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Parliamentary Activity and Legislative Oversight during the Coronavirus Pandemic - A Comparative Overview

(March 22, 2020)

Ittai Bar-Siman-Tov*

Abstract

The novel Coronavirus disease 2019 (COVID-19) is extremely contagious and currently incurable. Hence, much of the efforts to contain the pandemic have focused on social distancing, prohibiting gatherings and even curfews. The Coronavirus poses a new dual challenge for legislatures. First, the Coronavirus, and the measures taken to contain its spread, make it difficult and even dangerous for parliaments to operate, given that legislatures are by their very nature large multi-member bodies whose operation requires assembling a large group of people together to deliberate and vote. Second, the Coronavirus pandemic creates a sense of emergency that empowers the executive branch and emboldens it to assert greater authority at the expenses of the legislature.

Despite these challenges, the continued operation of legislatures throughout the Coronavirus crisis, and particularly the maintenance of legislative oversight of the executive, has never been more vital. Legislatures have a crucial role in checking the executive and ensuring that countries will not lose their constitutional and democratic values in the process of managing the Coronavirus crisis.

This report begins by explicating the novel dual challenge the Coronavirus pandemic poses for legislatures. It then focuses on elaborating on the unique challenge currently faced by the Israeli Parliament. It explains how the unique combination between the Coronavirus pandemic and the complex political situation in Israel, has made the issue of parliamentary operation during the Coronavirus pandemic particularly acute and urgent.

Against this background, this report examines whether and how parliaments in other democracies are operating during this crucial period of the evolving Coronavirus pandemic. Drawing on a combination of two main types of sources – a network of expert academics and a network of parliamentary research centers – it presents a novel and timely comparative overview about current parliamentary activity during the Coronavirus pandemic. The report covers 26 democratic parliaments from Europe, North America, Asia, Israel and Australia. It finds that most parliaments continue to operate during the Coronavirus crisis (including in countries in which the pandemic is quite substantial and in countries where legislators themselves were among those diagnosed with the Coronavirus). It also finds that even though some parliaments continue with business as usual, many parliaments are beginning to modify their operation, and generally show an ability to adapt to meet the Coronavirus challenge.

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I. Background and Motivation:

A. General Global Background: The Coronavirus Pandemic as a Dual Challenge for Legislatures

The 2019 novel Coronavirus is posing a great challenge to the health systems and to societies in general around the world. The Coronavirus disease 2019 (COVID-19) was recognized as a pandemic by the World Health Organization (WHO) on March 11, 2020.¹ According to the WHO, as of March 21, 2020, there have been 266,073 confirmed cases and 11,184 confirmed deaths, across 183 countries, areas or territories.² The Coronavirus is extremely contagious, and as of now, there is no vaccine or specific treatment that can prevent or cure the disease.³ Therefore, efforts so far have focused on protective measures and preventive measures to try to limit the spread of the disease. These include, inter alia, travel restrictions, maintaining distance between people, limiting gatherings, facility closures, quarantines, and curfews.⁴

The Coronavirus also poses new and serious challenges for legislatures in many countries around the world. The challenge is two-fold. First, the Coronavirus, and the measures taken to contain its spread, make it difficult for parliaments to operate. Parliaments by their very nature are large multi-member bodies whose operation requires assembling a large group of people together to deliberate and vote. Moreover, most (if not all) parliaments' rules of procedure demand physical presence for this assembly to be legal, and most parliaments have mandatory quorum rules (often enshrined in a constitutional norm).⁵ Parliaments also tend to be quite traditional and customary, and therefore do not tend to be quick in adopting digital and technological alternatives to the traditional physical-presence and paper-based legislative process.⁶

The second challenge is that governments in many countries have treated this situation as an emergency (either in practice or also formally declaring a national state of emergency). Naturally and commonly, during states of emergency, executives want to accumulate power, centralize authority and be as effective, swift and expedient as possible.⁷ They tend to want to circumvent the legislatures' cumbersome legislative process and evade parliamentary scrutiny. The Coronavirus crisis is no different, as many heads of the executive branch around the world declared "war" on the invisible

¹See <https://www.who.int/emergencies/diseases/novel-coronavirus-2019> (accessed March 21, 2020).

² Id.

³ Id.

⁴ <https://www.who.int/emergencies/diseases/novel-coronavirus-2019/advice-for-public> (Basic protective measures against the new coronavirus); Laurel Wamsley, "Life During Coronavirus: What Different Countries Are Doing To Stop The Spread" NPR (March 10, 2020), at <https://www.npr.org/sections/goatsandsoda/2020/03/10/813794446/life-during-coronavirus-what-different-countries-are-doing-to-stop-the-spread>

⁵ See Bjorn Erik Rasch, *Parliamentary Voting Procedures*, in PARLIAMENTS AND MAJORITY RULE IN WESTERN EUROPE 488, 497–499 (Herbert Doring ed., 1995). Ittai Bar-Siman-Tov, *The Law of Lawmaking*, 37 TEL AVIV UNIVERSITY LAW REVIEW 645 (2016) (Hebrew).

⁶ See Wim Voermans, W. Fokkema & R. van Wijk, *Free the Legislative Process of its Paper Chains: IT-inspired Redesign of The Legislative Procedure Cycle*, 14 LOOPHOLE—JOURNAL COMMONW. ASSOC. LEGIS. COUNS. 54–73 (2012).

⁷ Posner, Eric A., and Adrian Vermeule. *The executive unbound: after the madisonian republic*. Oxford University Press, 2011. Ackerman, Bruce. "The emergency constitution." *Yale IJ* 113 (2003): 1029.

Coronavirus enemy.⁸ Consequently, many governments have reacted by adopting far-reaching restrictive measures to combat the spread of the Coronavirus.⁹ These measures often infringe on a host of fundamental human rights (such as liberty, freedom of movement, freedom of assembly, freedom of occupation, and privacy) and raise rule-of-law qualms.¹⁰ These measures are mostly adopted through executive orders, governmental decrees, emergency regulations and so forth – all being legal norms that are made by the executive branch, bypassing the traditional legislative process by parliaments. This raises crucial questions about the power of the executive and the role of the legislative branch in overseeing this power. It raises vital questions to the wellbeing of democracy itself during the Coronavirus crisis.

Thus, the Coronavirus pandemic poses a dual challenge for legislatures: the pandemic makes it difficult and even dangerous for legislators to operate according to regular order in their elected assemblies; and it creates a sense of emergency that empowers the executive branch and emboldens its motivations to assert greater authority at the expenses of the legislature.

At the same time, the continued operation of legislatures throughout the Coronavirus crisis, and particularly the maintenance of legislative oversight of the executive, has never been more vital. The executive branch, and the health system, have a crucial role in managing the crisis and ensuring that countries will overcome the Coronavirus pandemic. Legislatures (together with courts) have a crucial role in checking the executive and ensuring that countries will not lose their constitutional values and democratic soul in the process.

B. The Unique Israeli Case

The challenges discussed thus far are germane for every country dealing with the Coronavirus pandemic (which will soon be practically every country in the world). Yet, this issue has recently become particularly acute and urgent in Israel.

To be sure, in theory at least, the Coronavirus should have posed somewhat less of a challenge to the operation of the Israeli Parliament compared to other countries. First, because, at present, the Coronavirus pandemic is relatively contained in Israel (as of March 21, 2020, there were 883 reported cases, resulting in one death of an 88 year-old). Second, because the Israeli Parliament is one of the few parliaments in the world, whose rules of procedure do not impose any quorum requirement at all, either in the plenum or in committees.¹¹ Moreover, unlike many parliaments, the rules governing the legislative process in Israel are quite flexible and easy to amend, as they are almost entirely regulated by the parliament's internal rules, rather than statutes or constitutional norms.¹²

⁸ Ronan Cormacain, *Does law fall silent in the war against Covid-19?*, March 18, 2020, <https://binghamcentre.biiicl.org/comments/85/does-law-fall-silent-in-the-war-against-covid-19>

⁹ Id; Wamsley, *supra* note 4.

¹⁰ Cormacain, *supra* note 8.

¹¹ Ittai Bar-Siman-Tov, *The Law of Lawmaking*, 37 TEL AVIV UNIVERSITY LAW REVIEW 645 (2016) (Hebrew).

¹² Id.

In practice, however, the question of parliament's operation during the Coronavirus crisis became particularly acute, due to a unique combination between the Coronavirus pandemic and the complex political situation in Israel. Since its onset, the Coronavirus crisis in Israel has been managed by an outgoing unelected government headed by Prime Minister Netanyahu, while Parliament has long been inactive following three rounds of elections. Following the results of the last round of elections on March 2, 2020, the Right-wing bloc headed by PM Netanyahu's Likud party has 58 seats (out of 120) in parliament, whereas the Center-Left bloc headed by Benny Gantz's Blue and White party has 61 seats. In light of this majority of supporters in the parliament, on March 16, Israel's President gave the mandate to try to form a new coalition government to Benny Ganz.

Meanwhile, the outgoing government headed by PM Netanyahu adopted a series of far-reaching and growingly restrictive measures to combat the spread of the Coronavirus. These include travel bans, suspending many non-essential jobs, prohibiting gatherings of over ten people, closing many public services and facilities and banning many social activities, and eventually instructing all citizens to remain at home (which was recently turned into an official enforceable curfew). Many of these measures were largely accepted as prudent and necessary. Yet, two measures raised particular criticisms and constitutional challenges: First, the Justice Minister expanded his powers to freeze court activity and has exercised this power to freeze almost all judicial activity in all courts but the Supreme Court. Second, the government adopted emergency regulations allowing security forces to use technological surveillance measures to track the location of Israeli citizens in order to track the whereabouts of possible Coronavirus carriers and warn people who have come in contact with them. All these measures were adopted by the government with no parliamentary involvement and no legislative oversight.

On March 16, the Director General of the Ministry of Health sent a letter to the Director of Parliament regarding the operations of Parliament during the Coronavirus crisis. The letter begins by stressing that the Ministry of Health's Coronavirus Regulations apply to citizens, but do not apply to Parliament, as the Parliament is sovereign to decide on its own proceedings.¹³ Nevertheless, on March 18, the Speaker used his authority to issue an order that will apply these regulations on Parliament. The Speaker wrote in his letter to the MPs that the Parliament is sovereign to decide on its own proceedings, but he has voluntarily decided to accept the Ministry of Health's Coronavirus Regulations to protect the health of the MPs and Parliament employees. These regulations hold, inter alia, that there would be no gatherings of more than 10 people in one room and that people must maintain a distance of at least two meters from

¹³ Letter from Moshe Bar Siman Tov, Director General of the Ministry of Health, to Albert Sahrowitz, Director of the Knesset, regarding the operations of the Knesset during the corona crisis (16.03.20), available at https://www.health.gov.il/English/News_and_Events/Spokespersons_Messages/Pages/16032020_07.aspx

each other. The Speaker stressed, however, that his order will not preclude the operation of parliamentary and committee proceedings, but merely effect their manner.¹⁴

It should also be noted that on March 20, 2020 it was revealed that as the cabinet debated the new and more stringent emergency Coronavirus Regulations that impose closure orders on all Israelis from March 20, PM Netanyahu and three Likud ministers demanded that Parliament not be exempt from those orders. Yet, this effort to shutdown Parliament was eventually rejected by the other ministers, after the Attorney General advised that it would be unconstitutional for the government to close Parliament through executive emergency orders.¹⁵

The new Parliament was sworn-in on March 16, and a majority of MPs asked to elect a new Speaker and to begin the process of forming committees as soon as possible. Yet, both processes were so far blocked by the outgoing Speaker of Parliament. On March 18, the Speaker halted proceedings of the plenum after only three minutes and adjourned Parliament. The different factions have varying versions about the reasons for this decision. The speaker argued that he has adjourned Parliament in order to allow the different parties to reach agreements about the make-up of the committees, and criticized Ganz's party unwillingness to compromise. Part of the disagreement is that Ganz's party, which enjoys a majority in parliament, demanded to keep the usual rules in which committees have 17 members whose composition is determined by the relative size of the various parties. The Likud party, on the other hand, demanded that committees will be limited to 10 members and their composition will give equal representation to the Likud's right wing bloc. They cite the Coronavirus regulations that do not allow gatherings of more than 10 people. Ganz's party, on the other hand, argues that the outgoing Speaker (who is from Netanyahu's Likud party) is acting at PM Netanyahu's behest and uses the Coronavirus as an excuse to prevent the operation of Parliament.

The speakers' decision to adjourn parliament and postpone the election of a new Speaker and the process of forming committees, sparked legal and public criticisms, as well as two appeals to the Supreme Court.¹⁶ As of the writing this report, the Supreme Court is expected to hear oral arguments in these petitions on March 22 in the afternoon.

Against this backdrop, the purpose of this comparative study was to examine whether and how parliaments in other democracies are operating during this crucial period of the evolving Coronavirus pandemic.

¹⁴ Special order: The operations of the Knesset under the corona, March 18, 2020, <https://www.inn.co.il/News/News.aspx/430898>

¹⁵ Yossi Verter & Noa Landau, *Netanyahu, Likud Ministers Sought Israeli Parliament Closure Under New Coronavirus Regulations*, Haaretz, March 20, 2020, <https://www.haaretz.com/israel-news/elections/.premium-likud-ministers-sought-israeli-parliament-closure-under-new-coronavirus-regulations-1.8694041>

¹⁶ See, e.g., *An Open Letter to the Speaker and the Legal Advisor of the Knesset*, VerfBlog, 2020/3/19, <https://verfassungsblog.de/an-open-letter-to-the-speaker-and-the-legal-advisor-of-the-knesset/>; *Demonstrators protest Knesset closure, fly black flags over threats to democracy*, Times of Israel (March 19, 2020), <https://www.timesofisrael.com/demonstrators-protest-knesset-closure-scuffle-with-police-in-jerusalem/>

II. Methodology:

On March 18, 2020, I have written colleagues who are public law and legislation experts from various countries and asked them to answer three questions:

- 1. Is the legislature/Parliament in your country currently operating?**
- 2. If so, is it operating despite Anti-coronavirus governmental decrees that restrict gatherings?**
- 3. If so, do you know if Parliament adopted special procedures or technological solutions to allow Parliament (and parliamentary committees) to operate despite the risks of spreading the Coronavirus (and/ or decrees that limit gatherings)?**

As of March 22, I received answers from 26 colleagues covering 18 countries (as well as some local state/provincial/canton legislatures) and the EU (I have mentioned the source, except in cases in which the respondents asked that their names will not be mentioned).

While I was drafting a report based on these replies, it turned out that to two additional bodies in Israel were undertaking a similar endeavor:

1. Orly Almagor Lotan & Dinah Tzadok, "Parliamentary Activity during the Outbreak of the Coronavirus - Initial Information," Knesset Research and Information Center (18.3.20) (in Hebrew).

This report was based mainly on information received by the Knesset Research and Information Center through requests for information from the European Centre for Parliamentary Research and Documentation (Requests number 4333, 4346, 4350 and 4354).

2. A comparative survey by Chen Friedberg, Avital Friedman, Asaf Shapira & Shany Mor, Israel Democracy Institute (19.3.20), <https://en.idi.org.il/articles/31052>

This survey was based on the aforementioned report by the Knesset Research and Information Center, supplemented by an examination of Parliaments' websites and correspondence with colleagues.

Hence, my team of research assistants (Itay Cohen, Chani Koth and Tair Samimi Golan) and I, have integrated the information from these three sources: the answers I received from my aforementioned correspondence with my 26 colleagues (hereinafter: Bar-Siman-Tov correspondence); the report by the Knesset Research and Information Center (hereinafter: Knesset RIC report); and the survey by Friedberg et al. from the Israel Democracy Institute (hereinafter: IDI survey).

This triangulation of these sources allows for a reinforcing combination of two main types of sources: a network of expert academics and a network of parliamentary research centers. We also supplemented these sources with internet searches of governmental websites and newspaper reports. Based on this integration, we have produced the following comparative overview about current parliamentary activity during the Coronavirus emergency. It covers 26 democratic parliaments from Europe, North America, Asia, Israel and Australia.

We limited our sources to replies and reports during the timeframe of March 18 to March 22, 2020. This was necessary in order to ensure an accurate picture and a valid comparison, as the current situation in many countries is very dynamic. This means that this report should be read as providing an accurate snapshot of a specific period during the ongoing and evolving global Coronavirus situation. This report is focused on a crucial period: it examines the parliamentary situation a week after the WHO has declared the Coronavirus a pandemic (on March 11, 2020), and after all the surveyed countries have already experienced a rise in Coronavirus cases (with some Parliament members in these countries themselves experiencing quarantine or even sickness).¹⁷ It is within this timeframe that many of these countries began the critical debate on whether and how parliaments should operate during the Coronavirus emergency. Of course, it would be helpful to repeat this comparative endeavor and reexamine the situation in the various parliaments in additional future timeframes.

III. Findings from the Comparative Survey:

A. General Overview

In some of the countries surveyed in this study (such as Italy, Portugal and Spain), states of emergency were already declared and the government has issued decrees that limit the gathering of people, and in some cases also imposed curfews. Yet, from the responses I received, it appears that in all the surveyed countries it was taken for granted that the government cannot shutdown parliament or determine its mode of operation. It was agreed that it was up to the parliament to determine its operation during the coronavirus pandemic.

Moreover, the general view in the majority of responses I received was that parliament must continue to operate throughout the Coronavirus crisis. Indeed, most surveyed parliaments (22 out of 26) continue to operate. Impressively, this is true even for Italy - the country that has so far been most ravaged by the Coronavirus, and whose death toll surpassed the death toll in China.¹⁸ This is also true despite the fact that in several of these parliaments (such as in France, the UK and the US), several MPs and ministers have been diagnosed with the coronavirus.¹⁹ In the four exceptions to this general trend, even in parliaments that closed their session or suspended their activity, this has always been a decision made the parliament (rather than the executive), and usually at least some legislative oversight was maintained. For example, in Lithuania, Parliament has closed until April 7, but plenary meetings and committees on urgent issues are held; and in Slovenia parliamentary activity was generally deferred, but the National Assembly will hold meetings about exceptional cases.

¹⁷ For a snapshot of the state of the pandemic in each country during this time see https://www.who.int/docs/default-source/coronaviruse/situation-reports/20200317-sitrep-57-covid-19.pdf?sfvrsn=a26922f2_4

¹⁸ WHO website.

¹⁹ For example: In France, the lower chamber (*Assemblée Nationale*) continues to operate despite the fact that 20 MPs out of 577 are said to have the virus; in the UK Parliament maintains operation as usual, even though a number of members of parliament have contracted the coronavirus including the Minister of Health; and in the US, Congress is operating as usual, even though two members of the US House of Representatives have announced they have the coronavirus; five other members of Congress have put themselves in quarantine.

Of the legislatures that continue to operate, there appear to be two models: some legislatures (such as in the US, UK, and South Korea) continue as usual with their regular mode of operation; whereas others have modified their operation. It appears that modified operation is becoming more common (and that even in some of the parliaments who have made no changes to regular operation, modifications are beginning to be considered). One of the common modifications include reduced number of meetings and changes to the parliamentary agenda, focusing on the Coronavirus and other necessary and urgent issues, while postponing less immediate issues. Another common modification is finding various means to limit the number of MPs attending, while maintaining the minimal quorum rules and keeping the proportional representation according to the relative size of the parties. Additional modifications include videoconferencing and other technological solutions to avoid or minimize physical presence (albeit in some parliaments this is still considered problematic given quorum rules that require presence at least in the plenum).

B. Summary of the findings for all surveyed parliaments

Country	Is Parliament Operating?	Special Procedures Or Technological Solutions ²⁰
Australia ²¹	Parliament is operating	No special procedures. Parliament is expected to reduce the number of attending MPs from 151 to 90 next week.
Austria ²²	Parliament is operating	No special procedures. The plenum was sanitized, and the members of parliament kept distance of a few chairs between them. Voluntary reduction of MPs present.
Belgium ²³	Parliament is operating. ²⁴	A debate was held in the presence of the fraction leaders, the prime minister and the vice prime ministers only. The pulpit was disinfected after each speaker.
Canada ²⁵	Parliament has closed for five weeks. Prime minister, however, announced that a short session will be called to pass the legislation required considering the Corona virus.	No special procedures. At the present time, the planned short session will only be the quorum required – 20 out of 338 MPs.
Czech Republic ²⁶	Parliament is partially operating (the Chamber of Deputies' next meeting is scheduled for April 14, while the board/presidency of the chamber will be operative and committees continue to work). ²⁷	The board of the Chamber of Deputies and presidents of some political parties met in a crisis regime and discussed the current situation with the Prime Minister and with the Chairman of the Central Crisis Staff via video conference.

²⁰ In this table, I only focus on special procedures or technological solutions that were been adopted for the operation of parliament. I do not discuss other external issues such as whether parliament imposed travel restrictions, whether it was closed to public tours, whether parliament closed other facilities and building such libraries etc. and whether staff continue to come to work or work remotely. I should note that the sources used in this report did contain information on these issues for several countries, and generally speaking, many parliaments adopted at least some of these measures. Yet, these issues are beyond the scope of the current inquiry.

²¹ Bar-Siman-Tov correspondence with Rosalind Dixon; <https://thenewdaily.com.au/news/politics/australian-politics/2020/03/17/federal-parliament-stimulus-package/>.

²² IDI survey.

²³ Bar-Siman-Tov correspondence with Patricia Popelier.

²⁴ Slightly similar to Israel, Belgium also has a minority government. The Belgian Parliament gave the government a limited vote of confidence to deal with the corona virus crisis.

²⁵ IDI survey; Bar-Siman-Tov correspondence with James B. Kelly.

²⁶ Bar-Siman-Tov correspondence with Czech colleague who preferred to be unnamed, but has kindly submitted a report and referred us to the following sources: Resolution The Government Of The Czech Republic of 15 March 2020 on the adoption of a crisis measure <https://tinyurl.com/wqwkqwx> ; https://www.senat.cz/zpravodajstvi/zprava.php?ke_dni=16.3.2020&O=12&id=2923&from=M; <https://www.psp.cz/sqw/cms.sqw?z=13794>; https://www.senat.cz/cinnost/galerie.php?ke_dni=18.3.2020&O=12&aid=26612

²⁷ Both chambers remain in session. The most recent meetings in both chambers were shorter than usual with respect to the health risks, but they took place. As for the **Chamber of Deputies**, the next meeting is scheduled for April 14. Meanwhile, committees continue to operate and the board/presidency of the chamber will be operative (in fact, they already met and discussed the current situation with the executive via video conference). Moreover, the President of the Chamber of Deputies announced that if needed, the Chamber is ready to meet earlier and vote on the pressing pandemic-related legislation, eventually in the regime of legislative emergency. On March 11, the meeting of the Chamber of Deputies was terminated and the following press release was issued: “The next meeting is scheduled for April, 14. Should the impact of the spread of the new type of coronavirus be greater than expected, the Chamber is

Denmark ²⁸	Parliament is operating. ²⁹	The number of MPs present in the plenary during urgent proposals was limited to 95 (out of 170), MPs do not sit in the permanent seats but are scattered to keep their distance. Parliament workers are not present when voting and the counting is done by representatives of two parties (from the coalition and opposition). The essential committee meetings are held in a large hall, in order to keep safe distance. Negotiations between the government and parliament are ongoing on various topics, but by secure means like telephone, video calls and e-mail.
Estonia ³⁰	Parliament is operating. ³¹	Adjustments to the parliamentary agenda (focusing on urgent matters). The Parliament Constitutional Committee stated that the Rules of Procedure and Internal Rules Act allows meetings and votes to be held by “telework”, provided that it is possible to participate and vote. Committees meet via video conference.
E. U ³²	The European Parliament continues to operate, but through digital devices rather than physical presence.	Conferences were cancelled and they moved to online meetings and voting.
Finland ³³	Parliament is operating. ³⁴	Speaker of Parliament is allowed to make decisions regarding the impact of the virus on parliamentary work. His decisions are approved by the presidency, and by the chairmen of the factions. The agenda of the Parliament was reduced. Expert participation discussions are conducted by remote or written approach. no further adjustments in plenary or committees' meetings and there is no remote voting.
France ³⁵	Parliament is operating. ³⁶	Change to the parliamentary agenda (focusing on necessary issues related to coronavirus)

ready to meet and to quickly vote on the necessary legislative changes related to the epidemic.” According to the Vice-President of the chamber, “The Chamber's work is not over. The committees shall meet as agreed.” <https://www.psp.cz/sqw/cms.sqw?z=13746>

As for **the Senate**, the most recent meeting took place on March 18. The date of the next meeting depends on the development of the situation and, especially, on the legislative activity of the Chamber of Deputies. https://www.senat.cz/zpravodajstvi/zprava.php?ke_dni=16.3.2020&O=12&id=2923&from=M;
https://www.senat.cz/cinnost/galerie.php?ke_dni=18.3.2020&O=12&aid=26612

²⁸ Knesset RIC report; IDI survey.

²⁹ Committee and plenary meetings take place, but all non-essential proposals have been postponed.

³⁰ Knesset RIC report; IDI survey.

³¹ Parliament continues to operate, but meetings have been minimized; will only deal with necessary or urgent matters.

On March 26, the Estonian parliament is set to elect its executive, it is determined that the election will take place, but in a way that reduces congregation and contact between MPs

³² IDI survey; Bar-Siman-Tov correspondence with Patricia Popelier.

³³ Knesset RIC report; IDI survey.

³⁴ The agenda of the Parliament was reduced; the number of meetings was reduced, but the necessary meetings of the committees are held .

³⁵ Bar-Siman-Tov correspondence with Olivier Rozenberg; Knesset RIC report.

³⁶ Oral questions to the government are maintained once a week. Both plenary and committees continue to operate, but, generally, the parliamentary agenda in the plenum and committees has been reduced to focusing on the relevant issues to deal with the outbreak of the coronavirus. As a rule, committee meetings not pertaining to emergency bills or discussions linked to the coronavirus have been postponed.

		<p>For law-making sessions, the new rule is that there should be only 3 representatives by group physically present (there are 8 groups currently) in committee as in the plenary.</p> <p>Each group chair is exceptionally allowed to vote for his/her whole group but, for the final vote on a bill, each MP is allowed to let the Assembly services known in advance if their vote is different from the chair (by phone or email).</p> <p>Procedures are foreseen to avoid members to enter together in meeting rooms. There should always be a one meter distance between persons.</p> <p>committee meetings held via video conference.</p>
Germany ³⁷	Parliament is operating. ³⁸	<p>Parliament stopped one type of procedure, the namentliche Abstimmung, voting by name, which is not unimportant with regard to the personal responsibility of the MPs because of the necessary bodily presence.</p> <p>It was decided not to hold physical meetings of the committees if this was not required. Also, all committee decisions can be made electronically or in writing.</p> <p>According to the laws of parliament, the plenary requires the physical presence of at least one member from each of the federal states for voting.</p> <p>Parliamentary workers were divided into two guards so that one could be retained in the event of a contagion</p> <p>A number of parliament members are in quarantine, however the technological tools in place, enable them to work as usual from home³⁹.</p>
Greece ⁴⁰	Parliament is operating. ⁴¹	<p>Meetings are held with 1 meter distance between members.</p> <p>Number of sittings reduced. Starting next week all state business will be conducted electronically so this will presumably also apply to parliament.</p>
Hungary ⁴²	Parliament is operating. ⁴³	<p>Currently no plans to suspend the activities of the Parliament, to adopt special procedures or look for online options, etc. Seated as usual (2 meters distance rule was not observed; did not wear masks).</p>

³⁷ Bar-Siman-Tov correspondence with Christoph Möllers; Knesset RIC report; IDI survey.

³⁸ The Federal Parliament is in session, it has legislated last week and will legislate next week. The next Bundesrat plenum meeting scheduled for April 3 is expected to take place.

³⁹ There is a wider debate in the Federal and state parliaments about establishing emergency committees that could act in the case of institutional incapacitation. Some state constitutions have such clauses, the Federal does not have them. Some state parliaments used pairing agreements to hold plenary sessions with only some MPs that corresponded to the distribution of parties in parliament (so called pairing agreements). But this is only possible, if all parties agree. In Saxony this was not possible because the right-wing AfD refused to cooperate. So, they had to congregate in full.

⁴⁰ Bar-Siman-Tov correspondence with Helen Xanthaki.

⁴¹ Parliament is operating, but has reduced the number of sittings.

⁴² Bar-Siman-Tov correspondence with Tímea Drinóczi.

⁴³ Plenum operates as usual and some committees continue to have sessions; On March 16 the Prime Minister informed the plenary about the actions the government had taken and was planning to take regarding the coronavirus.

Italy ⁴⁴	Parliament is operating. ⁴⁵	Reduction of number of sittings. Strict measures to avoid contagion, such as temperature measurement for all arrivals to the building. The House asked the groups to self-limit the attendance and the Senate decided to have the voting procedure lasting longer than usual (to limit the number of senators in the room at the same time). There are some discussions on the use of distance vote, but still without any decision.
Lithuania ⁴⁶	Parliament has closed until April 7 th , but meetings and committees on urgent issues are held.	An “Elderly Council” has been established to set the parliament’s schedule. Meetings on urgent items are held via electronic means.
The Netherlands ⁴⁷	Parliament is operating. ⁴⁸	limit on the number of plenary parliamentary meetings no meetings or debates with more than 30 persons. But all this is a matter of self-restriction under the normal procedures.
Norway ⁴⁹	Parliament is operating. ⁵⁰	Limited meeting to necessary issues. Self-limitation of MPs attended: The number of parliament members have been reduced to reflect the relative size of the parties from 169 to 87. The discussions of the committees will be conducted in writing or via video conferencing.
Poland ⁵¹	Parliament is operating (albeit with limited activity in practice). ⁵²	Officially parliament is operating as usual, with no procedural changes. In practice, legislative activity has been reduced. Sejm is currently considering the idea that its upcoming meeting would take place at a football stadium.
Portugal ⁵³	Parliament is operating. ⁵⁴	Reduction of the number of Plenary and committee Sittings

⁴⁴ Bar-Siman-Tov correspondence with Marco Cerase, Luigi Gianniti, Nicola Lupo & Giovanni Piccirilli,. The respondents stressed that their responses reflect their personal opinions and not the official position of the Italian parliament.

⁴⁵ The Italian parliament continues to operate, although at a slower pace than usual (one plenary meeting per week, more or less). Therefore, the parliamentary control on government is weaker than usual. The parliament will meet regularly on March 25 (for questions to the Government), on March 31 (legislation) and on April 1st.

⁴⁶ Knesset RIC report; IDI survey.

⁴⁷ Bar-Siman-Tov correspondence with Rob van Gestel & Wim Voermans; <https://www.tweedekamer.nl/nieuws/kamernieuws/coronavirus-nieuwe-maatregelen-parlementaire-proces-gaat-door>

⁴⁸ Parliament is still operating under the same constitutional and legal framework as usual, but parliament decided to limit the number of plenary parliamentary meetings and to focus on necessary plenary meetings, such as debates about the strategy of the government to fight the coronavirus.

⁴⁹ Knesset RIC report; IDI survey.

⁵⁰ Parliament is working, but during this period, Parliament will only deal with issues where its urgent decision is required.

⁵¹ Bar-Siman-Tov correspondence with Maciej Serowanec.

⁵² Formally, Parliament has not closed down is operating as usual. However, in practice, only one Senate meeting has been held in Poland since the virus was detected. This week, the situation should be clarified with the upcoming sitting of the Sejm, which is to consider a bill supporting entrepreneurs during the coronavirus pandemic.

⁵³ Bar-Siman-Tov correspondence with João Tiago Silveira & Rui Tavares Lanceiro; <https://www.parlamento.pt/Paginas/2020/marco/Mensagem-Presidente-da-Assembleia-da-Republica.aspx?n=60>

⁵⁴ Parliament is still operating, but parliament decided to limit the number sittings: Reduction of the weekly Plenary Sittings from three to one, until Easter Sunday, unless circumstances require it; reduction of Committee sittings to the necessary extent.

		The Plenary may, exceptionally, meet with only one-fifth of the Members (that is the quorum limit), and decide with only that number of MPs present, with those present representing the absentees (reflecting the proportion of Parliamentary Groups). Committees meet only with the Chair and the Coordinators of the Parliamentary Groups
Romania ⁵⁵	Parliament is operating (but through digital devices). ⁵⁶	Parliament's work is conducted online, including committees and voting.
Slovenia ⁵⁷	Parliament is only partially operating: the National Assembly significantly limited the number of meetings. ⁵⁸ In the National Council , as of March 16, any parliamentary activity is deferred.	Parliament is considering holding meetings through VC only.
South Korea ⁵⁹	Parliament is operating.	The national assembly is operating as usual and is not implementing any special procedures or limitations because of the virus. A few weeks back there was a member of National assembly who was in contact with a person who was diagnosed with covid19 so assembly buildings were shut down for 24hrs for cleaning, but apart from that there have been no issues with running Parliament.
Sweden ⁶⁰	Parliament is operating.	Some change to the parliamentary agenda (non-urgent activities have been postponed). Until March 30, the number of parliament members attending has been reduced from 349 to 55 (reflecting the relative size of the parties). The Parliament committees will operate almost all meetings through "Zoom" or other similar technologies.
Switzerland ⁶¹	Federal Parliament is not currently in session. ⁶² However, a small committee of each chamber has a say in federal emergency measures, especially	At the moment, Parliament sees no legal means to replace physical presence by electronic means, as the constitution has explicit quorum requirement stipulating that a majority of members is present. Still, it is an ongoing debate.

⁵⁵ IDI survey.

⁵⁶ Interestingly, the government's situation in Romania is somewhat similar to Israel and Belgium: in February the parliament passed a no-confidence, the outgoing Prime Minister got the mandate from the president to form a government. He is now the head of a minority government. A vote of confidence in the government was held on March 14th, even though members of parliament and the government are under quarantine.

⁵⁷ Knesset RIC report.

⁵⁸ On March 6, the Speaker of Parliament and the chairmen of the factions decided to reduce the activities unrelated to the preparation of parliamentary sessions, and to reduce the number of those invited to the parliamentary sessions. On March 16, the Presidency of Parliament decided that during March and April, the parliament will hold meetings about exceptional cases only.

⁵⁹ Bar-Siman-Tov correspondence with Oksun Baek.

⁶⁰ Bar-Siman-Tov correspondence with Mauro Zamboni; IDI survey.

⁶¹ Bar-Siman-Tov correspondence with Alexandre Flückiger & Felix Uhlmann; IDI survey.

⁶² The Spring session of the Federal Parliament was aborted on March 15 2020. The decision was taken by the offices of the Chambers at the request of the administrative delegation, which is the supreme direction of the administration of the Parliament.

	on spending, so Parliament has some influence even if not in session.	
U.K ⁶³	Parliament is operating.	Parliament is operating as usual and intends to continue to operate as usual in any presently foreseeable circumstances. However, a number of Parliamentary Committees are already using remote working methods (including simple email clearance of certain work) to continue functioning in the present crisis, and some possibilities of proxy voting are considered.
U.S ⁶⁴	Congress is operating.	Congress is operating as usual. No special protective or technological measures taken at the federal or state level. In the state of NY the governor has directed that all public meetings of government agencies (state and local) must be on-line, but that has not applied to the state legislature. Congress is currently considering remote voting.

⁶³ Bar-Siman-Tov correspondence with Ronan Cormacain, Daniel Greenberg, & Helen Xanthaki; <https://binghamcentre.biicl.org/comments/85/does-law-fall-silent-in-the-war-against-covid-19>

⁶⁴ Bar-Siman-Tov correspondence with Richard Briffault & Abbe Gluck.