



The House of
Representatives

Senate Competences⁽¹⁾

- *The constitutional revision of 17 February 1994: a division of competences between the House of Representatives and the Senate.*⁽²⁾

The 1994 constitutional revision not only changed the *composition* of the Senate but also its competences in a fundamental way.

Before the constitutional revision of 21 May 1995 came into effect, the House of Representatives and the Senate had almost the same competences. That was the period of *complete bicameralism*: the House of Representatives and the Senate did the same parliamentary work on an equal footing.

Since its creation in 1831, the reason for having the Senate has regularly been called into question. Over the last few years, the examination of parliamentary business by the House of Representatives and the Senate was considered to be too long.

The 1994 constitutional revision adapted the Senate to the federal structure of Belgium (the composition of the Senate). With a new division of competences it has also attempted to respond to the criticisms regarding complete bicameralism.

- *What are the competences of the Senate?*

Regulatory power

- The Senate is equally competent with the House of Representatives for “fundamental” federal legislation (= *compulsory bicameral procedure/art 77 of the Constitution*):

- constitutional revisions;
- laws to be adopted by a special majority;
- laws on the basic structure of the Belgian State;
- laws approving agreements of cooperation between the federal State, the Communities and the Regions;
- laws on approval of international treaties;
- the government first of all submits the Bill concerning international treaties to the Senate for approval. Then it is examined in the House of Representatives
- laws on the organisation of the courts and tribunals, the Council of State and the Court of Arbitrage (i.e. a kind of Constitutional Court).

- The House of Representatives is competent for “ordinary legislation” but the Senate may:
- within specific time limits examine the texts adopted by the House of Representatives, and if there is reason to do so, make amendments. The House of Representatives may adopt or reject the proposed amendments or make new proposals. Whatever the case the House of Representatives has the last word: (= *optional bicameral procedure/art 78 of the Constitution*).
 - or submit a Bill it has adopted to the House of Representatives which can approve, reject or amend it. Here too, the House of Representatives has the last word (*art. 81 of the Constitution*) (= *optional bicameral procedure/art 78 of the Constitution*).

Thanks to this possibility of a second reading, the Senate is considered to be a “chamber of reflection”.

⁽¹⁾ This information sheet may be read jointly with information sheet 11 on the competences of the House of Representatives.

⁽²⁾ The Senate published a book about the history of the Senate (only available in Dutch or French : «*La révision de la Constitution du 17 février 1994 : une répartition des fonctions entre la Chambre et le Sénat*».

Power of reconciliation

➡ The federal State, the Communities and the Regions act in observance of federal loyalty (art. 143 of the Constitution), which does not prevent conflicts of interest.

By its composition, the Senate is the Assembly within which the conflicts of interest between the federal State, the Communities and Regions may be resolved.

In the event of a conflict of interest between the legislative assemblies of the federal State, the Communities and the Regions, the Senate has the competence for deciding on such conflicts, by giving reasoned advice but which is not binding.

➡ The government has entrusted the Senate with the responsibility for examining how the dividing up of competences between the various components of the federal level can be made more homogeneous. The Senate considers devoting an annual debate to the Community relations in Belgium.

Power of political information

Just like the House of Representatives, the Senate has a power of political information.

The senators may put written or oral questions to the ministers.

Motions may be linked to these questions, but they cannot involve the liability of the government and ministers as the Senate is not competent for sanctioning government policy.

The Senate may, just like the House of Representatives, form enquiry committees for examining a society problem, and, if it turns out to be necessary, take legislative initiatives for solving this problem.

► *But the last word on the role of the Senate has not yet been said...*

The role and competences of the new Senate must still be defined in a more precise manner.

The Senate is considering its new assignment and envisages playing a greater role in Community relations and in drawing up legal texts. In addition the Senate would like to be a place for more “reflection” on society and to be better informed on the international policy of Belgium.

During the federal policy declaration (the so-called State of the Union) of 2001-2002, Prime minister Verhofstadt suggested to merge the Senate with the House. This brought about a new discussion on the role and competencies of the Senate.