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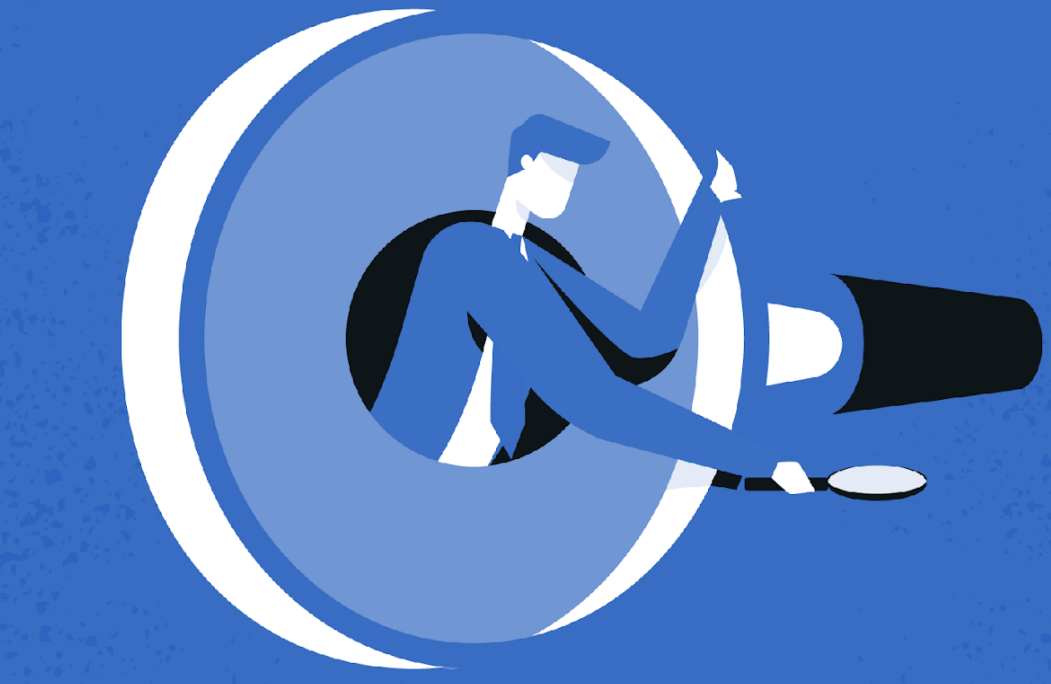
Analysis on the functioning of the

Parliamentary Inquiry Committees

at the Assembly of the Republic of Kosovo



Analysis of the functioning of the

Parliamentary Inquiry Committees

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Prishtina, July 2025.

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This publication was prepared within the framework of the "Supporting the Assembly of Kosovo in Parliamentary Inquiry Committee procedures and drafting of laws," supported financially by Federal Department of Foreign Affairs of Switzerland (FDFA).

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Introduction

In the institutional architecture of representative democracies, parliaments are not only forums for debate and passing laws, but also key guarantors of democratic oversight. They represent the collective interest of citizens and hold the political mandate to ensure accountability, transparency, and institutional integrity. As noted in the global report of the Inter-Parliamentary Union (IPU), "parliaments are at the heart of the democratic system – if they do not function properly, democracy itself is at risk."[1]

Parliamentary oversight is a key part of this role, and one of the most powerful tools for carrying it out is parliamentary inquiry committees. These committees serve as a specialized and flexible mechanism to examine specific cases where there are suspicions of irregularities, misuse, or institutional failures. Through in-depth investigations, calling witnesses, reviewing official documents, and conducting objective analysis, inquiry committees provide an opportunity to uncover the truth and recommend measures for improvement.[1]

According to the IPU's comparative study of 88 parliaments, "inquiry committees are particularly effective in addressing complex cases where regular oversight bodies have not been able to provide complete answers."[2] These committees can deal with a wide range of issues, from mismanagement of public funds, political scandals, and abuse of official position, to systemic failures in the delivery of public services. They serve a critical need for transparency in a political system where citizens increasingly demand accountability and a restoration of trust in public institutions.

The added value of inquiry committees lies precisely in the fact that they combine the legal power of investigation with the democratic legitimacy of parliamentary representation. They act on behalf of the people and under the scrutiny of public opinion, which makes them less vulnerable to hidden interference or institutional bureaucracy. In this sense, inquiry committees can also serve as tools of deliberative democracy, creating space for public debate, engagement with stakeholders, and in-depth political analysis.

The joint report by the IPU and UNDP (2017) clearly highlights their importance, emphasizing that: "Inquiry committees are not just a tool for gathering information; they are an opportunity to restore citizens' trust in parliament as an institution that does not avoid responsibility, but actively seeks it."[3]

Moreover, inquiry committees have an educational and preventive effect. They send a strong political message that governance must be careful and subject to oversight. Even in cases

[1] *Fromage, D. 2020. The European Parliament's Right of inquiry in context (PE 648.708). Brussels: Policy Department for Citizens' Rights and Constitutional Affairs, Directorate-General for Internal Policies. Available from: http://www.europarl.europa.eu/RegData/etudes/STUD/2020/648708/IPOL_STU(2020)648708_EN.pdf; Rozenberg, O., 2020. Inquiries by Parliaments: The political use of a democratic right (PE 648.709). Brussels: Policy Department for Citizens' Rights and Constitutional Affairs, Directorate-General for Internal Policies. Available from: https://www.europarl.europa.eu/RegData/etudes/STUD/2020/648709/IPOL_STU(2020)648709_EN.pdf*

where legal sanctions are not applied, parliamentary investigations raise public awareness and establish an institutional precedent for more responsible governance.

In this context, the Assembly of the Republic of Kosovo, as the parliament of a young state undergoing democratic consolidation, has built valuable experience in this area. The inquiry committees established so far in the Assembly have addressed sensitive and often politically polarized topics, but at their core, they have reflected a demand for greater transparency, institutional accountability, and the restoration of public trust.

However, there are many challenges – from a lack of in-depth procedural experience and legal limitations to political tensions and an absence of political will to fulfill the mandates of the committees. For this reason, it is essential that the functioning of inquiry committees in Kosovo be analyzed in light of international standards and compared with best practices from the region and across Europe.

This report aims to contribute to that analysis through a critical and structured assessment of Kosovo's experience thus far, offering a clear roadmap for strengthening this instrument in support of functional democracy, effective oversight, and accountable governance. For this reason it is essential that the functioning of inquiry committees in Kosovo be analyzed in light of international standards and compared with the best practices from the region and across Europe.

Methodology of the report

To carry out this study on the functioning of parliamentary inquiry committees in the Assembly of Kosovo, a comprehensive and qualitative methodological approach was followed, enabling the collection of deep and reliable information from several important and complementary sources. This methodology is built on four main pillars: focus groups, interviews with members of parliament, legal analysis and comparative review, and analysis of relevant documentation.

First, during April and May 2025, two thematic focus groups were organized to better understand the practical experience and challenges faced in the functioning of inquiry committees. The first focus group was held with officials from the administration of the Assembly of Kosovo, who play a key role in the technical and procedural preparation and support of the committees. These participants provided a detailed perspective on the internal functioning of the committees, the legal and administrative mechanisms that affect their work, as well as the difficulties they face in practice.

The second focus group was held with external experts from civil society, academia, and the media, who, through their experience as observers of parliamentary life, brought a broader and more critical analysis of the oversight role of inquiry committees. Discussions in both focus groups were based on structured and thematic questions, giving participants enough space to share their views, experiences, and concrete suggestions.

In addition to the focus groups, semi-structured interviews were conducted with current and former members of the Assembly of Kosovo who have been actively involved in inquiry committees over the years. Representatives from five political parties were interviewed, including members from both the ruling majority and the opposition, to ensure a balanced and comprehensive overview. Through these interviews, concrete experiences of committee participation were discussed, along with political and procedural challenges, decision-making on calling witnesses, dealing with a lack of institutional cooperation, and the impact of committee work on increasing transparency and public accountability.

As part of this study, an analysis of Kosovo's legal framework related to the functioning of parliamentary inquiry committees was also carried out. This analysis included the Law on Parliamentary Investigation (No. 04/L-274), the Rules of Procedure of the Assembly of Kosovo, as well as relevant provisions from the Law on the Protection of Classified Information (No. 08/L-175) and the Criminal Procedure Code. Through this analysis, it was examined whether the existing legal framework meets the needs of inquiry committees, what legal gaps exist, and how it is applied in practice.

To better understand international standards and practices that can serve as models for improvement, a comparative analysis was conducted with five other countries: Austria, Croatia, Germany, Slovenia and Switzerland. This analysis helped compare how Committees of inquiry (CoI) are formed and operate in these countries, their composition, the role of the opposition, restrictions related to parallel investigations with the justice system, and the handling of classified documents. The selection of these countries was made considering their different characteristics — ranging from consolidated democracies to those with similar regional experiences — to provide a diverse and useful overview for the Kosovo context.

Finally, an analysis of relevant documentation and literature was undertaken, including reports from local and international organizations that have monitored the work of the Assembly, academic studies on parliamentary oversight and inquiry committees, as well as legal opinions and documents from parliamentary practice in Kosovo and beyond. This literature helped deepen the analysis and build recommendations based on well-documented and carefully considered experiences.

The combination of all these research methods has made it possible for this study to be based on rich and diverse evidence, including the practical experience of institutions, the critical perspective of experts, the political experience of members of parliament, and comparative and legal analysis. This approach has contributed to the development of well-founded and actionable recommendations for strengthening the role of parliamentary inquiry committees in the Republic of Kosovo.

Analysis of the Legal Framework for the Functioning of Parliamentary Inquiry Committees in Kosovo

The functioning of parliamentary inquiry committees in the Republic of Kosovo is regulated by a combination of legal acts, including the Constitution, specific laws, as well as subordinate acts and the internal rules of the Assembly.

Although there is a formal basis that guarantees the Assembly's right to establish inquiry committees, in practice this legal framework has shown serious shortcomings that hinder their effectiveness. This analysis aims to address the key points of this framework and identify the gaps that limit its implementation.

The Constitutional and Legal Basis of CoI

From a constitutional perspective, the right to parliamentary investigation is indirectly derived from Article 65, paragraph 9 of the Constitution of the Republic of Kosovo, which defines the role of the Assembly in overseeing the work of the Government and other public institutions. This article states:

"The Assembly of the Republic of Kosovo supervises the work of the Government and other public institutions that report to the Assembly in accordance with the Constitution and the law."

This provision is directly related to the mission of inquiry committees, which are primarily established to investigate or address issues concerning the actions or inactions of the Government or other public institutions.[2] Furthermore, Article 4, paragraph 4 of the Constitution specifies that "*The Government of the Republic of Kosovo is responsible for the implementation of laws and state policies and is subject to parliamentary oversight*." [3] A specific reference regarding parliamentary committees is also found in Article 77, paragraph 2 of the Constitution, which states that "The Assembly, upon the request of one third (1/3) of all its deputies, appoints committees for specific issues, including inquiry matters." [4]

The main act regulating the work of parliamentary inquiry committees in Kosovo is Law No. 03/L-176 on Parliamentary Investigation, which was adopted in 2010[5]. This law serves as the primary legal pillar governing the functioning, powers, structure, and procedures of inquiry committees.

[2] *Constitution of the Republic of Kosovo, article 65(9)*

[3] *Constitution of the Republic of Kosovo, article 4(4)*

[4] *Constitution of the Republic of Kosovo, article 77(2)*

[5] *Official Gazette, Law No.03/L-176 for Parliamentary Inquiry.*

According to the law, the scope of the Parliamentary Inquiry Committee must always comply with the principles of the Constitution of the Republic of Kosovo and with international legal standards. While exercising its mandate, the Committee must ensure that its activities do not undermine institutional independence or interfere with or obstruct the work of other state or judicial bodies. Inquiry committees are established to investigate matters directly related to government or state responsibility and decision-making, aiming to clarify actions or inactions that may have caused institutional, legal, or public consequences. Their role is to clarify the sequence of events, establish the facts, and determine the level of responsibility of the actors involved in the case under investigation.

The Committee does not have only an investigative function but also an informative and advisory role, serving as an instrument of parliamentary oversight and contributing to the drafting of final conclusions that can help improve institutional and legal practices.

The establishment and functioning of the committee are based on constitutional principles and fully comply with the provisions of the Law on Parliamentary Investigation. As a result of its work, the Committee is tasked with preparing a final report, which is submitted within the deadline set by the Assembly and in accordance with the requirements of the applicable legislation. This report represents an important institutional document that summarizes the findings, assessments, and recommendations resulting from the investigation process.

Rules of Procedure of the Assembly and Procedural Aspects

The Rules of Procedure of the Assembly of Kosovo do not address in detail the functioning of inquiry committees. Article 46 of the Rules states that “The Assembly may establish inquiry committees. The procedures for parliamentary investigations are determined by the relevant Law on Parliamentary Investigation.” Regarding the manner of functioning, especially from a procedural perspective, the provisions of the Rules of Procedure are applied accordingly, as for the work of regular committees. No specific provisions are given regarding the CoI.

A supplementary and important component of the normative framework regulating the functioning of parliamentary inquiry committees is Regulation No. 08-Rr-012 on the organization and functioning of the Assembly Administration of the Republic of Kosovo. Article 20 of this regulation stipulates that the Directorate for Support to Parliamentary Committees is the responsible unit which, in accordance with its scope, provides technical and administrative support to parliamentary inquiry committees throughout their operational period. Furthermore, the Secretary General of the Assembly, by a special decision, appoints the staff responsible for supporting these committees, including the possibility of involving additional personnel from the administration as needed during the investigative work.

Interaction with Other Laws and Restrictions on Access to Documents

In performing their functions, parliamentary inquiry committees' often face legal restrictions arising from other laws, including Law No. 08/L-175 on the Protection of Classified Information, which limits access to documents bearing the status of "confidential," "secret," or "top secret." Due to the lack of clear provisions for controlled exemptions or mechanisms for partial declassification, the committees may in specific cases be left without real possibilities to analyze key documents in sensitive investigations, such as cases involving national security or intelligence services.

Another obstacle is the lack of effective sanctions for institutions or officials who fail to respond to the Committee's requests for testimony or documentation. To ensure this, the Law on Parliamentary Investigation refers to the Criminal Procedure Code (CPC) on multiple occasions. Specifically, provisions of the CPC are applicable regarding the obtaining and administrating proofs and witnesses, namely since the witness is obliged to testify at CoI hearings. The Committee can also ask for a hearing of criminal procedure against the witness who does not testify in conformity to his obligations set out with the provisions of CPCK. Criminal Procedure provisions also apply in relation to the experts that are called from the CoI.

In certain cases where matters are not covered by the Law on Parliamentary Investigation, the provisions of the Law No. 05/L-031 on General Administrative Procedure are applied accordingly.

Venice Commission and Inquiry Committees

In democratic systems, parliamentary investigative committees serve as a crucial instrument of accountability, enabling legislatures to scrutinize executive action, investigate matters of public concern, and ensure transparency in governance. According to the Venice Commission's Checklist on the Relationship between the Parliamentary Majority and the Opposition in a Democracy (Venice Commission, 2019), these committees serve as essential tools for the parliamentary opposition to exercise effective oversight in a meaningful and structured manner.

The Venice Commission underscores that the participation of the opposition in inquiry committees should be substantive and not merely symbolic. This includes the right to propose topics for investigation, question witnesses, contribute to the preparation of reports, and issue minority opinions when there is disagreement over findings (Venice Commission, 2019, p. 16). These rights are fundamental to safeguarding the impartiality and legitimacy of committee proceedings, particularly when inquiries involve politically sensitive issues such as corruption, abuse of office, or violations of fundamental rights.

The report further stresses the importance of political pluralism in the composition and leadership of these committees. While proportional representation is often the standard, additional safeguards may be necessary to ensure that opposition parties are not excluded from key roles. In some parliamentary systems, the opposition is granted the right to chair certain oversight committees, such as those dealing with public accounts or national security. Similar provisions could be considered for investigative committees to safeguard against majority-led obstruction of inquiries (Venice Commission, 2019, pp. 11–12).

Moreover, the Commission recommends that parliaments adopt procedural rules that enable a qualified minority of MPs to initiate inquiry committees without requiring majority approval. This serves as a structural guarantee that the opposition retains the capacity to launch investigations even when the majority is reluctant to allow them (Venice Commission, 2019, p. 17). At the same time, effective functioning of these committees requires that they are not hampered by partisan interference or institutional barriers once established.

Ultimately, the Commission cautions that the credibility of inquiry committees depends not only on formal legal guarantees, but also on a political culture that respects parliamentary pluralism and democratic dialogue. When designed and implemented in accordance with these principles, investigative committees become a powerful tool for parliamentary oversight, strengthening public trust and ensuring that no government action escapes scrutiny (Venice Commission, 2019).

The Functioning of Parliamentary Inquiry Committees' in the Assembly of Kosovo

Parliamentary inquiry commissions represent one of the most powerful instruments of parliamentary oversight and democratic control over the executive and public institutions. Since the first legislature of the Assembly of Kosovo in 2001 until today, a total of 16 inquiry committees have been established, addressing issues of particular public importance such as the management of public funds, legal violations in procurement, unlawful expulsions, energy crises, privatizations, international lobbying, and domestic violence.

However, the analysis shows that this instrument has not been used consistently across legislatures, often hindered by political developments and a lack of institutional will. In three legislatures (I, III, and V), no inquiry commissions were established, while the highest number was recorded in the VIII legislature (2021–2024), with six commissions formed. Meanwhile, only a portion of the commissions have managed to complete their investigations with final reports and recommendations, which have often not been approved by the Assembly due to political opposition. It is worth mentioning that the first CoI was effectively established in 2004, during the very first legislature of the Kosovo Assembly, even though it was not officially named as such. This was an ad-hoc committee to investigate the events of 17-18 March in 2004, which fueled ethnic tensions in Kosovo.

Table 1. Number of CoI at the Kosovo Assembly in different legislatures

Legislature	Period	Committees Established
I	2001–2004	1*
II	2004–2007	1
III	2007–2010	0
IV	2010–2014	1
V	2014–2017	0
VI	2017–2019	4
VII	2019–2021	3
VIII	2021–2024	6

At a detailed level, the outcomes of the commissions have been mixed. Some have highlighted serious constitutional and legal violations—such as in the case of the expulsion of 6 Turkish citizens or abuses in lobbying contracts—while others have remained without a final report due to the dissolution of the Assembly, political obstructions, or internal dysfunction within the commission itself.

Furthermore, there have been cases where the Assembly refused to establish inquiry committees despite the legal conditions being met, such as the request to investigate the privatization of 75% of PTK shares in 2013.

The institution of parliamentary inquiry committees in Kosovo has emerged over the years as a crucial mechanism for democratic oversight, offering the Assembly a tool to scrutinize

executive actions, expose institutional weaknesses, and promote accountability. While the overall landscape has been marred by political interference and procedural dysfunction, several cases demonstrate that, when effectively utilized, inquiry committees can produce meaningful and impactful results.

A notable example of successful inquiry work is the Parliamentary Committee on the deportation of six Turkish citizens in 2018—widely known as the "Gylenist case." Despite political sensitivities and institutional resistance, the committee managed to finalize a comprehensive report documenting 31 constitutional and legal violations, primarily committed by the Kosovo Intelligence Agency and the Police. The report, adopted by the Assembly in 2019, not only raised public awareness about the abuse of state power but also served as a formal basis for criminal investigations that ultimately led to indictments against senior officials. This case underscores the potential of CoI to act as catalysts for justice and institutional reform when given the necessary space and mandate.

Similarly, the Committee on decision-making on the energy sector (2006–2022) succeeded in producing a thorough report—adopted by the Assembly in 2023—which identified critical governance failures in public enterprises and regulatory institutions. It made clear recommendations for legal and structural reforms, which have since informed discussions among Kosovo's oversight bodies. These instances illustrate how, in select cases, parliamentary inquiries have transcended partisan dynamics and provided substantive contributions to the rule of law and transparency.

However, such successes are exceptions rather than the norm. The majority of inquiry committees established over the last two decades have faced severe challenges that have undermined their credibility and effectiveness. Foremost among these is the *systematic obstruction by the parliamentary majority*, which in several cases refused to support the establishment of committees—even when the legal threshold of one-third of deputies had been met. This refusal constituted a violation of the Law on Parliamentary Inquiry and represented a troubling disregard for democratic pluralism.

Even when committees were formed, their work was frequently sabotaged by *partisan polarization, lack of quorum, or deliberate boycotts*, particularly during the eighth legislature. Cases such as the inquiries into veterans list fraud or gender-based violence were either blocked for infringing on judicial competencies or rendered ineffective due to internal procedural chaos. Furthermore, several committees—despite months of work—*failed to finalize or present their reports* due to the premature dissolution of the Assembly or a lack of political will.

Structural problems compounded these challenges. The current legal framework grants *an extra seat to the majority in each committee*, a provision often used to dominate or block decisions. The lack of clear time limits, uncertainties over access to documents, and absence of enforcement mechanisms for committee recommendations further diminish the role of these bodies.

Transparency remains another weak point. Committee sessions are rarely broadcast live, and final documents are seldom published on the Assembly's website, weakening public trust and limiting civic oversight.

Table 2. Adoption of final reports by CoI at the Kosovo Assembly

Topic	Final Report Adopted?	If not, why?
Assessing the Report of the Office of the Auditor General on the findings in the Assembly of Kosovo	Yes	
Electricity Bills	Yes	
Expenses on the Lobbying Contracts	No	Early elections – dissolution of the Assembly
Appointment of high-profile civil servants	Yes	
Expulsion of 6 Turkish Citizens	Yes	
Situation at the Telecom	No	Early elections – dissolution of the Assembly
COVID-19 Pandemic Management	No	Early elections – dissolution of the Assembly
Privatization Process	No	Early elections – dissolution of the Assembly
Licensing and operation on hydropower plants	No	Early elections – dissolution of the Assembly
Managing of the electricity crisis	No	Not adopted by the plenary session (16 votes Pro, 0 against, 66 abstains)
Decision-making processes on the energy sector 2006-2022	Yes	
Domestic and sexual violence cases	No	Report was never finalized, due to political polarization and inability to substitute committee members at the plenary sessions.
Management and potential abuse of state reserves	No	Troubles on functioning of the committee. It was blocked for most of the time, due to the absence of MPs from the majority and lack of cooperation from the government.
Management of the employment relationship of members of the Foreign Service and officials of the Ministry of Foreign Affairs	No	Final report could not be prepared on time, due to late engagement of external expertise and delayed delivery of materials from the MFA.
Subsidizing process for the purchase of textbooks for students at the primary and lower secondary education levels	No	Internal (non)functioning of the committee.

Table 3. Topics and policy fields covered by the CoI initiated at the Kosovo Assembly

Year	Topic	Policy fields
2006	Assessing the Report of the Office of the Auditor General on the findings in the Assembly of Kosovo	Management
2013	Electricity bills	Social
2018	Expenses on the Lobbying Contracts	Foreign Affairs
2018	Appointment of high-profile civil servants	Civil Service
2018	Expulsion of 6 Turkish Citizens	Human Rights & Security
2019	Situation at the Telecom	Economy & Management
2020	COVID -19 Pandemic Management	Health
2020	Privatization Process	Economy
2020	Licensing and operation on hydropower plants	Economy
2022	Managing of the electricity crisis	Social & Economy
2022	Decision-making processes on the energy sector 2006-2022	Economy & Management
2023	Domestic and sexual violence cases	Justice & Human Rights
2023	Management and potential abuse of state reserves	Economy
2024	Management of the employment relationship of members of the Foreign Service and officials of the Ministry of Foreign Affairs	Foreign Affairs
2024	Subsidizing process for the purchase of textbooks for students at the primary and lower secondary education levels	Education

Findings from the Focus Groups and Interviews with MPs

To better understand the practical functioning of parliamentary inquiry committees in Kosovo, as well as to identify the structural and political challenges they face, two focus groups were conducted during April and May 2025. The first was held with officials from the administration of the Assembly of Kosovo, while the second included external experts from civil society, the media, and the academic community. In addition, semi-structured interviews were conducted with members of parliament from five political parties (Vetevendosje, PDK, LDK, AAK, Guxo) who have direct experience working in inquiry committees, including MPs who have held positions both in government and in opposition during different legislatures. This diversity of perspectives helped to articulate a comprehensive and experience-based view of the current functioning of this important parliamentary oversight mechanism.

Majority Influence in Committees and its Impact on the Efficiency of Parliamentary Inquiries

One of the most debated issues in all discussions has been the political composition of the inquiry committees and, in particular, who holds the majority within them. Most participants—especially administrative officials, civil society representatives, and opposition deputies—emphasized that for inquiry committees to function effectively as oversight tools, mechanisms must be ensured to balance power within them. According to some, the majority in the committees should not necessarily reflect the parliamentary majority in the Assembly, but rather should represent the opposition's interest in accountability. A model mentioned during the focus groups was that of Germany and the Netherlands, where parliamentary rules or practice favors assigning the chairmanship of inquiry committees to the opposition, viewing this as a way to strengthen the oversight role of the opposition in democratic systems.

This issue is not merely technical but fundamentally political: whoever holds the majority in the committee determines the agenda, the action plan, the list of witnesses and experts, and, ultimately, the narrative of the final report. Alternatively, special procedural rights can be granted to the opposition although it remains in the committees' minority. In the absence of such a balanced approach, there is a risk that committees may be blocked or avoid in-depth investigations.

An important issue related to this matter is the appointment and the role of the Chair of the Committee. Article 10 of the Law on Parliamentary Investigation establishes specific rules for the appointment and responsibilities of the Chairperson of an Investigative Committee. Upon the committee's establishment, the Assembly appoints the Chairperson, who must come from the largest parliamentary group that neither initiated the investigation nor belongs to the governing coalition. The Deputy Chairperson, on the other hand, is appointed by the Assembly based on a proposal from the initiator or the initiating group of the committee. The Chairperson holds the responsibility of leading the committee's proceedings in accordance with the law and the Assembly's decision establishing the committee. In cases where the

Chairperson is absent, their duties are temporarily delegated to the Deputy Chairperson, ensuring the continuity of the committee's operations.

Discussions on this matter addressed the possibility of allowing the initiating party of a Committee of Inquiry to assume the chairmanship. Concerns were also raised about potential instances where a Chairperson—who, by current rules, cannot come from the initiating party—might deliberately obstruct the committee's work. As a result, several focus group participants, along with individual Members of Parliament, proposed reconsidering the existing formula for appointing the Chairperson of a Committee of Inquiry.

Scope of the Committees: Parliamentary investigation, not criminal prosecution

Another point emphasized by all participants is the need to clarify the role and limits of parliamentary inquiry committees. As stressed unanimously by participants, legislators are not criminal investigators and should not assume the roles of prosecutors or judges. Parliamentary investigations are part of the oversight function of the Assembly and must be conducted within those boundaries. In this regard, it is essential that, at the time of establishing a committee, the subject of the investigation, the questions to be addressed, and the political or institutional objectives of the process are clearly defined. Otherwise, committees risk losing their purpose, creating tensions with judicial bodies, or ending in functional paralysis. A concrete example of this could be the tendency of the Kosovo Assembly to form a CoI on the matter of veteran's list back in 2019, an issue that was already being dealt with by the State Prosecution.

Parallel Investigation with Judicial Authorities

One of the most delicate topics has been the issue of parallel investigation alongside the prosecution or courts. As in many European countries, the *sub judice rule* does not apply in Kosovo and CoI and court can investigate simultaneously on close topics (see section 7). Opinions on this are divided: the majority of parliamentary officials and external experts believe that parliamentary inquiry committees should be excluded from investigating cases that are under criminal investigation, so as not to obstruct justice or violate the presumption of innocence. Arguments for this include the risk of disclosing evidence that could influence witnesses or the course of criminal investigations. Conversely, some opposition MPs have raised concerns that they are not always informed whether a case is under criminal investigation, and that a priori prohibition of the parliamentary commission would severely restrict their right to oversight.

To address this issue, some participants have proposed formal mechanisms for information exchange between the Assembly and the Prosecution, as well as the inclusion of clauses allowing the Assembly to submit its final reports to judicial authorities if any criminal violations are suspected.

Approval Procedure of Committees': Beyond the parliamentary majority

According to the Law on Parliamentary Investigation in Kosovo, one of the ways to establish inquiry committees is through the request of one-third of the legislators. However, parliamentary practice in all cases has required the establishment to be voted on in a plenary session. This action has been considered problematic because the will of one-third of the deputies should be sufficient to establish a commission without undergoing an additional voting process that may undermine this initiative. Participants in the discussions have called for a clear interpretation and strict application of the legal provision, which views the initiative of one-third as self-sufficient to start the procedures for the formation of the commission.

Lack of Cooperation from Witnesses and Institutions

A recurring issue raised in all discussions concerns the refusal of witnesses to testify before parliamentary inquiry committees or the lack of response from institutions in providing requested documents. Although the Law on Parliamentary Investigation and the Criminal Procedure Code obligate cooperation and testimony before inquiry committees, parties often refuse without facing concrete consequences in practice.

Participants emphasized that this phenomenon diminishes the authority of the Assembly and makes the normal functioning of the committees impossible. A proposed solution has been to strengthen inter-institutional cooperation by establishing coordination mechanisms between the Assembly, the Police, and the Prosecutor's Office to enforce committee requests when necessary, including ordering the appearance of witnesses or the submission of documents. Additionally, the possibility was discussed that the lack of cooperation be officially reflected in the committees' final reports, thereby creating public and political pressure on uncooperative individuals and institutions.

Absences of MPs at Committee Meetings

Another challenge directly impacting the functioning of inquiry committees is the persistent absence of MPs from meetings. There have been instances where MPs dissatisfied with the committee's composition or leadership choose not to attend meetings in order to block the quorum needed for the committee to operate. This behavior, often politically motivated, violates not only parliamentary ethics but also paralyzes the committee's functioning.

Suggested solutions include: (1) amendments to the Law on Parliamentary Inquiry to sanction unjustified absences of MPs; (2) establishing that absences should be counted starting from the first meeting, even if the meeting is not held due to lack of quorum.

External Expertise: Essential but undervalued

In all focus groups and interviews, the vital importance of external experts in supporting parliamentary inquiry committees was emphasized. However, this area currently faces significant challenges. Firstly, the compensation for experts is very low and does not align with market standards, making it difficult to engage professionals with deep experience in relevant fields. Secondly, there is a lack of clarity regarding the engagement procedure, selection process, and payment timeline. These bureaucratic uncertainties and the absence of clear standards result in expertise involvement remaining unorganized and unsustainable.

Part of the proposed solution is to clearly regulate the procedure for engaging and the amount of compensation for experts, their selection based on objective criteria, and the creation of a sustainable financial scheme for this important category within the parliamentary investigation process, through the Law on Parliamentary Investigation.

Transparency as a Prerequisite for Credibility

Transparency is essential for the work of inquiry committees. Participants emphasized that the composition of the committees, the objectives of the investigation, public meetings, and non-classified documents should be regularly published on the official website of the Assembly. Currently, the lack of online information about the committees' work significantly limits transparency and citizens' ability to follow and understand parliamentary investigations.

It was suggested that the Assembly establish a dedicated section on its website for inquiry committees, where the committee's composition, many declassified documentation, minutes, interim reports, and the final report would be published. For many, this would help increase public trust and strengthen the Assembly's oversight role through the support of the media and civil society.

Handling of Classified Information

When parliamentary inquiry committees request access to classified documents, it is essential that their members obtain security clearances. Law No. 08/L-175 on the Protection of Classified Information clearly stipulates that any person seeking access to such information must undergo a security vetting process conducted by the Agency for Classified Information. However, in practice, this procedure has not been implemented for members of the Assembly, resulting in a mismatch between the requirements of parliamentary investigations and the legal framework governing information security.

Members of civil society have also expressed concerns about the potential misuse of the security clearance process for certain deputies, especially in cases where investigations are highly political, which raises doubts about the integrity of the process.[6]

[6] *Findings from the focus group with civil society representatives and field experts.*

Final Report and Follow-up on Recommendations

Participants also emphasized the importance of the final report of the inquiry committees. Once approved in a plenary session, this report should be submitted to the relevant institutions, including judicial bodies if the investigation has identified elements that may constitute criminal offenses. This approach ensures that the parliamentary investigation does not remain merely at the level of political findings but also leads to concrete consequences that enhance institutional accountability.

It has been proposed to establish a mechanism for following up on the recommendations of the final reports by the Assembly, to avoid situations where reports are approved but not implemented.

Political Culture and Willingness to Cooperate

More broadly, one of the most sensitive but most important topics that emerged from all the meetings was the lack of a political culture of oversight. Parliamentary inquiry committees are often arenas for mere political clashes, rather than serving as platforms to uncover the policy process and increase transparency. Some participants also called on parliamentary groups to show greater willingness to set aside short-term political calculations and to treat inquiry committees as an essential instrument for protecting public interest.

A key recommendation is that political parties establish an internal code of conduct for the functioning of parliamentary inquiry committees based on the principles of cooperation, integrity, and objectivity to ensure appropriate behavior by parliamentary groups regardless of their current political positioning.

Length of the CoI's Mandate and Disruptions Caused by Early Elections

Two other matters that were mentioned during the discussions with stakeholders was the time limitation of the CoI's mandate to 6 months and the disruptions caused by early elections. The legal framework governing the work of parliamentary inquiry committees in Kosovo establishes a clearly defined but rigid mandate, which in practice has presented significant operational challenges. The primary limitation stems from Article 4(3) of the Law on Parliamentary Investigation, which sets a maximum duration of six (6) months for the work of any such committee. According to the provision, the written proposal to establish a committee must specify the topic of investigation, its justification, the number of members, and the timeframe within which the committee must complete its work, wherein the timeframe "cannot be longer than six months." This restriction, while aimed at ensuring efficiency and preventing indefinite investigations, has often proven to be overly stringent in practice.

Several parliamentary inquiry committees have faced difficulties in fulfilling their mandate within the allotted time frame. This is particularly problematic when investigations require the collection of complex documentation, the hearing of numerous witnesses, or coordination with external institutions. In such cases, the six-month cap has effectively prevented the completion of reports, leaving critical investigations unfinished and their findings unreported.

In addition to the limited mandate duration, another major obstacle arises in the context of early parliamentary elections. Under Article 125(1) of the Rules of Procedure of the Assembly, any pending matters—such as incomplete inquiry committee work—are not carried forward to the new legislature following the dissolution of the Assembly. This means that even in cases where a committee is on the verge of finalizing its report, the process is automatically terminated once elections are called and the legislature is dissolved. The inability to transition committee work across legislatures results in an abrupt halt to oversight and investigative functions, undermining both parliamentary accountability and institutional memory.

The limitations in the context of early parliamentary elections are also defined in Article 5 of the Law on Parliamentary Inquiry: *"In cases where the Assembly is dissolved before the completion of its regular mandate, the Committee shall also cease to exist."*

Issues that have once been the subject of a parliamentary inquiry in one of the Assembly's legislatures cannot be subject to a new inquiry, except in the case provided in paragraph 2 of this article. It stipulates that a committee may be established to investigate matters in which governmental or state officials are directly involved. Therefore, these provisions may be subject to discussion during the process of amending the Law on Parliamentary Inquiry.

These constraints were especially visible during the sixth legislature (2017–2019), a period marked by early elections and political instability. Several inquiry committees initiated during this term were unable to finalize their work due to either expiring mandates or dissolution of the Assembly. As a result, valuable efforts and resources invested in parliamentary oversight were lost, and issues of public interest remained unresolved.

However, even though the uncompleted work of an investigation committee does not automatically carry through to the new legislature, the Law on Investigative Committees allows new legislatures to re-initiate a CoI for the same issue in cases where the Assembly is dismissed before the end of the regular mandate.

Therefore, a key issue that would need to be further addressed and properly regulated in a potentially new law is what can be considered "an investigated matter". The general opinion on this matter is that unless there has been a formal vote for a CoI report, either pro or against, the investigated matter should not be considered as closed or completed by the Assembly. Therefore, when there is no vote stating that the issue is completed, it is possible for a CoI to continue its investigation.

International Practices of Parliamentary Inquiry Committees

Austria: Minority rights leading to high politics

Structure

In Austria, the Upper Chamber is not allowed to set a CoI. It is exclusively the responsibility of the National Council. CoI are set up to investigate specific issues, often related to government actions or public concerns. They have the authority to summon witnesses, request documents, and conduct hearings.

They are codified in Article 53.1 of the Constitution, which stipulates "The National Council has the right to set up committees of inquiry at the request of its members."

CoI reports are debated in plenary, which may attract media attention. This is important from the Parliament's point of view, as it emphasises on its website that "[investigating committees] scrutinise the way the Federal Government conducts its business regarding specific matters and to investigate actual conditions and events. They do not, however, have the right to hold representatives of the Federal Government responsible or make them suffer the consequences of their actions."[1] Politically speaking, however, a failed hearing before a CoI or the exhumation of documents can cause considerable damage to ministers.

Motions to establish CoIs must define a specific subject that must relate to "a specific event or process that occurred under the executive authority of the Federal Government and has been concluded in the past."[2] The first limitation relating to the level of governance stems from the federal nature of the State and is relatively similar to German regulations (described below).[3] Due to the separation of powers, courts cannot be investigated.

A demand or motion to set up an investigating committee is referred to the Rules of Procedure Committee, which will deliberate on motions and will check demands to decide on the latter's admissibility. The Rules of Procedure Committee must report to the National Council within a period of eight weeks. A vote in plenary is possible in certain cases.

CoIs have 14 months to complete their investigation. An extension is possible but rare.

Public authorities, including at the sub-national level, must produce any document requested by a CoI.[4] However, investigating committees have no right to resort to, or to request the courts to resort to, measures designed to secure evidence, such as searches or seizures. CoIs have the right to ask the police to bring in a witness, up to a maximum of two occasions. They may also refer the matter to the Federal Administrative Court if necessary. Persons heard by a CoI are under the obligation to testify truthfully and Civil servants cannot plead being bound by official secrecy. According to § 288 (3) of the Criminal Code, anyone that gives false evidence before a CoI of the National Council shall be sentenced by the court to imprisonment for a term up to three years – a provision that was applied against a former Chancellor in 2024, as is described below. Visits on the spot can also be conducted at the Chair's request.

In return for these significant prerogatives, the law has established specific protections for witnesses, which are rare from a comparative perspective. Informants may be accompanied by persons in their confidence, such as a lawyer. However, unlike a court case, this counsel has no right to take the floor in the proceedings. Also, all proceedings are conducted in the presence of a procedural adviser to protect the informants' fundamental and personality rights.

The political importance of CoI is evident in the fact that they are chaired by the President of the National Council, who is supported by a procedural judge.

A significant reform in 2015 allowed one quarter of the legislators to demand the establishment of a committee of inquiry. This threshold is similar to the one existing in Germany in the post-war period. Given the division of the political forces, it allows the main opposition groups to impose the establishment of a CoI on a given topic. For instance, within the current parliament, the radical right group sits in the opposition and occupies more than one quarter of the seats.

A key reason for the success of this institutional transfer from Germany to Austria was that minority rights were not limited to the CoI's initiatives but also extended to their functioning.[5] For instance, submission of files and documents and summonses of informants can be asked by a quarter of the members of any CoI. Similarly, if a quarter of the members consider that the information provided to an authority is insufficient, they may send a second request and, after a certain period of time, refer the matter to the Constitutional Court.

The 2015 reform significantly changed the practice of CoIs by increasing their frequency but also their creation for political purposes.[6] The increase in the number of cases and their political importance has been accompanied by greater transparency with better public access to investigation documents. Hearings are often public and some are widely covered by the press. However, the deliberations of an investigating committee are confidential.

The 2015 reform was the subject of a survey of parliamentarians to gauge their perceptions.[7] Opinions were divided along political lines, with right-wing MPs (ÖVP) much more critical than other parliamentarians. However, the result was less a reflection of the political leanings of the MPs than of their membership to the majority or opposition at the time of the survey. More generally yet, elected representatives tend to express doubts about the overuse or strategic misuse that could weaken the legitimacy of the instrument and undermine trust in parliamentary democracy.

As in most other parliaments of the region, the *sub judice rule* does not apply. Yet, a consultation mechanism between the Chair and the Ministry of Justice is provided for in the texts, with a possible decision by the Constitutional Court in the event of a conflict. Both parties are invited to cooperate without one procedure having authority over the other. As a parliamentary official writes, "[t]he interests of criminal prosecution shall be weighed against the interests of parliamentary control."[8]

Cases

Major CoI investigations had been launched prior to the 2015 reform. The 1988-89 investigation into the explosion of the Lucona ship in 1977 left a lasting impression. It highlighted the link between the Social Democratic Party and a businessman and resulted in the resignation of the President of the National Council and the Minister of the Interior.

However, since the 2015 reform, CoI into political scandals, allegations of corruption and illicit political financing have multiplied and have occasionally led to significant political repercussions. Notably, in 2020, an inquiry commission investigated the so-called Ibiza Gate scandal, which involved the far-right Freedom Party (FPÖ), led to the collapse of the government and early parliamentary elections. Sebastian Kurz, the right-wing leader of the OVP, who was chancellor at the time of the scandal and became chancellor again after the elections, was called to publicly testify before the commission on 24 June 2020. The finance minister then refused to hand over documents to the commission, forcing the Constitutional Court to order him to do so in May 2021. This episode increased tensions between the right and the Greens, the coalition's second partner. However, the Greens refused to extend the commission's investigations. Other procedural issues also caused tension and had to be decided by votes, such as whether the hearings should be made public and whether the 2.7 million pages of files should be archived at the end of the investigation.[9]

During his hearing before the commission in 2020, Chancellor Kurz denied intervening in the appointment of a close associate to the head of a public holding company. This affair led to him being placed under investigation in May 2021 and, alongside other scandals, contributed to his resignation in October of that year. In 2024, the false testimony was punished in court with an eight-month suspended prison sentence, which was overturned on appeal in 2025.[10]

While it would be an exaggeration to say that the CoI created the scandal or forced the Chancellor to resign, it undeniably contributed to a broader process of impeachment and the disintegration of his coalition. By forcing Kurz to make an official, sworn statement on an important aspect of the case, the committee also contributed, albeit indirectly and temporarily, to his conviction in court. It should be noted that, to date [11], the Chancellor has not been legally punished for favouritism, but rather for giving false testimony. Therefore, it can be concluded that the CoI, a political body, played a decisive role in upholding the rule of law by undermining a leader whose behaviour was difficult to assess from a purely legal standpoint. The CoI also served as an essential link between different corruption scandals that a more judicial approach would have assessed in isolation from one another.

Beyond the cases discussed, the greater political salience of Austrian CoI should be understood in the context of the gradual departure from consensus democracy, which has long been characterised by an alliance between the two main governing parties. While CoI have not contributed to this development, they do accompany it by exposing the nepotism, patronage and corruption fostered by the durability and scope of this alliance [12], and by contributing to the greater polarisation of Austrian political life.

Table 4. Examples of CoIs in Austria since 2015

Year	Topic	Policy fields
2015	Collapse of the Hypo Alpe-Adria bank	Finance
2017	Procurement of Eurofighter jets	Politics
2018	Federal Office for the Protection of the Constitution and Counterterrorism (BVT)	External security
2010	Ibiza affair (corruption of radical right)	Politics
2021	ÖVP corruption	Politics
2023	Management of Covid by the Federal Financing Agency	Economy

Note: for this table as for similar ones in this document, the year indicated is the first one when the CoI was established

Croatia: A false minority right

Structure

Article 127a of the Croatian Constitution stipulates that "the Croatian Parliament may establish commissions of inquiry to collect information and investigate matters of public interest." A definition of public interest is provided by law and includes issues relating to "the respect of the fundamental values, including fundamental freedoms and rights of man and citizen, as well as to the legality of the work of state bodies, public services and legal persons governed by public law, and issues concerning public morality."[13]

The CoI created by the Croation parliament have the authority to summon witnesses, request documents, and conduct hearings, similar to judicial procedures. In instances of non-appearance before a CoI, a fine or a sentence of imprisonment of six months to five years can be imposed.

Contrary to the other CoI considered in this survey, the *sub judice rule* applies. Once a judicial investigation is open, a CoI focused in the same case should stop operate. This happened in 2017 for the Agrokor Committee of Inquiry that was dissolved prematurely due to the opening of investigations related to the collapse of this company.

Cases

A threshold of only one-fifth of the legislators is needed to establish a CoI on a given topic. This is a comparatively low threshold, and many CoI have indeed been created by the opposition. Yet, contrary to the German case (see below), minority rights are not protected throughout the process. For instance, there has been attempts by the opposition in 2023 to settle an inquiry on the Management of the Health System but the majority resisted. This lack of strengthened right for the opposition explains the limited number of CoI over the last years, as listed in the following table.

Table 5. Examples of CoI in Croatia since 2015

Year	Topic	Policy fields
2015	Sale of shares in the Croatian oil company INA to the Hungarian company MOL	Energy
2017	Financial collapse of the Agrokor conglomerate	Agri-food
2018	Difficulties of the Petrokemija fertilizer company	Chemicals
2019	Military Procurement	Defense
2020	Healthcare System in response to COVID-19	Health

Germany: The opposition model

Structure

In Germany, only the Bundestag—not the Bundesrat—is allowed to establish CoI. Article 44 (1) of the German Basic Law states "[t]he Bundestag shall have the right, and on the motion of one quarter of its Members the duty, to establish a committee of inquiry, which shall take the requisite evidence in public hearings. The public may be excluded."

The Bundestag CoI are endowed with important specific prerogatives and have been described for that reason as the parliament's "sharpest weapon".[14] They can summon witnesses and experts to testify under oath. They can also demand the release of documents from public authorities and private entities. The procedural rights of CoI are explicitly modelled on those of the judicial authority. The Basic Law thus states (Art. 44.2) "[t]he rules of criminal procedure shall apply, *mutatis mutandis*, to the taking of evidence." Furthermore, the constitution stipulates that "[c]ourts and administrative authorities shall be required to provide legal and administrative assistance" (Art. 44.3). Also, the *sub judice rule* does not apply.

There are few limits to the powers of Bundestag CoI. The Basic Law states "[t]he privacy of correspondence, posts and telecommunications shall not be affected" (Art. 44.3). Furthermore, commissions must respect fundamental rights, in particular the right to a fair trial, privacy and professional secrecy. The authorities may also refuse to disclose certain classified information. However, in the past, the use of a sworn special investigator (*Sonderermittler*) has made it possible to examine confidential documents.[15] Given the federal structure of the State, the Bundestag cannot investigate matters falling within the exclusive competence of the Länder, as each Land parliament can set up its own committee of inquiry.[16] However, the Bundestag may still investigate issues of coordination between levels of government. Finally, the Bundestag may not, in principle, investigate the "core sphere of autonomous executive decision-making" (i.e. the preparatory phase of decisions) or anything that would undermine the "welfare of the state".[17]

Consistent with the way all oversight tools are conceived in the Bundestag and, more generally, with the post-war concern for protecting parliamentary democracy, CoI are perceived as a tool in the hands of the opposition. [18] CoI membership is proportional to groups' sizes in the assembly, though the opposition generally takes the lead in the conduct of the investigations. By contrast, majority members tend to be more active as scrutinizers through closed door meetings of majority working groups. [19]

In the Bundestag, the inquiry must be launched if the threshold of a quarter of MPs is met. The majority in plenary cannot amend the subject initially proposed.[20] Importantly, this agenda prerogative is not the only one in the hands of the opposition as the opposition also enjoys minority rights during the inquiry.[21] The deputy chair must therefore belong to a different group than the chair. Another example is that a quarter of the members of a CoI may refer a matter to the Federal Constitutional Court for a ruling on the legality of the authorities' refusal to transmit a document.[22] Similarly, the opposition may refer a matter to the Federal Court of Justice concerning the judicial and administrative assistance owed by the courts and administrative authorities.[23] Dissenting opinions from minority members can also be included in the report. The final report is debated in plenary, which may also encourage the opposition to mobilise for this debate.

The importance of the committees' prerogatives, combined with the opposition's rights and the long-standing nature of these two provisions, contribute to making the CoI formidable political weapons. A historical analysis of the 63 committees established from 1949 to 2022 shows that many of them dealt with corruption issues and ultimately helped to maintain effective pressure on public decision-makers.[24] Other issues, such as the lack of coordination between branches of the federal government or levels of governance, have also been addressed.

Committees often deal with issues that are particularly sensitive in public opinion and help to focus public attention, which is not usually the case for the activities of the Bundestag, described as a 'working parliament' rather than a 'talking one'.[25] Hearings sometimes involve prominent figures. For example, the Wirecard inquiry (October 2020–June 2021), which arose from a financial scandal, saw Chancellor Angela Merkel and her Finance Minister Olaf Scholz testify under oath.

In accordance with the Bundestag's important prerogatives with regards to defense policy oversight [26], the Defense Committee has a special status as the only committee with the right to convene as a committee of inquiry (Article 45a (2) of the Basic Law). A quarter of its members may decide that the committee should take on the prerogatives of a committee of inquiry on a specific subject related to defense issues. Although this role is unique within the Bundestag, it should be noted that inquiries are few and far between and that parliamentary groups generally prefer the publicity and legitimacy offered by the traditional procedure – including for defense-related issues (e.g., defense ministry consultants or the withdrawal from Afghanistan).

Cases

Between one and five committees are established each electoral term. Most of them are focused on public scandals. This relatively small number contrasts with the relative ease with which its structures can be created. This is due to the fact that significant resources are invested in a CoI and that the investment in terms of work is considerable for its members, who are few in number compared to the size of the Bundestag, with 8 to 16 members typically in a committee. It should be noted, however, that the cost of an investigation is borne by the state, not by Parliament.[27] More crucially, the size of governing coalitions and the division of the opposition into a multitude of groups can make it difficult to reach the threshold of one quarter of members required to trigger an investigation. For instance, the radical right-wing party Alternative für Deutschland (AfD) is just below the threshold following the February 2025 legislative elections, with 24% of seats in parliament.

Despite these relatively limited figures, the existence of the CoI tool may play a role by anticipation, not only regarding the government conduct of administration but also its willingness to deliver information to parliament. As stressed by legislative studies scholars, "[t]he threat to set up such a formal investigation may coerce government officials to be more forth-coming in other channels of exchange with MPs."[28]

The CoI adapt their working format to the subject they are investigating. While most commissions meet for around a year, those investigating the government's handling of the 2016 Berlin attack, for instance, met for more than three years and heard around 180 witnesses and experts before producing a final report of some 1,900 pages. Other commissions, such as the one investigating a financial scandal (Wirecard), analysed thousands of pages of documents.

Table 6. Examples of CoI in Germany since 2015

Year	Topic	Policy fields
2016	Diesel Emissions Scandal	Industry & environment
2017	Amri Case (Berlin Christmas market attack)	Home security
2019	Consultants employed by the Defense ministry	External security
2020	Wirecard (collapse of a fintech company)	Finance
2022	Withdrawal from Afghanistan	External security
2023	COVID-19 Pandemic Management	Health

Slovenia: CoI at the centre of political fights

Structure

In Slovenia, CoI (*preiskovalne komisije*) are special parliamentary bodies established by the National Assembly (*Državni zbor*). CoI are established to investigate matters of public concern, particularly when there is suspicion of irregularities, misuse of public funds, abuse of power, or violations of law by public officials or institutions.

CoI are based on Article 93 of the Constitution, which stipulates "[t]he National Assembly may order inquiries on matters of public importance, and it must do so when required by a third of the deputies of the National Assembly or when required by the National Council. For this purpose, it shall appoint a commission which, in matters of investigation and examination, has powers comparable to those of judicial authorities."

It should be noted that no concrete and legally binding definition is provided on what 'matters of public importance' should be. Although parliamentary officials have considered that 'matters of public importance' refer to "the principle of public interest, the principle of separation of powers, the principle of constitutionality and legality (respect for human rights and freedoms) and the principle of legal certainty (of the investigative task)"[29], the parliament is de facto allowed to investigate whichever issues legislators find relevant. The only limitation is that the Parliament provide a precise definition of the subject of inquiry and remain focused on the subject articulated.

The Upper Chamber, the National Council, which is representative of economic actors, civil society and local interests, is not allowed to set a CoI but may impose one to the National Assembly. Each member of the National Council can set a motion to that end which should then be voted by a majority of the members of this chamber.

The creation of a CoI at the request of one third of the members, i.e. the opposition, is legally guaranteed. However, the political significance of investigations often leads to certain obstacles (see below).

CoI have especially broad investigative powers, including subpoenaing witnesses and documents, holding public or closed hearings and requesting cooperation from state authorities and public institutions. They cannot impose penalties but can forward findings to the judiciary or other relevant authorities. Article 14 (1) of the Parliamentary Inquiry Act provides that "the government, administrative bodies, organisations that perform public service and all holders of public powers are obliged, at any time, to give the commission of inquiry or its representatives access to documentation at their disposal, issue the required authorisation for testimony and submit files." Also, if a requested natural person does not

attend a hearing by a CoI without relevant grounds, the commission of inquiry is obliged to request the competent court to order that this person be brought forcibly by a police escort to one of the next scheduled hearings of the commission.

The Slovenian parliament does not apply the *sub judice rule* (Article 2 of the Parliamentary Inquiry Act). Article 14 (2) of the Parliamentary Inquiry Act even provides that "courts are obliged to submit to the commission of inquiry the parts of their files related also to the subject of the commission of inquiry." Yet, limits have been placed on the capacity of CoI to investigate court activities. In 2019, a CoI envisaged looking into actions of prosecutors and judges in concrete criminal cases. Yet, the Constitutional Court suspended it due to the risk posed to the independence of judges and prosecutors from such a parliamentary inquiry into concrete cases.[30]

Cases

The CoI are numerous and often politically sensitive, involving high-profile individuals. The opposition have strategically used inquiries for political messaging. For instance, no less than two CoI has been created in 2022 and 2024 regarding alleged illegal financing of political parties during the 2022 election campaign.

CoI typically consider a given issue according to a variety of viewpoints. For instance, the inquiry of the Co Canal, a major infrastructure connecting sewage systems, investigated the environmental as well as the legal aspect of the policy or the allegations of political interference. Chaired by the opposition and implicating the mayor of Ljubljana, this commission was characterised by considerable political tension. The testimony of a municipal employee suspected of protecting the mayor's office was forwarded to the courts. Many of the commission's hearings were broadcast live on television.

Given the political significance of the investigations, procedural controversies often arise during the investigation. For instance, the committee on Alleged Illegal Party Financing created in 2022 was delayed due to political disagreements over the scope of inquiry and the selection of witnesses. The following year, the CoI on Political Interference in Police and Financial Investigation was questioned by some legislators arguing it overlapped with ongoing judicial proceedings, and some boycotted the sessions. In 2024, the attempt to appoint a member of the Prime Minister's party to chair a commission investigating allegations of embezzlement of party funds was strongly criticised by the opposition. The opposition also requested that some members of the majority party who were members of the CoI testify before the committee.

Table 7. Examples of CoI in Slovenia since 2015

Year	Topic	Policy fields
2015	Banking Sector	Finance
2017	Healthcare System	Health
2018	Privatisation and management of Telekom Slovenije	Telecommunication
2019	Judicial System	Justice
2020	Procurement of Medical Equipment during Covid 19	Health
2022	Alleged illegal Party financing	Politics
2023	Political Interference in Police and Financial Investigations[31]	Politics
2023	The C0 Canal Project	Infrastructure
2024	Alleged illegal party financing[32]	Politics
2025	Cases of Missing Children	Crimes / Childhood

Switzerland: Rare but salient committees

Structure

The Swiss Parliament consists of two chambers: the National Council and the Council of States. The Control Committees[33] (*Kontrollkommissionen*) are joint bodies composed of an equal number of members from both chambers—an arrangement that reflects the egalitarian nature of Swiss bicameralism. They are established under Article 52 of the Parliamentary Act. They typically investigate failures involving federal authorities, often in response to political scandals, administrative mismanagement, or crises.

The creation of such a committee must be approved by a vote in each chamber.

According to Article 52 of the Parliamentary Act, the supervisory activities of a CoI must focus on legality, expediency, and effectiveness. The CoI's powers derive from the Federal Assembly's general supervisory authority. Article 26 of the Parliamentary Act provides a broad interpretation of this function, stating that the Assembly should supervise not only the executive and administration but also most federal authorities, including the federal courts. This broad scope of oversight, compared to other political systems, stems from the large size of governing coalitions. As experts explain, "Swiss-style consociationalism, built on the inclusion of all major political forces in government, has transferred the responsibility for government oversight to the entire Federal Assembly."[34]

These committees have extensive powers. They can summon witnesses, request documents—including cabinet meeting minutes—and question civil servants. They also have access to confidential and classified information under certain conditions. Within the parliament, there are also two permanent supervisory committees with special prerogatives—the Control Committees and the Finance Committees—and are each supported by subcommittees.

The CoI may appoint an investigator to gather evidence. This access to special resources is notable in a parliament still characterized by a limited budget and modest means.[35]

Participants in CoI meetings or hearings are required to maintain confidentiality until the final report is published. General confidentiality provisions remain in effect even after the report is presented to Parliament. Individuals who provide false testimony or expert reports are

criminally liable and may face up to five years in prison or a fine. Those who refuse to testify or submit documents without legal justification may also be fined.

A unique feature of the Swiss system is the role of the government in CoI proceedings. A government representative may attend hearings, question witnesses, and access submitted documents, expert reports, and minutes. This representative may also submit a report to Parliament.

Individuals directly affected by the investigation may be assisted by legal counsel. Before the report is published, any person implicated by the CoI may review the relevant sections and respond orally or in writing.

Another distinctive aspect is the relationship between a CoI and other investigations. Article 171 of the Federal Assembly Act stipulates that once a CoI is established, no other parliamentary committee may investigate the same events. While the appointment of a CoI does not prevent civil or administrative court proceedings, "disciplinary or administrative inquiries at federal level that relate to matters or persons that are or have been the subject of a parliamentary investigation may only be initiated with the authorisation of the investigation committee."

Cases

Until now, only five parliamentary inquiry committees have been established. There are several reasons for this low number.

First, the consensual nature of the political system, as well as the part-time position of most legislators, does not generally lead to robust oversight—something reflected in legislative studies experts' views on the Swiss Parliament.[36] In the case of the CoI, a majority in both chambers is needed to create one. In a consensus democracy such as Switzerland, where nearly all political forces participate in the government, this rule may lead some political forces to avoid inquiries that could cause them political troubles. For example, the proposal to establish a CoI to investigate Switzerland's complicity with the South African apartheid regime was rejected in the past. Other examples of refusal include Swissair in 2001, the rescue of UBS in 2008, and the 2020 spying affair linked to Crypto AG. The above list of created CoI indicates that they are established in the case of major scandals, when there is push from public opinion and the media. In these circumstances, deciding on the establishment of a CoI can be a way for politicians to signal to the public that their concerns are being addressed in Parliament, in the hope of limiting the electoral consequences of the scandal.

Another explanation for the limited number of formal *Kontrollkommissionen* is that the so-called Control Committees are endowed with similar special prerogatives.[37] These committees are very active, with, for instance, more than 20 reports and more than 10 in situ visits in 2024.[38] Although less politically and media salient, this structure appears to be organizationally more agile, with no need for bicameral agreement or plenary votes on the selection of topics.

The first inquiry was conducted in 1964 and concerned overspending on Mirage fighter jets. The CoI's recommendation led to a sharp reduction in the number of French fighter jets purchased. The second parliamentary inquiry committee in 1989 made a lasting impression as it shed light on the existence of political activities within the police, with the surveillance of hundreds of thousands of citizens.[39] It led to the establishment of another committee in 1990

to investigate the activities of the defense ministry. The investigation revealed the existence of a secret anti-communist branch within the army, which was subsequently disbanded. In 1995, a CoI dealt with malfunctions in the national pension fund. The report identified significant mismanagement and placed the blame on the former finance minister.

In 2023, a fifth committee was established to investigate the emergency merger of Credit Suisse with UBS.[40] The committee was created a few months after the Swiss government facilitated the forced merger of Credit Suisse with UBS to prevent a systemic financial crisis. A part of the report is remarkably fact-finding oriented, establishing precisely who decided what day by day. Eventually, the committee severely blamed the board of Credit Suisse for years of mismanagement. It also highlighted shortcomings in the information policy of the Finance Minister. In its recommendations, the CoI proposed concrete and detailed measures to strengthen regulatory oversight and implement stricter governance standards in the financial sector.

Table 8. CoI in Switzerland since 1964

Year	Topic	Policy field
1964	Expenditures for "Mirage" fighter jets	Defense
1989 and 1990	Surveillance of citizens by the Police	Security
1995	National pension fund	Social welfare
2023	Credit Suisse	Finance

The Kosovo Case in Perspective

This section uses summary tables to compare the CoI in Kosovo and the other countries under consideration. Table 9 looks at how CoI are created and Table 10 examines the organization of COI.

Table 9. Creation of a CoI

	Constitutional legal basis	Proposed by a parliamentary structure	Minimal number of legislators proposing a motion	Minority right	Forbidden issues
Austria	Yes	By the Main Committee	Individual MPs not allowed	Yes: one quarter of the members	Non Federal level issues
Croatia	Yes	By a permanent committee or a group	No minimum	Yes: one fifth of the members	Judicial investigations
Germany	Yes	No	Individual MPs not allowed	Yes: one quarter of the members	Länder's issues, Courts ruling and decisions
Slovenia	Yes	No but the High Chamber can suggest	Individual MPs not allowed	Yes: one third of the members	National security
Switzerland	Indirectly	By a permanent committee or a group	No minimum	No	National security
Kosovo	**Indirectly**	**By a permanent committee**	**6 MPs**	**Yes: one third of the members – but not able to lead it**	**Not violating the independence and not interfering with the activities of other bodies**

Source: for this table and the following ones of this section: this report and Pavy, E., 2020. Committees of Inquiry in National Parliaments Comparative Survey, Policy Department for Citizens' Rights and Constitutional Affairs Directorate-General for Internal Policies (PE 649.524).

In terms of setting up a commission, Kosovo is no different from its neighbours. However, the constitutional basis for the existence of a CoI is weaker than elsewhere, and the scope of prohibited issues is fairly broad. The opposition has the right to initiate a CoI but, as considered above, this prerogative has not been respected on some occasions in the past.

Table 10. Organisation of a CoI

	Maximum duration	Number of participants	Colour of the president	Minority opinion
Austria	14 months, extension possible	Max. 20	Majority, generally the president of the assembly	Yes
Croatia	Variable	Variable, around 20	Generally majority	Yes
Germany	End of parliamentary term	Generally between 8-16	Opposition	Yes
Slovenia	End of parliamentary term	Generally between 9-11	Usually opposition	Yes
Switzerland	End of parliamentary term	Variable, around 15	Variable	Yes
Kosovo	**6 months**	**7 -15**	**From the biggest Parliamentary Group which is not initiator of the CoI and does not belong to the party of governing coalition**	**Yes**

The main organisational features of a CoI bring Kosovo closer to the other countries in our sample. Surveys are limited to six months, which is uncommon in the countries in our sample, but common in Europe.[41] However, the organisational solution of having the opposition direct the CoI while the initiating party is excluded is original.

The next two tables deal with the powers of a CoI and, correspondingly, the sanctions in the event of failure to respect its prerogatives. As in the other cases, they show that the powers and sanctions of Kosovar commissions are formally similar to those in other countries.

Table 11. Power of a CoI

	Compulsory appearance of officials and civil servants	Compulsory appearance of private persons	Compulsory access to public documents	On-the-spot investigation	Exceptions
Austria	Yes	Yes	Yes	Yes	Secret intelligence
Croatia	Yes		Yes		Religious confessor, defence counsel or attorney
Germany	Yes	Yes	Yes including courts documents	Yes	Some professional or trade secret, core sphere of the executive, Welfare of the State
Slovenia	Yes	Yes	Yes including courts documents	Yes	
Switzerland	Yes	Yes	Yes	Yes	Right against self-incrimination, professional secrecy and state secrecy
Kosovo	**Yes**	**Yes**	**Yes**	**Yes**	**State secrecy (without adequate security clearance)**

Table 12. Sanctions relative to the activities of a CoI

	Refusal to provide documents	Refusal to be heard	Giving false evidence	Bribing individuals
Austria	Yes, final decision by the Constitutional Court	Yes, competent authority may force the informant	Yes, decision by judicial authorities	Yes
Croatia	Yes	Yes	Yes	Yes
Germany	Yes, final decision by the Constitutional Court	Yes, decision by the CoI itself	Yes	Yes
Slovenia	Yes, final decision by a court	Yes, competent authority may force the informant	Yes	Yes
Switzerland	Yes, final decision by a court	Yes, final decision by a court	Yes	Yes
Kosovo	**Yes but not specified**	**Yes but not specified**	**Yes**	**Not specified**

Lastly, the final table addresses the *sub judice rule*, whereby a parliamentary inquiry is closed or suspended once similar facts have been referred to the courts, in accordance with the separation of powers and the judiciary's primacy in judging breaches of the law. In this respect, although Kosovar legislation states that the CoI must not interfere with other bodies, the *sub judice rule* does not apply, as is the case in most other countries in the region.

Table 13. Sub judice rule: continuation or not of an ongoing inquiry investigation when legal proceedings on the same facts are initiated after the setting up of the committee

	CoI should stop	Details
Austria	No	Consultations between the Chair & the ministry of Justice, decision by the Constitutional Court in case of conflict
Croatia	Yes	
Germany	No	
Slovenia	No	
Switzerland	No	CoI should coordinate with judicial authorities & cannot compel them to hand over confidential material tied to ongoing legal cases
Kosovo	**No**	**There is no clear distinction by the Law. It only stipulates that "The scope of the committee should be in compliance with Constitution and legal provisions of the international right, by not violating the independence and not interfering with the activities of other bodies"**

Conclusion and Key Recommendations for Improving the Functioning of Parliamentary Inquiry Committees in Kosovo

In conclusion, the analysis shows that the Kosovo parliament does not have to start from scratch with regard to investigations. CoI have existed for a long time, are relatively numerous, and have, in some cases, produced the expected level of accountability. However, CoI generally lack sufficient political and institutional authority due to a number of separate but related problems:

- the lack of a legal basis for some of their activities, such as the inability to penalise a refusal to provide documents or testimony when requested;
- the possibility of circumventing established rules, such as the opposition's right to initiate a CoI;
- political blockages in the operation of the CoI, such as certain members strategically not attending in order to prevent the quorum from being reached.

These difficulties lead us to make a series of recommendations, the successful implementation of which depends on them being considered simultaneously.

Recommendations Regarding the Improvement of CoI in Kosovo

1. **Amendment and Improvement of the Law on Parliamentary Inquiry**
    - Initiation of the process for drafting a new Law on Parliamentary Inquiry, in order to further clarify:
        - The composition of parliamentary inquiry committees and the rule on majority: the composition of the CoI should proportionally reflect the general composition of the parliament but special prerogatives should be given to the opposition (see below);
        - The precise definition of scope of action: CoI should focus on a specific issue only. The President of the parliament, advised by a legal advisor to the parliament (see below), can eventually oppose actions that would go beyond the initial mandate;
        - Procedures for ensuring cooperation with institutions;
        - Procedural and functional aspects;
        - Potential increase of the time frame for conducting an investigation, longer than six months;
        - If the mandate is determined by a Decision of the Assembly, it may be extended by a Decision of the Assembly; and

- Provisions clearly defining what is considered an “investigated matter”.

- Harmonization of the law with other relevant legislation (such as the Law on Classified Information and the Criminal Procedure Code).

2. Improvement of the Procedural and Institutional Framework

- Drafting of secondary acts that regulate the practical work of inquiry committees, such as Code of Ethics for the CoI, and specific Assembly regulations on administrative and financial matters with regard to external expertise.
- Drafting technical guidelines, handbooks, standard forms, deadlines, etc., for MPs, political appointees and civil servants at the Assembly.
- Updating the Rules of Procedure of the Assembly or adopting specific rules to regulate deputies' absences in a detailed manner. Several options are possible:
  - MPs absences from committee meetings should be considered official absences and sanctioned in accordance with the Rules of Procedure; or
  - Consider the quorum for the 1st constitutive meeting only.

3. Strengthening Inter-Institutional Cooperation and Enforceability

- Formalizing cooperation agreements between the Assembly, the Police, and the States Prosecutor’s Office to enable access to documents, testimonies, and the presence of witnesses.
- Effective and rapid sanctions for institutions and witnesses who refuse to cooperate with the inquiry committees.
- Assigning specific legal advisors from the Legal Department of the parliament that can assess whether:
  - A proposed or on-going CoI is conflicting with legal proceedings;
  - A CoI is not respecting its initial mandate in terms of issues covered;
  - An individuals' rights are not respected by a CoI; and
  - Access to restricted or confidential information is justified.
- Opinions by legal advisors are not binding but are made public.

4. Strengthening Expertise and Human Resources

- Increasing compensation for external experts to ensure quality and professional engagement.

- Establishing clear procedures for the selection, engagement, and payment of experts through an internal act of the Assembly.
- Development of a comprehensive Handbook and training programs for MPs and parliamentary staff on:
    - Parliamentary investigation techniques (selection of witnesses, conduct of hearings, organisation of in spot investigations, etc.);
    - Management of sensitive information; and
    - Ethics of inquiry committees.

5. Increasing Transparency and Accountability

- Creation of a dedicated section on the official Assembly website for each inquiry committee, including:
    - Establishment decisions;
    - Scope of work;
    - Composition; and
    - Non-confidential documents and minutes.
- Publication of deputies' attendance at committee meetings and engagement of media and public in monitoring them.

6. Granting the opposition with a comprehensive status

- From the comparison with other countries in Europe, it appears of utmost importance to grant the opposition with a comprehensive inquiry status. Also, a major finding from the comparison is that a series of provisions is better suited than a single one to give a real role to the opposition. The authors are aware that most of the needed provisions in that sense would need to modify the existing legislation.
- Legal regulation that if an inquiry committee is supported by 1/3 of the MPs, there is no need for a vote in the plenary session, but only procedural handling by the Presidency. The proposed topic of the CoI cannot be modified by the majority (except if a legal advisor to the Parliament argues it interacts with pending judicial cases).
- Each group can propose to establish a maximum of one CoI by year. No CoI should be organised simultaneously on the same topic. Investigations should be closed after 6 months and extension should not be possible. Yet, any group can use its quotas to propose CoI dealing with similar topics once the previous one has finished to exist.
- In case of early-elections, the group that initiated a CoI during the previous parliament declares to the chair of the parliament, at the beginning of the new term, if it wants investigations to continue. In this case, a new CoI is shaped for 6 months.

- The opposition (⅓ of CoI members) is given minority rights in the course of the CoI proceedings, especially: chair (or vice-chair), possibility to call witnesses, possibility to access documents, reference to the relevant court if the information provided to an authority is regarded as insufficient.[7]
- The final report may integrate minority views from any CoI members within a special annex.

7. Institutional Follow-up of Recommendations

- Final reports of inquiry committees, after approval by the Assembly, should be sent to the relevant institutions for further action.
- After 8 months, a concise follow-up report on the implementation of the CoI should be published by the permanent/functional committee and discussed during one of its meetings.
- If during the parliamentary investigation suspicion of a criminal offense arises, the report must be officially forwarded to the Prosecutor's Office, in accordance with the institutional obligation for cooperation. Individual cases may also be similarly signed to the Prosecutor through the course of a parliamentary investigation.

8. Promotion of a Culture of Political Cooperation

- Parliamentary groups should recognize the importance of inquiry committee as democratic mechanisms, regardless of whether they are in government or opposition.
- Establishment of a code of ethics for members of inquiry committees', ensuring integrity, cooperation, and avoidance of political obstruction during work.
- Utilizing internal capacities of the Assembly, such as the Parliamentary Institute, to promote the concept of CoI and their importance for democracy.

[7] *In detail, a balance is possible between these elements. If the chair automatically goes to the opposition and if the chair is granted with the right to decide which witnesses should be heard and which documents should be consulted, then it is not needed to grant the opposition with supplementary rights. But if the chair goes to the majority and/or if the chair only acts as a primus inter pares, it is essential to grant the opposition with strict procedural rights.*

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[15] In 2014, a former judge at the Federal Administrative Court was able to examine classified documents relating to cooperation between the German and American secret services. However, this type of mechanism is rare.

[16] Pavy, p. 12.

[17] On the first point, a European Parliament inquiry states: 'This includes the decision-making process within the Government itself, that is to say cabinet deliberations as well as the preparation of cabinet and departmental decisions; in principle, only processes which have already been concluded are subject to scrutiny by the committee of inquiry and not current negotiations or preparations for the adoption of a decision' (Pavy, p. 42).

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Katalogimi në botim – (CIP)

Biblioteka Kombëtare e Kosovës “Pjetër Bogdani”

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328(496.51)(047)

Analysis on the functioning of the Parliamentary Inquiry Committees

at the Assembly of the Republic of Kosovo : Prishtina, July 2025 / prepared by Olivier Rozenberg, Artan Murati. - Prishtinë : Demokraci për zhvillim, 2025. - 46 f. : ilustr. ; 24 cm.

1. Rozenberg, Olivier 2. Murati, Artan

ISBN 978-9951-823-60-9

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ISBN 978-9951-823-60-9