

25 FEBRUARY 2019. – Decree establishing a permanent Citizen Dialogue in the German-speaking Community

CHAPTER 1 – GENERAL PROVISIONS

Article 1 – Definitions of terms

In line with the decree the following is understood:

1. Bureau: the parliamentary body as described in Article 22 of the Rules of Procedure of the Parliament
2. Secretary-General: the officer of the Parliament as described in Article 58 of the Rules of Procedure of the Parliament
3. Ombuds(wo)man: the holder of the office as described in the Decree of 26 May 2009 creating the Office of an Ombudsman for the German-speaking Community
4. Citizen Assembly: the assembly described in Article 3
5. Citizen Council: the council described in Article 4
6. Permanent Secretary: the office-holder described in Article 5

Art. 2 – Denotation of persons

Denotations of persons in this decree hold for all genders.

CHAPTER 2 – THE ACTORS OF THE CITIZEN DIALOGUE

Art. 3 – The Citizen Assembly

§ 1 – With the aim to elaborate recommendations on a specific topic, intermittent Citizen Assemblies will be convened. Every calendar year, between one and three Citizen Assemblies will be convened. In the six months preceding the election of the Parliament of the German-speaking Community, no Citizen Assemblies can be convened.

§ 2 – The Citizen Assemblies are composed of between 25 and 50 citizens that will be drawn by lot bearing in mind the requirements set out in §§ 3 and 4. Following a proposal of the Permanent Secretary, the Citizen Council will specify the terms of the sortition process to select citizens that will participate in a Citizen Assembly. Doing so, the Citizen Council will take into account a balanced representation of gender and age groups, a balanced geographical origin and a balanced socio-economical blending. On the basis of the specific nature of a topic and with regard to the composition of a representative sample of the concerned population it can determine additional criteria.

For the execution of the tasks related to the drawing by lot of citizens, the Permanent Secretary is authorized to demand from the municipalities in the German-speaking region the list of persons that are recorded in the Population Registry. This list will contain the information mentioned in the Article 1, paragraph 1, number 1 to 8 and 12 to 14 of the Royal Decree of 16 July 1992 defining the information in the Population Registry and the Registry of Foreigners.

The data referenced in paragraph 2 can only be used for internal administration and cannot be handed over to third persons. During their management, the Permanent Secretary takes into account the stipulations as set out in the Law of 30 July 2018 on the protection of natural persons in relation to the treatment of personally related data.

§ 3 – Participation in a Citizen Assembly is voluntary. If a citizen refrains from participating before the first session of the Citizen Assembly or if he enters respectively one of the mandates, offices or functions that are listed in § 4, 4°, then he will be replaced by a citizen that is likewise drawn by lot. To this end, several replacement members can already be drawn by lot ahead. In all other cases, retiring or absent citizens will not be replaced.

§ 4 – In a Citizen Assembly only citizens can participate that:

1. are enlisted in the population register or in the register of foreigners of a municipality of the German-speaking region,
2. are sixteen years old,
3. are not in the situation where a conviction or decision has been made to remove or suspend their voting rights for voters for parliamentary elections,
4. do not hold any of the following mandates, offices or functions:
 - a. Member of the Parliament, the House of Representatives, the Senate, the Walloon Parliament and the European Parliament,
 - b. Member of the federal Government, a Community or Regional Government,
 - c. Governor of a province, Vice-governor, Adjunct-governor or Provincial clerk,
 - d. Member of the Provincial Council of the Province of Liège,
 - e. District commissioner,
 - f. Holder of a mandate in the Judiciary,
 - g. Councillor, assessor at the legislative department or member of the auditeur's office, the coordination office or the chancellery of the Council of state,
 - h. Judge, article clerk or clerk at the Constitutional court,
 - i. Member of the Court of audit,
 - j. Any office in a public or private institution, which is exercised as representative of the state, a community, a region, a province or a municipality, insofar as this mandate comprises more entitlements than the simple membership in the general assembly or the council of administration,
 - k. Mayor, alder(wo)man, president of the Public Centre for Social Welfare (PCSW), member of the municipal council or the PCSW council,
 - l. A mandate under the direct oversight of the Parliament or Government, with exception of the members of the staff of the educational sector,
 - m. A leading mandate in an institution of public interest of the German-speaking Community.

The Citizen Council can exclude a person that was drawn by lot for participation in a Citizen Assembly on deontological grounds, for example when proof of an extraordinarily large personal interest is given. This decision needs an explicit motivation and needs to be communicated to the person concerned. The concerned citizen can file an appeal against this decision with the Bureau, that makes a final decision on this issue.

§ 5 – The decisions of the Citizen Assembly are normally made by consensus. If, after several attempts of negotiations, no consensus is reached, a decision can be made with a 4/5th majority, where at least 4/5th of the citizens participating in a Citizen Assembly are present. The citizens that voted against the decision can justify their opposing opinion in a position text, which will be added to the decision.

§ 6 – The members of the Citizen Assembly receive for their participation:

1. a remuneration of 37,50 Euro,
2. a travelling allowance, that covers the effective cost of the trip with public transport or covers the cost for using a personal car, in which case the rate per kilometer driven is calculated following Article 13 of the Royal Decree of 18 January 1965 on the installation of a general regulation regarding transport costs.

If the duration of a meeting exceeds four hours, the remuneration mentioned in paragraph 1, 1°, will be doubled.

The amounts mentioned in paragraph 1, 1°, and paragraph 2 are bound to the changes in the index that is installed in the Royal Decree of 24 December 1993 for the Execution of the Law of 6 January 1989 to Safeguard the Competitiveness of the Country. The index threshold is 138,01. The Bureau fixes the rules and modalities for the payments of these amounts.

Art. 4 – The Citizen Council

§ 1 – With regards to the preparation, the organization and the follow-up of the Citizen Assemblies, a permanent Citizen Council will be installed. The Citizen Council is composed of 24 citizens, drawn by lot from those citizens that have been previously part of a Citizen Assembly. After the end of their mandate, which is 18 months long, the mandate holders will be replaced by new representatives from previous Citizen Assemblies. This rotation will be done every six months for on third of the in total 24 mandates.

Membership in the Citizen Council is voluntary. When a citizen leaves the Citizen Council before the end of the mandate, then this mandate will be passed on to another citizen drawn by lot from previous Citizen Assemblies. To this end, several replacement members can already be drawn by lot ahead.

§ 2 – The Citizen Council will elect a president amongst its members, that will chair the meetings. The length of the president's mandate shall not exceed six months. The election for president will rotate between a man and a woman.

The Permanent Secretary will be present at the meetings of the Citizen Council in an advisory capacity. The Citizen Council can decide to invite the Secretary-General of Parliament and the Ombuds(wo)man to its meetings.

Considering all elements that are listed in this decree, the Citizen Council will decide itself upon all other aspects of its working procedures.

§ 3 – Following Article 7, § 3, the Citizen Council will only be able to make decisions when a majority of its members is present. All decisions of the Citizen Council are in general made by consensus. If there is not agreement after several attempts at conciliation, a decision can be made with a 2/3th majority. If it is considered that this majority is not found, the decision under consideration will be postponed till the next session.

§ 4 – The members of the Citizen Council receive for their participation:

1. a remuneration of 37,50 Euro,
2. a travelling allowance, that covers the effective cost of the trip with public transport or covers the cost for using a personal car, in which case the rate per kilometer driven is calculated following Article 13 of the Royal Decree from 18 January 1965 on the installation of a general regulation regarding transport costs.

If the duration of a meeting exceeds four hours, the remuneration mentioned in paragraph 1, 1°, will be doubled.

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Art. 5 – The Permanent Secretary

For the administrative and organizational support of the Citizen Council and the Citizen Assemblies, the Secretary-General of the Parliament will assign a member of the Parliamentary staff as Permanent Secretary. The profile of requirements for and the procedure to assign the Permanent Secretary will be determined by the Secretary-General and submitted to the Bureau for acknowledgment.

The Citizen Council supervises the work of the Permanent Secretary and has the authority to issue directives related to the tasks that are given to him/her on the basis of this decree.

Art. 6 – The Parliament and its bodies

The Parliament and its bodies define the framework conditions for the organization of the Citizen Dialogue. In particular, it shall ensure the follow-up to the recommendations of the Citizen Assemblies referred to in Chapter 3.

CHAPTER 3 – THE CONDUCT OF THE CITIZEN DIALOGUE

Art. 7 – Selection of themes

§ 1 – At the end of the parliamentary debate on the government declaration at the beginning of each parliamentary session, the Citizen Council shall meet to determine the subjects to be discussed at Citizen Assemblies over the next twelve months.

The topics must relate to the competences of the German-speaking Community. However, with the approval of the Bureau, the Citizen Council may, in particularly justified cases, also select topics which are not or only indirectly related to the competences of the German-speaking Community.

Proposals for topics which conflict with human rights and the basic series listed in Title 2 of the Constitution and in the international treaties ratified by Belgium are inadmissible.

§ 2 – In selecting the subjects, the Citizen Council may have recourse to proposals submitted to it either by at least two of its members, by a parliamentary group, by the Government or by at least 100 citizens who fulfil the condition referred to in Article 3, § 4, 1°.

The number of proposals which may be submitted by the same political group and by the Government shall be limited to three per calendar year. Proposals submitted by citizens shall bear the surname, first name, address and signature of all citizens supporting this initiative.

All proposals referred to in paragraph 1 shall contain an explanation of the subject and a justification of suitability as a subject for a Citizen Assembly.

The Citizen Council shall lay down the other arrangements for the deposit of proposals.

§ 3 – Following the deliberations on the selection of topics, the Citizen Council shall formulate the precise question to be submitted for discussion at a Citizen Assembly. Contrary to Article 4, § 3, at least 2/3 of the members of the Citizen Council must be present in order for this decision to be taken.

Art. 8 – Organization and conduct of Citizen Assemblies

The Citizen Council makes all decisions regarding the organization and holding of Citizen Assemblies. This concerns in particular:

1° the determination of the number of Citizen Assemblies, taking into account the provisions of Article 3, § 1;

2° the determination of the number of citizens and their selection by drawing lots, taking into account the provisions of Article 3, §§ 2 to 4;

3° the setting of the date, duration, place, program and budget of each of the Citizen Assemblies;

4° the appointment of the animators of the Citizen Assemblies;

5° the creation of an advisory group to collect information and documentation that will be made available to members of Citizen Assemblies;

6° the selection of experts and interest representatives who will be heard or asked to give their opinion in the context of Citizen Assemblies;

7° the evaluation of the Citizen Assemblies held.

The Permanent Secretary prepares the decisions mentioned in paragraph 1, prepares proposals on them and implements the decisions taken by the Citizen Council. He also regulates all administrative and logistical aspects related to the holding of Citizen Assemblies.

Art. 9 – Recommendations of the Citizen Assembly and their consideration by Parliament

§ 1 – At the end of the deliberations, the Citizens Assembly makes one or more recommendations which will be forwarded to the Bureau of the Parliament.

§ 2 – The Bureau addresses the recommendations to a parliamentary committee which organizes a public session during which the recommendations will be presented by a delegation of the Citizen Assembly and then discussed with the members of the committee and the competent ministers. To this end, all members of the Citizen Assembly are invited.

The commission then prepares an opinion on the various recommendations in collaboration with the competent ministers. This opinion indicates whether and how the recommendations should be implemented. The fact that the implementation of a recommendation has been rejected shall be justified separately.

§ 3 – Then a new public session of the parliamentary committee is held during which the opinion is presented and discussed with the members of the Citizen Assembly.

Art. 10 – Follow-up of recommendations

The Citizen Council ensures the follow-up of the recommendations which, in accordance with the committee's opinion, must be implemented. To this end, the Permanent Secretary shall submit regular reports on the progress of the implementation of the recommendations. If he deems it necessary, the Citizen Council shall inform the members of the Citizen Assembly concerned.

Within one year of the meeting referred to in Article 9, § 3, a further public meeting of the competent parliamentary committee shall be held; the progress of implementation shall be presented and discussed. To this end, all members of the relevant Citizen Assembly are invited. If necessary, further sessions may be agreed upon to continue monitoring the implementation of the recommendations.

CHAPTER 4 – MANAGEMENT AND FINANCING

Art. 11 – Management

The Permanent Secretary is responsible for the day-to-day management of the Citizen Dialogue, including the preparation and implementation of decisions taken by the Citizen Council. He is the first point of contact for all questions relating to the Citizen Dialogue. If necessary, the Secretary-General shall delegate to the Permanent Secretary the decision-making powers necessary for the performance of his duties.

Art. 12 – Financing

Each year, the Permanent Secretary prepares a budget proposal on which the Citizen Council decides. Then, the budget proposal adopted by the Citizen Council is submitted to the Bureau for approval. If the Bureau approves the budget, the relevant appropriations are provided for in Parliament's budget.

The Permanent Secretary manages the available credits under the supervision of the Citizen Council, taking into account the financial envelope set by the Bureau. Before August 31 of the following year, the Permanent Secretary submits to the Citizen Council the presentation of the accounts for the closed financial year. The Citizen Council submits these accounts to the Bureau.

Art. 13 – Support by the Parliament's administration

For the performance of the tasks listed in the Articles 11 and 12 and subject to the approval of the Secretary-General, the Permanent Secretary may have recourse to other services of the Parliament's administration.

CHAPTER 5 – FINAL PROVISIONS

Art. 14 – First Citizen Council

The first Citizen Council shall be composed of 24 members who, by way of derogation from Article 4, § 1, are referred to as follows:

- 1° one member is appointed by each of the groups represented in the Parliament, it being understood that the proposed citizens must satisfy the conditions mentioned in Article 3, § 4, paragraph 1;
 - 2° six members are drawn by lot among the citizens of the Citizen Dialogue held on 16 and 30 September 2017 on the subject of childcare;
 - 3° the other members are drawn by lot in accordance with Article 3, §§ 2 to 4, the powers entrusted to the Citizen Council being ensured by the Permanent Secretary.
- The first Citizen Council will be set up on 16 September 2019.

After the first Citizen Assembly, eight members shall be replaced; the members mentioned in paragraph 1, 1°, shall first retire and then some of the members mentioned in paragraph 1, 2°. After the second Citizen Assembly, eight other members of the first Citizen Council shall be replaced; the members mentioned in paragraph 1, 2°, remaining, shall first retire and then some of the members mentioned in paragraph 1, 3°. After the third Citizen Assembly, the members of the first Citizen Council are replaced, remaining among those mentioned in paragraph 1, 3°. Each change shall be made in accordance with the procedure described in Article 4, § 1, paragraph 1.

Art. 15 – Entry into force

This decree shall enter into force on the day of its adoption.