



Strasbourg, 8 November 2007

CDL-AD(2007)037add4

Study No. 426 / 2007

Engl. only

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

**NOTE ON THE ISSUE OF DISSOLUTION
OF PARLIAMENT**

Prepared by the Secretariat

President/Government/Royal power (32 States)

- In 7 States, discretionary power to dissolve Parliament: Bosnia and Herzegovina, Liechtenstein, Luxembourg, Malta, Monaco (after a compulsory consultation of the Crown Council), Netherlands (however, regulated by unwritten constitutional law and under the political responsibility of the Prime Minister; main purpose is to open the way for forming a new government that will be able to complete a full term of four years), United Kingdom.
- In 3 States, the Head of State may dissolve the Parliament, with exception of the restrictions specified below: Austria, Denmark, Ireland.
- In 3 States, the Head of State may dissolve the Parliament upon proposal of the other branch of the executive power (specified for each State):
 - Andorra (the Cap de Govern, after consulting the Govern, may request the Coprinceps to dissolve the Consell General);
 - Ireland (on the advice of the Prime Minister);
 - Serbia (at the proposal of the Government containing justified grounds).
- In 18 States, the Head of State may dissolve the Parliament, if the Parliament failed to elect the Prime Minister/Government; failed to adopt decisions on the new programme of the Government/the Budget; in case of non confidence in the Government (mentioned below as “Difficulties with the Government”): Albania, Belgium, Bulgaria, Czech Republic, Estonia, Georgia, Germany, Kyrgyzstan, Lithuania, Malta, Moldova, Montenegro, Poland, Russia, Slovakia, Slovenia, Spain, Sweden.
- In 5 States, the Head of State may dissolve the Parliament in case of internal/political difficulties of the Parliament:
 - Czech Republic (when a session of the Chamber of Deputies is adjourned for a longer period than admissible; when the Chamber of Deputies has not reached a quorum for a period longer than three months, although its session was not adjourned and although it was repeatedly called to session during this period);
 - Greece (if two Governments have resigned or were defeated in Parliament and its composition cannot achieve stability of government; the President of the Republic shall also dissolve the Parliament at the suggestion of a Government which has been given a vote of confidence, with a view to renewing its mandate in order to deal with a problem of extraordinary importance for the nation);
 - Kyrgyzstan (in the event of a crisis caused by insurmountable differences between the houses of the Jogorku Kenesh or between one or both houses of the Jogorku Kenesh and other branches of state power);
 - Slovakia (if the National Council of the Slovak Republic has not managed to hold a session for longer than three months although its sitting has not been adjourned and it has during this time been repeatedly called for a meeting, or if a session of the National Council of the Slovak Republic has been adjourned for a longer time than is allowed by the Constitution);
 - Ukraine (if within thirty days of a single regular session the plenary meetings fails to commence).

- In 2 States, the Head of State may dissolve the Parliament after a referendum:
 - Latvia, the President may propose the dissolution but the decision on the dissolution is taken by referendum
 - Kyrgyzstan, the president may dissolve the Parliament as a result of a referendum

For other cases of dissolution of the Parliament following a referendum, see below.

- Restrictions. The Head of State cannot dissolve Parliament:
 - In 14 States, during the last 3 or 6 months of the office of the President, during a state of emergency, martial law, war, state of defense: Andorra, Bulgaria, Czech Republic, Georgia, Germany, Kyrgyzstan, Lithuania, Moldova, Montenegro, Portugal, Russia, Serbia, Slovakia, Ukraine.
 - In 4 States, only once in the course of a year: Andorra, Greece, Moldova, Spain.
 - In 1 State, twice for the same reason, Austria.
 - In 3 States, within one year from the day of the election of the Parliament: Andorra, Russia, Ukraine.
 - In 7 States, in special circumstances (specified for each State):
 - Andorra (no dissolution shall be carried out after the presentation of a motion of censure)
 - Denmark (the dissolution may not be pronounced after the appointment of a new Ministry, until the Prime Minister has presented itself to the Parliament),
 - Lithuania (the dissolution may not be pronounced if six months have not passed since the pre-term elections to the Parliament),
 - Malta (if the Prime Minister recommends a dissolution and the President considers that the Government of Malta can be carried on without a dissolution and that a dissolution would not be in the interest of Malta, the President may refuse to dissolve the Parliament),
 - Montenegro (the dissolution may not be pronounced if a procedure has been instigated to vote no-confidence to the Government),
 - Russia (the dissolution may not be pronounced from the time the Parliament has brought accusations against the President of the Federation and until a corresponding decision has been taken by the Federation Council);
 - Spain (the dissolution may not be pronounced when a motion of censure is in process).

Parliament and President/Prime Minister (cumulative conditions) (14 States)

- In 7 States, the Head of State may decide to dissolve the Parliament after consultation of parliamentary representatives (specified for each State):
 - Italy (after having consulted the Parliament speakers);
 - Moldova (with the parliamentary groups);
 - Montenegro (after hearing the opinion of the president of the Assembly and of the president of the groups of deputies of the Assembly);
 - Poland (after seeking the opinion of the Marshal of the Sejm);
 - Portugal (parties represented in the Assembly and the Council of State);
 - Romania (with the Presidents of both Chambers of the Parliament and with the leaders of the parliamentary groups);

- Turkey (with the President of the Parliament).
- In 3 States, the Head of State may dissolve the Parliament after consultation with the Prime Minister and with a legislative authority (specified for each country):
 - Armenia (with the President of the National Assembly);
 - France (with the President of each parliamentary Chamber);
 - Hungary (with the Speaker of Parliament and with the Heads of faction of the parties that have representatives in Parliament).
- In 4 States, the Head of State may dissolve the parliament on proposal of the Head of Government/Government: on the proposal of the Prime Minister and after consultation of parliamentary groups (Finland); on the proposal of the President of the Government, after deliberation with the Council of Ministers, and under his exclusive responsibility; with the countersignature of the Prime Minister (the Netherlands); on proposal of the Government, after consultation of parliamentary groups, **and** with the countersignature of the Prime Minister (Croatia).
- In 1 State, the Head of State may dissolve the parliament on proposal of the Prime Minister and after consultation of parliamentary groups: Finland.
- In 1 State, the Head of State may dissolve the Parliament on proposal of the Government, after consultation of parliamentary groups, and with the countersignature of the Prime Minister: Croatia.
- In 1 State, the King may dissolve the Parliament with the agreement of the absolute majority of the members of the Parliament: Belgium (in the event of the resignation of the federal Government).
- In 7 of these States, in case of difficulties with the Government (if the Parliament failed to elect the Prime Minister/Government; failed to adopt decisions on the new programme of the Government/ the Budget ; in case of non confidence in the Government): Croatia, Hungary, Moldova, Poland, Romania, Turkey.
- In 4 of these States, the Parliament may not be dissolved during the last six months of the President's term of office: Armenia, Italy, Moldova, Romania.
- In 1 of these States, the Parliament may not be dissolved during the 6 months immediately following its election, or during the last half-year of the term of office of the President of the Republic or during a state of siege or a state of emergency: Portugal.
- In 1 of these States, the President may not, at the proposal of the Government, dissolve the Parliament if the impeachment proceedings against him for violation of the Constitution have been initiated: Croatia.
- In 2 of these States, the Parliament may be dissolved only once in the course of a year: France, Romania.

Dissolution by the Parliament itself (12 States)

- Absolute majority/ majority: Austria, Bosnia and Herzegovina (by a majority that includes the majority of Delegates from at least two of the Bosnian, Croat, or Serb peoples), Croatia, Cyprus (including at least one third of the Representatives elected by the Turkish Community), “the former Yugoslav Republic of Macedonia”.
- 2/3 majority: Kyrgyzstan, Poland.
- 3/5 majority: Lithuania.
- In 4 States, the Constitution does not specify the required majority: Albania, Azerbaijan, Hungary, Turkey.
- In 2 States, restrictions (emergency): Cyprus, Slovenia.

Automatic dissolution (10 States)

- In 3 States, in case of difficulties with the Government (specified for each State) :
 - Albania (when the Parliament fails to elect the new President),
 - Greece (when the Parliament fails to elect the new President after three ballots),
 - Kyrgyzstan (in case of negative ruling on impeachment).
- In 5 States, in case of amendment of the Constitution: Belgium, Iceland, Luxembourg, Montenegro, Netherlands (however, this still requires a Royal decree).
- In 2 States, in case of total revision of the Constitution: Spain, Switzerland (only in specific cases).
- In (other) cases of referendums:
 - In one state, in case of negative referendum on a piece of legislation at the request of Parliament: Estonia.
 - In two states, in case of negative referendum on the recall of the President of the Republic: Iceland, Slovakia

Referendum (6 States)

- Initiative of the President of the Republic
 - Latvia: the President may propose the dissolution but the decision on the dissolution is taken by referendum
 - Kyrgyzstan: the President may dissolve the Assembly as the result of a referendum
- Popular initiative
 - Liechtenstein (1500 citizens or four municipalities may demand a referendum on the dissolution of the Parliament).
- Parliament disavowed by the people
 - If a parliamentary resolution to dismiss the President is not approved in a referendum, the Parliament is dissolved: Iceland, Slovakia

- in case of negative referendum on a piece of legislation at the request of Parliament: Estonia.

See also above the cases of total revision of the Constitution (Spain, Switzerland in specific cases).

No dissolution (3 States)

- Norway, San Marino, Switzerland (except some cases of total revision of the Constitution).