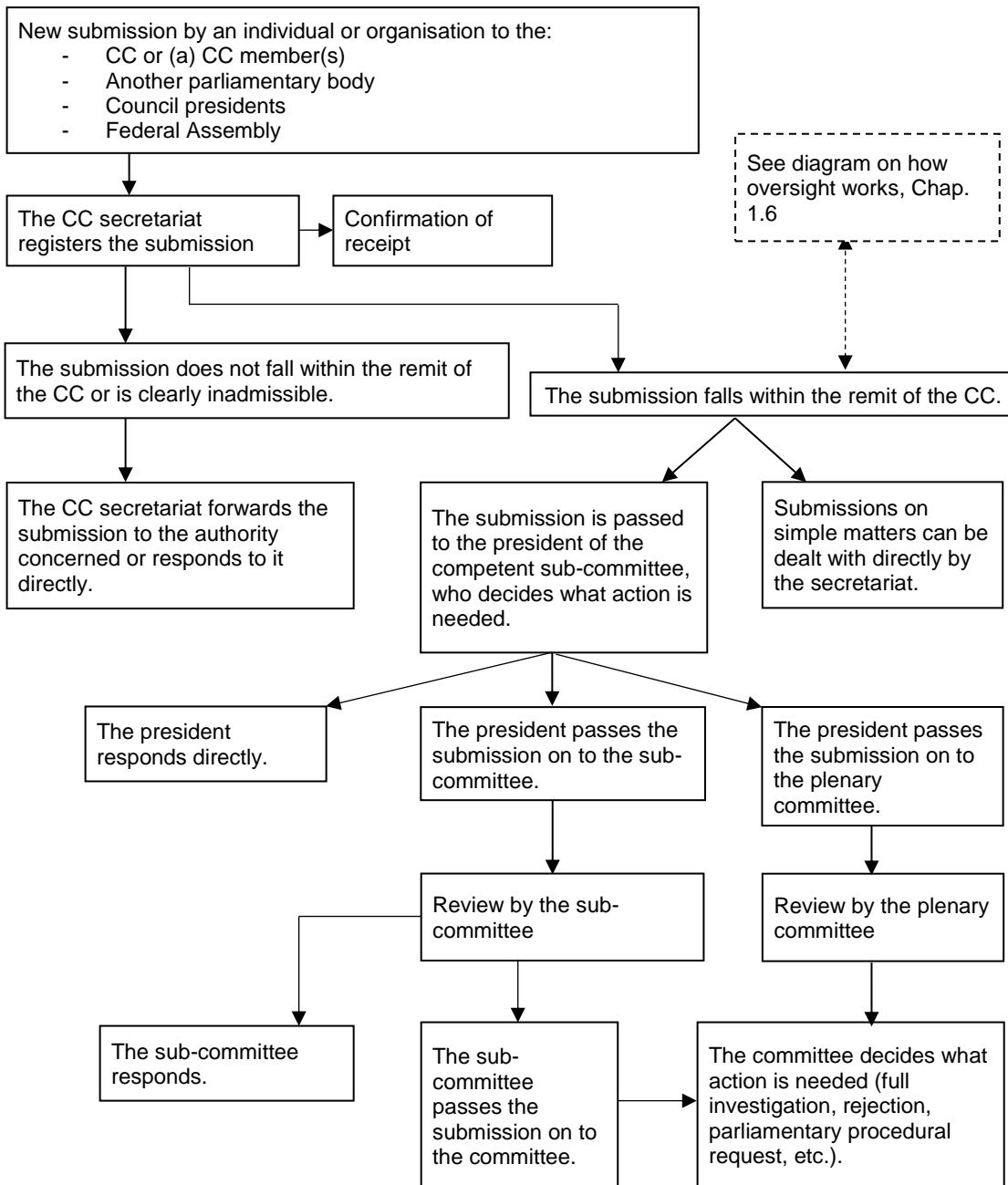
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3. Instruments

3.6 Workflow diagram: Procedure for submissions to the oversight authority





3. Instruments

3.7 Other control committee activities

Introduction

Besides inspections and evaluations and other instruments supporting these, the CCs have a number of other instruments at their disposal to carry out their mandate. These include the authority to review annual reports, receive information, hold hearings and visit offices. These are not mutually exclusive and may be used in combination.

The main points in brief

Under Article 144 of the Parliament Act, each year the **Federal Council** provides the Federal Assembly with an **annual report** on its activities in the previous year. The CCs have historically dealt with this report as a task of parliamentary oversight. In practice, the two CCs come together to interview all members of the Federal Council and the Federal Chancellor. In this joint meeting, all heads of department (federal councillors) raise two or three points that they consider to be particularly important. A general discussion is then held. The CCs each request their council to approve the annual report in the form of a simple federal decree (or to reject it: Art. 145 ParlA). This procedure is similar to that of reviewing the Federal Supreme Court's annual reports.

The CCs do not generally consider the annual reports of other entities. However, the committees select a number of recurring reports that they wish to review from a list compiled by the secretariat (with or without a hearing). Under the current practice, the CCs consider the reports of a number of administrative bodies (FINMA annual report; OAG and SA-OAG annual report; SFAO annual report; SNB financial report; Federal Council report on the fulfilment of the ETH Domain performance mandate; Federal Council reports on the attainment of strategic goals by the SBB, Swiss Post, Swisscom, Swiss Export Risk Insurance, RUAG and Skyguide) and some other **reports on specific topics** (progress report on implementation of Schengen/Dublin, annual report on munitions exports, Federal Administration personnel reporting, risk reporting, etc.).

The CCs can also **request further information and documents** from the administrative entities subject to their oversight, and invite their employees to attend **hearings**. The CCs often require more detailed information on a particular topic, for example regarding a submission to parliament or political events, so that they can ascertain whether there is need for action with regard to oversight. It is vital that the CCs should be able to gather such information, and this is why they have extensive rights to do so.

Furthermore, the CCs frequently conduct **visits to federal entities**. They visit an office, court or other body entrusted with federal tasks in order to discuss with senior staff the mandate, tasks and powers of the body and to be informed about current or special items of business. These visits may take place independent of an ongoing inspection or in connection with an inspection or follow-up. When a sub-committee makes such a visit, the members of the sister sub-committee are invited to attend.

Finally, the CCs can commission **expert opinions** or request **legal opinions**.

References

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4. Information and confidentiality

4.1 Rights to information

Introduction

The CCs have extensive rights to information. They may question anyone who is or has been in the service of the Confederation and may view all documents with the exception of Federal Council meeting minutes and secret files relating to state security or the intelligence services. These restrictions do not apply to the Control Delegation.

The main points in brief

In order to carry out their oversight tasks, the CCs have rights to information over and above those of the parliamentary committees (Art. 150 ParlA). They can **deal directly** with all authorities, offices and other bodies entrusted with federal tasks and can obtain further information and relevant documentation from them (Art. 153 ParlA). The CCs decide themselves which persons in the supervised authorities they wish to question; they do not require the approval of the Federal Council. However, they must inform the **Federal Council** of any hearings held; the **Federal Council** may request to be consulted before persons are questioned (Art. 153 para. 5 ParlA). The same rule applies in relation to the CCs dealings with the federal courts (Art. 162 para. 1 let. c ParlA).

Federal government employees cannot claim that they are subject to **official secrecy** if asked to make a statement to the CCs. In order to ensure that the persons questioned can express themselves freely, their superiors are not given access to the minutes of hearings. Furthermore, the CCs have the authority to obtain further information and documents from **people and offices outside of the Federal Administration** (e.g. cantonal employees or private individuals), provided this is necessary to fulfil their supervisory duties.

Since the Parliament Act was revised in 2011, the CCs have had greater powers. They can now gain access to certain documents that “are immediately required by the Federal Council for the purpose of making a decision”, i.e. the departments’ reports on items of business before the Federal Council. Article 153 para. 6 ParlA merely places two **restrictions on the CCs’ rights to information**: they have no right to inspect the minutes of Federal Council meetings and cannot obtain access to documents that are classified as secret in the interests of state security or the intelligence services. The CCs may summon persons to provide information. This provision also applies to former federal employees.

The restrictions cited here do not apply to the **Control Delegation**, which is able to obtain all the information and documents it considers necessary, as can the parliamentary investigation committees.

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4. Information and confidentiality

4.2 Protection of information and confidentiality

Introduction

Hand-in-hand with the control committees' extensive rights to information goes the obligation to ensure the confidentiality of the information they receive. The CC members are bound by official secrecy, and any breach of this is subject to a penalty under Article 13 of the Parliament Act and Article 320 of the Criminal Code. Minutes must be treated with strict confidence and committee members may not pass on information about what is discussed in committee meetings, in particular in order to safeguard sources and to maintain the credibility of the investigations. This applies to all documents obtained by the CC members in relation to their CC activities.

The main points in brief

The discussions in the CCs and their internal documents – e.g. minutes of meetings – and any documents drawn up at their request are **confidential** under Article 47 paragraph 1 ParlA. The CC members and all those with access to the minutes are bound by official secrecy (Art. 8 ParlA); they may only disclose information and documents released by the corresponding plenary committee.

The **minutes** of the plenary committee meetings are made available to all members of the relevant committee and relevant members of the CC secretariat. The minutes of sub-committee meetings or working group meetings are sent to all members concerned and to the relevant members of the CC secretariat. Should a CC member wish to see the minutes of a meeting of a body of which they are not a member, they must apply to the president of the CC concerned. Only the presidents of the CCs may decide if minutes can be passed on to third parties in order to be used in an academic work or for the application of law. Persons questioned in a hearing receive extracts from the minutes but may not pass these on to third parties, especially not to their work superiors. These procedures are designed to ensure that the persons interviewed by the CCs can express themselves freely and are not prejudiced by speaking the truth.

Breaches of confidentiality in the work of the CCs (**'indiscretions'**) are an obstacle to effective parliamentary oversight and are illegal. Breaches of official secrecy are subject to penalties under Article 320 of the Criminal Code (up to three years in prison or a fine) and Article 13 ParlA (a reprimand or suspension from the committee for up to six months imposed by the council office). The CCs may also report the case to the Office of the Attorney General of Switzerland.

Indiscretions compromise the credibility of the CCs. The committees therefore take measures to avoid them. According to their confidentiality guidelines, the CCs (individually or jointly) may set up a working group of five or seven members to deal with investigations if there is a high risk of indiscretion or an issue has considerable political implications. Furthermore, the president of the committee conducting the investigation may restrict access to documents: perhaps they may only be copied using personally assigned numbers or they are only accessible during a meeting or in the secretariat, in which case no copies of them may be made. This is always so in the case of joint reports by the heads of the government departments.

References

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4. Information and confidentiality

4.3 Informing the public

Introduction

In accordance with Articles 5 and 48 ParlA, the control committees and their organs must inform the public in good time and comprehensively about their activities, provided there are no overriding public or private interests that prevent this. They cooperate with the media and so contribute to the transparency of state activities. Communication activities are conducted in accordance with CC guidelines.

The main points in brief

The CCs **primarily communicate** the findings of their completed investigations. They give detailed, comprehensive and transparent explanations of their assessments and conclusions; final reports are published on the parliament website and also in the Federal Gazette (Art. 13 para. 1 let. c of the Publications Act).

Furthermore, the CCs usually announce the launch of an investigation or provide information on **ongoing investigations**. They do so in order to contribute to a particular legislative procedure, to demonstrate their political willingness to help solve a problem, to allay fears among the public or to calm speculation. In either case, the CCs only provide information on the object of the investigation, the organ tasked with the investigation, the planned procedure and details already known to the public. The CCs choose when to provide information; only in exceptional cases do they respond to questions from the media.

Before publishing information, the CCs ascertain whether there are any **interests worthy of protection** (Art. 158 para. 3 ParlA). These include protecting sources, state security, personal data protection and the protection of personal interests. The CCs attach great importance to the protection of privacy, a prerequisite if the persons questioned in hearings are to express themselves freely before the committees. The CCs therefore avoid disclosing the identity of persons, unless the person concerned holds an important public office, has consented to the disclosure of their identity or is already sufficiently known.

The **presidents of the CCs** are responsible for their respective committee's information policy. They work with the presidents of the sub-committees and are supported by the secretariat. All information regarding the content of a matter must be agreed by the plenary committee responsible. In special cases, the sub-committees or their presidents can decide on this information, having first obtained the agreement of the committee president. CC members can give personal statements when approached by the media as long as they do not reveal any confidential information. However, they are required to contact the committee president and the secretariat beforehand.

The public receives information in the form of reports, press releases and media conferences. Press releases are drafted by the secretariat at the request of the committee president. They provide a summary of the matter in question and make mention of the persons involved. If a matter is of particular public interest, the committees can hold a media conference. This is headed by the committee president, who is usually supported by the president of the relevant sub-committee and a rapporteur in another official language. Further information on the mandate and work of the CCs can be found on the parliament website.

References

- Federal Assembly control committees: Information und Kommunikation der Geschäftsprüfungskommissionen der eidgenössischen Räte,, guidelines of 22 May 2006 (as of 27 January 2012).



5. Secretariat and PCA

5.1 The secretariat's tasks and services

Introduction

The secretariat supports the CCs and the Control Delegation in fulfilling their statutory tasks in the best possible manner. It comprises a specialist team, administrative staff and minute-takers.

The main points in brief

The main tasks of the **specialist team** are as follows:

- **provide material and strategic advice** on dossier content and legal information;
- **gather information** from Federal Administration and other bodies subject to oversight;
- conduct **ongoing planning** of the work of the CCs and sub-committees, the CDeI and working groups, and allocate the required resources;
- **coordinate the** work of the CCs/CDeI with the FC/FinDel secretariat and the SFAO
- **prepare committee meetings** in conjunction with the committee president: draft scripts for the presidents, analyse relevant information, draw up a list of questions for hearings, propose further action, contact members of the Administration, etc.;
- **manage investigations and inspections:** prepare investigation concepts, analyse information, draft working papers, draft letters and reports, cooperating with the Administration, the PCA, external experts and the language service;
- **prepare draft parliamentary procedural requests and initiatives** for the CCs.
- **deal with oversight requests:** carry out material and formal analysis, write or draft direct answer;
- **organise visits to offices and CC seminars;**
- **organise public communication** (whereby reporting is a political activity and as such the responsibility of the committee spokesperson).

The tasks of the **administrative secretariat** are as follows:

- **organise committee meetings:** prepare and send out invitations and documentation, make room reservations, coordinate with ushers, etc.;
- **answer administrative queries** from CC members, parliamentary services staff, the Federal Administration and bodies subject to CC oversight;
- organise the CCs' **seminar and information-gathering trips;**
- **deal with all incoming and outgoing correspondence, process and archive** documents.

Besides the above-mentioned activities, which directly serve the exercise of parliamentary oversight, the CCs secretariat participates where necessary in general projects run by the Parliamentary Services and ensures that the specific interests and needs of the supervisory committees are taken into account in these projects. Where appropriate, the secretariat also contributes its expertise on oversight to parliamentary technical cooperation projects (support for parliaments in developing countries, countries in transition to democracy or post-conflict countries in the context of FDFA projects).



5. Secretariat and PCA

5.2 The PCA's tasks and services

Introduction

The Parliamentary Control of the Administration (PCA) conducts evaluations for the Federal Assembly. On instructions from the CCs, it conducts studies into the legality, expediency and effectiveness of the activities of the federal authorities and notifies the CCs of matters that require further investigation. The PCA carries out its assignments independently and has the same extensive rights to information as the CCs. It may call on external experts for assistance and assign its rights to information to them. The PCA has six permanent members (4.3 full-time positions) and is subordinate in administrative terms to the CCs' secretariat.

The main points in brief

The main tasks of the PCA:

- Conducting **evaluations** of the legality, expediency and effectiveness of the activities of the federal authorities on instructions from the CCs (see Section 3.3);
- **Drawing up a list of issues** that require detailed investigation from the viewpoint of parliamentary oversight (as part of the CCs' annual plan);
- **Supporting and advising** the CCs on:
 - formulating evaluation assignments;
 - exploiting the results of the evaluation in political terms;
 - carrying out **follow-up checks** on earlier inspections conducted by the CCs and based on a PCA evaluation;
- Carrying out **short assignments** in order to clarify specific questions posed by the CCs by means of an empirical investigation using scientific methods;
- Checking **the quality of evaluations** that the Federal Administration has commissioned itself, as well as the **use made of these evaluations** in decision-making processes.

If the CCs approve a request to do so from another parliamentary committee, the PCA can carry out evaluations on behalf of other parliamentary committees on the effectiveness of federal measures.

References

- LEDERMANN, SIMONE (2016), *Die Ausgestaltung der Unabhängigkeit von Evaluationsdiensten: Die Parlamentarische Verwaltungskontrolle im Kontext der Aufsichtsorgane des Bundes*, In: LeGes 2016/1, pp. 63–82.
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6. FAQs

Organisation

When do I find out the meeting dates? What dates do I have to keep free?

The meetings schedule is set in several phases: firstly, the Council offices set the dates for all committee meetings a good year in advance. These are published on the parliament website. Towards the beginning of the year you will receive the CC meetings schedule for the following year. This contains additional meeting dates. You will be asked to keep clear the meeting dates of the plenary committee and sub-committees of which you are member. Generally, the sub-committees agree their meeting dates in the fourth quarter (August/September); any dates that still have to be fixed can then be set and reserved as early as possible. In addition, the presidents of the committees and sub-committees can call meetings at short notice if necessary.

► See Section 2.5

I have made note of the provisional date of a meeting. How do I find out if the meeting is actually taking place?

There is a regularly updated summary on E-Parl of all the meeting dates for the committees and sub-committees. If a meeting is scheduled to be held on a specific date but you have still not received an invitation two weeks beforehand, please contact the CC secretariat. Incidentally, you will also find all the documents you need on E-Parl, including invitations to the meetings.

I will be away in the days before the next meeting and will have no access to my post. How can I make sure that I have all the documents I need if additional documents are sent out shortly before the meeting?

Additional documents are made available online on E-Parl the moment they are sent out and can be accessed by CC members at any time.

Can I send someone to act as my proxy in the control committees?

No. In contrast to other parliamentary committees, under Art. 18 para. 4 of the Standing Orders of the National Council and Art. 14 para. 4 of the Standing Orders of the Council of States, CC members cannot appoint others to act as their representatives in the plenary committee or in a sub-committee.

I wish to receive all documentation in electronic form only. What should I do?

At the beginning of the legislative period you will be asked if you would like to receive documentation in electronic form only. You can also inform the secretariat that you would like electronic documentation only at any time during the legislative period. Individually numerated documents or those sent by registered post will of course be delivered by post.

Investigations and control committee procedures

How can I request that an inspection be carried out?

CC members can file a request for a new inspection at any time. A short written description of the matter, the problems and the key points to be investigated by the CC should be submitted. The plenary committee decides whether an inspection will be launched. The written request should be submitted to the secretariat at least two weeks before the meeting so that the matter can be placed on the agenda, the associated documents prepared for the meeting and the decision prepared. If the committee decides to conduct an inspection, this is done in accordance with project management set procedure.

► See Sections 3.1 and 3.2

How can I request that an inspection plus evaluation be carried out?

The process is the same as for a normal inspection, although reasons must be given why an evaluation is the only or the best instrument for investigating the key points of the inspection. This is the case in particular when the conception, implementation or impact of measures proposed by the Federal Council need to be assessed by an independent specialist entity (the PCA). It should be noted that a full PCA evaluation can take 12 to 18 months and requires considerable resources. CC members are therefore asked to make any requests they may have in autumn, when the annual programme is drawn up. The PCA also presents its evaluation proposals to the sub-committees at this time.

► See Sections 3.3 and 3.4

Can I, as a committee member, ask the secretariat to carry out a task unrelated to a matter being dealt with by the responsible oversight body?

No. The secretariat only works for the oversight bodies and not for individual committee members.

What do I do when I receive a submission?

CC members should check to see if there is a need for action in terms of parliamentary oversight. If there is, the submission should be passed on to the secretariat, which then coordinates other similar submissions made to other members. If not, the member to whom the submission is made should provide a response themselves, if possible.

► See Sections 1.6, 3.5 and 3.6

Is it the task of the secretariat to report to the plenary committee or the Federal Assembly?

No. This is a political task, for which the members of control committees alone are responsible.

Can I ask to see documents relating to the internal organisation of an independent entity?

No, not under normal circumstances. Under the Federal Act of 17 December 2010 on the Participation of the Federal Assembly in the Supervision of Autonomous Entities, Parliament is only involved in setting the strategic goals of the autonomous entities and in ensuring that these are met. The CCs therefore do not get involved in the oversight of this area, concentrating primarily on how the Federal Council manages and monitors these entities. Documents relating to their internal organisation are therefore not usually required for the CCs' oversight tasks.

► See Section 1.4

Can I ask for certain documents to be translated?

As far as possible, all of the secretariat's working papers and draft reports are made available in German and French. Furthermore, the Federal Administration requires reports to be submitted in both languages. Federal Administration documents which are only available in one language and submissions from citizens are not translated. Neither are the PCA's explanatory reports translated. However, a CC member may, with the consent of the plenary committee, ask for extracts of a report to be translated if this seems indispensable for the continuation of the investigation.

Information and confidentiality

Can I obtain further information from a unit in the Federal Administration personally?

Under Article 7 ParlA, Federal Assembly members have the right to obtain information from the Federal Council and from the Federal Administration provided this is required for the exercise of their parliamentary mandates. However, their rights to information are more restricted than those of the supervisory committees. For this reason, detailed enquiries regarding ongoing CC business can only be requested by the relevant oversight body, and not by individual committee members.

► See Section 4.1

Can I use my private email address when corresponding with the secretariat?

Each member of parliament has an official parliament email address, with the required security. Information protection regulations stipulate that information and documents can only be exchanged via this address. In addition, all necessary information is available on Parlnet.

What do I do with confidential or individually numbered documents that I no longer require?

Confidential documents (minutes of meetings, reports not yet published etc.) may not be placed in the regular waste disposal collection. They must either be destroyed by CC members personally, placed in the special containers in the Federal Palace or returned to the secretariat. Numbered documents must be returned to the secretariat.

► **See Section 4.2**

May I speak to members of the media about an ongoing item of business in the CCs?

The CC members may only speak about matters that the plenary committee has already agreed can be made public.

► **See Section 4.3**

Do personal staff and parliamentary group secretariats also have access to CC minutes and other documents?

Parliamentary group secretariats and MPs' personal staff are not permitted to view minutes of meetings or other documents relating to oversight activities. Articles 6b and 6c of the Parliamentary Administration Ordinance do not apply in this respect.

► **See also the CC guidelines of 28 January 2019 on use of minutes and other documents, Section 4.3.3 d.**



7. References

7.1 Statutory provisions

Federal Constitution (SR 101)

Art. 169 Oversight

¹ The Federal Assembly exercises oversight over the Federal Council and the Federal Administration, the federal courts and other bodies entrusted with the tasks of the Confederation.

² Official secrecy does not apply in dealings with the special delegations of supervisory committees that are established under the law.

Parliament Act (SR 171.10)

Art. 26 Oversight

¹ The Federal Assembly shall exercise oversight over the conduct of business by the Federal Council and the Federal Administration, the federal courts, the Supervisory Authority for the Office of the Attorney General of Switzerland, the Office of the Attorney General of Switzerland and by other persons entrusted with tasks of the Confederation.

² It shall exercise oversight over the financial budget in the context of Article 8 of the Federal Auditing Act of 28 June 1967.

³ The Federal Assembly shall exercise oversight according to the following criteria:

- a. legality;
- b. regularity;
- c. expediency;
- d. effectiveness;
- e. economic efficiency.

⁴ Oversight shall not include the power to revoke or alter decisions. It shall not include control over the content of the judicial decisions of the Office of the Attorney General of Switzerland.

Art. 43 Appointment of the committees

^{2bis} The Conference for Coordination ensures that the Presidents of the Control Committees of both chambers do not belong to the same parliamentary group.

Art. 52 Duties of the Control Committees

¹ The Control Committees (CC) exercise oversight over the conduct of business in accordance with Article 26 paragraphs 1, 3 and 4.

² Their supervisory activities focus on the criteria of legality, expediency and effectiveness.

Art. 53 Control Delegation

¹ The Control Committees each appoint three of their members to the Control Delegation (CDel). The Delegation constitutes itself.

² The Delegation supervises activities in the field of state security and the intelligence services and supervises state activities in matters that must be kept secret because their disclosure to unauthorised persons may be seriously detrimental to national interests.

³ It accepts additional specific mandates that are assigned to it by a Control Committee.

^{3bis} The Federal Council shall inform the Delegation at the latest 24 hours after making its decision of orders to safeguard the interests of the country or to safeguard internal or external security.

⁴ The Delegation shall submit reports and its proposals thereon to the Control Committees.

⁵ It reaches decisions by a simple majority of its voting members.

Art. 67 Rights to information

The offices of the Parliamentary Services have the same rights to information as the organs of the Federal Assembly on behalf of which they are acting.

Art. 129 Submissions

A submission on the conduct of business and on the financial policy of the Federal Council, the Federal Administration, the federal courts or of other persons entrusted with tasks by the Confederation shall be allocated to the Control or Finance Committees for a direct response.

Art. 144 Annual objectives and annual report of the Federal Council

¹ The Federal Council gives notice of its annual objectives for the next year by the start of the final ordinary session of the year. These objectives must be coordinated with the legislature plan.

² The Federal Council shall submit to the Federal Assembly the reports on the conduct of its business in the previous year two months before the start of the session in which they are to be considered.

³ In its annual report, the Federal Council presents the main aspects of its activities during the financial year. It provides information on whether the main annual objectives for the financial year have been achieved, on the implementation of the legislature plan and of the legislative programme and on the status of the indicators relevant to the general assessment of the situation and the verification of the achievement of objectives. It must justify any divergences from the planned objectives as well as any unplanned activities.

Art. 145 Procedure for the annual report

¹ The President of the Confederation is responsible for presenting the report of the Federal Council on the conduct of its business to the Assembly, unless the Standing Orders of the Councils provide otherwise.

² The Federal Assembly shall approve the report by means of a simple Federal Decree.

Art. 150 General rights to information

¹ The committees and the sub-committees appointed by them are, for the fulfilment of their duties, entitled:

- a. to invite the Federal Council to attend meetings in order to provide information and to request reports from the Federal Council;
- b. to obtain documents from the Federal Council for inspection;
- c. to question persons in the service of the Confederation with the consent of the Federal Council.

² They have no right to information:

- a. from the joint reporting procedure or the deliberations in Federal Council meetings;
- b. that is classified as secret in the interests of state security or the intelligence services or the disclosure of which to unauthorised persons may be seriously detrimental to national interests.

³ They shall take appropriate precautions to ensure the preservation of secrecy. They may in particular provide that information that is subject to official secrecy in terms of Article 8 is passed on to only one sub-committee.

⁴ In the event of any disagreement between a committee and the Federal Council over the extent of rights to information, the committee may call on the Presiding College of the council to which it pertains. The Presiding College mediates between committee and the Federal Council.

⁵ The Presiding College shall have the final decision where there is disagreement between the committee and the Federal Council as to whether the information is required by the committees for the fulfilment of their duties in accordance with paragraph 1.

⁶ The Federal Council may submit a report to the committee instead of permitting it to inspect the documents, if there is disagreement between it and the committee as to whether the committee has a right to the information in terms of paragraph 2, where mediation by the Presiding College of the Council proves unsuccessful.

⁷ The Presiding College of the Council, when preparing to mediate, may inspect the documents held by the Federal Council and the Federal Administration without limitation.

Art. 153 Rights to information of the supervisory committees

¹ In addition to the rights to information under Article 150, the supervisory committees have the right to deal directly with any authorities, offices and other agencies entrusted with the tasks of the Confederation and to obtain the information and documents from them that they require in application of Article 156. They may assign the responsibility for individual investigations to their secretariat.

² They may obtain information and documents from persons and offices outside the Federal Administration, provided this is necessary for the fulfilment of their oversight. Persons outside the Federal Administration who were previously in the service of the Confederation remain subject to Article 156. The right to refuse to testify under Article 42 of the Federal Act of 4 December 1947 on Federal Civil Procedure applies by analogy.

³ They may summon persons required to provide information by means of a ruling issued by the committee president in analogous application of the Article 49, 50 and 201–209 the Criminal Procedure Code¹ and, in the event that such persons fail to appear without excuse, have them brought before the committees by federal or cantonal police officers.

⁴ An objection may be filed against rulings on summonses or enforced appearances within ten days with the president of the council to which the committee president making the decision belongs. The objection has no suspensive effect. If the council president holds that the ruling is unlawful or unreasonable, he or she may award the person making the objection compensation in satisfaction. The decision on the objection is final.

⁵ Before the supervisory committees question a member of the Federal Council, they shall inform him or her of the subject matter of the questions. They shall inform the Federal Council prior to questioning persons who are or have been subordinated to it. They shall consult with the Federal Council at its request before persons are required to provide information or hand over documents.

⁶ Their decisions on exercising their rights to information are final. They have no right to inspect:

- a. the minutes of Federal Council meetings;
- b. documents that are classified as secret in the interests of state security or the intelligence services or the disclosure of which to unauthorised persons may be seriously detrimental to national interests.

⁷ They shall take appropriate precautions to preserve secrecy in accordance with Article 150 paragraph 3. For this purpose, as well as in cases where their rights to information are insufficient for the proper exercise of oversight, they may mandate their delegations to investigate any specific issue. They shall issue directives on the preservation of secrecy in their area of responsibility, which shall in particular restrict access to accompanying reports.

Art. 154 Rights to information of the delegations to the supervisory committees

¹ No information may be withheld from the delegations to the supervisory committees.

² For the purpose of fulfilling their duties, the delegations to the supervisory committees, in addition to the rights to information in terms of Articles 150 and 153, have the right:

¹ SR 312.0

- a. to obtain:
 - 1. minutes of Federal Council meetings,
 - 2. documents that are classified as secret in the interests of state security or the intelligence services or the disclosure of which to unauthorised persons may be seriously detrimental to national interests.
- b. to question persons as witnesses; Article 153 paragraphs 3 and 4 applies by analogy to summonses and enforced appearances.

³ All Federal Council decisions including the proposals and accompanying reports shall be notified to the Finance Delegation and the Control Delegation as they are made. They shall jointly specify the details on service, inspection and safekeeping.

Art. 154a Effect of investigations by the Control Delegation on other procedures and enquiries

¹ Federal disciplinary or administrative investigations relating to persons or circumstances that are the subject of an investigation by the Control Delegation may only be commenced or continued with the authorisation of the Control Delegation.

² The Control Delegation shall decide on authorisation after consulting the Federal Council.

³ If there is any dispute as to whether authorisation is required, it shall require the consent of two thirds of all the members of the Control Delegation.

⁴ An investigation by the Control Delegation shall not preclude the conduct of civil or administrative proceedings or of preliminary investigations and court proceedings in criminal cases.

Art. 155 Hearings by delegations to the supervisory committees

¹ Before each hearing, it must be established whether a person is to be interviewed as a person providing information or as a formal witness.

² The formal interviewing of witnesses shall be ordered only if the facts of the case cannot be sufficiently clarified by another means. Any person summoned is obliged to testify.

³ If an investigation is directed solely or mainly towards one person, that person may be interviewed only as a person providing information.

⁴ Witnesses must be reminded of their duty to give evidence and their obligation to tell the truth, and persons providing information of their right to refuse to give information. The right to refuse to testify in terms of Article 42 paragraph 1 of the Federal Act of 4 December 1947 on Federal Civil Procedure is reserved.

⁵ In order to maintain a record of the proceedings, the hearings shall be recorded on audio tape. The transcript of the tape shall be signed by the persons interviewed.

⁶ Articles 166–171 apply in respect of the procedure and the rights of the persons concerned.

Art. 156 Position of persons in the service of the Confederation

¹ Persons in the service of the Confederation are obliged to provide information completely and truthfully and to indicate all useful documents.

² The right to refuse to testify in terms of Article 42 Paragraph 1 of the Federal Act of 4 December 1947 on Federal Civil Procedure is applicable by analogy.

³ Persons in the service of the Confederation may not suffer any prejudice as a result of making truthful statements to a committee. No proceedings may be taken against them based on statements made to a committee without the prior consultation of the committee concerned.

⁴ Persons in the service of the Confederation in terms of this Act are the personnel of the Confederation and persons who are directly entrusted with public duties on behalf of the Confederation. The nature of their relationship with the Confederation is not decisive.

Art. 157 Opinion of the authority concerned

The authority concerned shall have the opportunity to express its opinion before any supervisory committee or delegation thereof issues a report on deficiencies in the conduct of business or in financial management.

Art. 158 Recommendations to the responsible authority

¹ A supervisory committee or delegation may make recommendations to the responsible authority that relate to its mandate in the area of oversight.

² The authority notifies the supervisory committee or delegation of the implementation of the recommendations.

³ The recommendations and the opinion of the responsible authority are made public unless this is contrary to interests that are worthy of protection.

Parliamentary Administration Ordinance (SR 171.115, as at 2.12.2019)

((unofficial translation))

Art. 8a Minutes and other documents of supervisory committees and delegations

The supervisory committees and delegations regulate the distribution, availability in digital form, classification of and access to minutes and other documents relating to oversight.

Art. 10

¹ The Parliamentary Control of the Administration (PCA) carries out the following tasks on behalf of the control committees:

- a. It carries out evaluations as part of the parliamentary oversight process and draws the attention of the control committees to issues requiring clarification.
- b. It reviews evaluations carried out by the Federal Administration and their use in decision-making processes.

² With the consent of the control committees, it may carry out evaluations on behalf of other parliamentary committees in their area of responsibility and review evaluations carried out by the Federal Administration and their use in decision-making processes.

³ It has the same information rights as the control committee secretariat. It may call upon external experts and grant them the necessary rights.

⁴ It has its own budget for engaging experts; it reports annually to the control committees on the use of this budget.

⁵ It conducts its tasks independently. It coordinates its activities with those of the other federal control bodies.