

THE BUNDES RAT

16 FEDERAL STATES
ONE CONCLUSION



Bundesrat



BUNDESRAT

THE BUNDESRAT

16 FEDERAL STATES
ONE CONCLUSION

Published by:

Bundesrat, Press and Communication

Berlin 2019, 1st edition



MAY WE INTRODUCE THE BUNDES RAT!

Everything has already been meticulously prepared when representatives from the 16 federal states come together for a plenary session in the Bundesrat. Their debates are very fact-oriented – loud interjections or applause are rarely heard.

This brochure takes a look at the inner life of the Bundesrat, in which many cogs mesh together perfectly. It also makes clear why the Bundesrat is indispensable in Germany's political system and what makes it such a unique body.

CONTENTS

THE INSTITUTION

What makes the Bundesrat so special and why there is not “an” election to the Bundesrat.

6

ROLES AND FUNCTIONS

How Bundesrat members improve federal legislation, submit draft bills and even help shape European policy.

26

THE BUILDING

Everything you always wanted to know about the Bundesrat building.

44

THE INSTITUTION

6



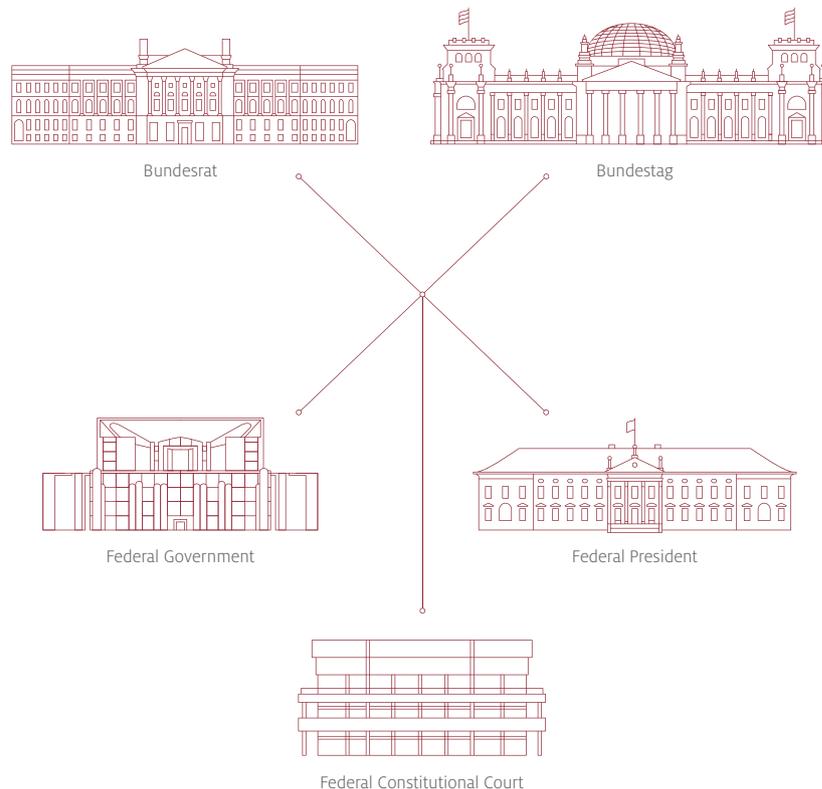
7

THE INSTITUTION

ONE OF FIVE VITAL ORGANS

Like vital organs functioning in unison in the human body, five constitutional organs work together in Germany. The Bundesrat is one of them. Together, these five – Bundesrat, Federal Government, Bundestag, Federal President and Federal Constitutional Court – embody the German Federal State.

Precise definitions in the Basic Law stipulate the responsibilities and competences held by each of these five organs, ensuring they function smoothly together within the political system. The Bundesrat participates above all in the legislative process, together with the Bundestag and the Federal Government.



GOOD TEAMWORK

10



Germany has a federal system. This means each of the 16 federal states – from Bavaria in the south to Schleswig-Holstein in the north – has its own government and parliament. That is where politicians from each federal state decide on what is best for that federal state. There are certain issues that the federal states can decide upon, for example education and cultural policy. To this end, they enact federal state bills and ordinances.

In addition, certain laws apply uniformly throughout Germany. These are called federal bills and emerge from interactions between the Federal Government, the Bundestag and the Bundesrat. This distinctive division of power between the federal states and the Federal Government is called federalism.

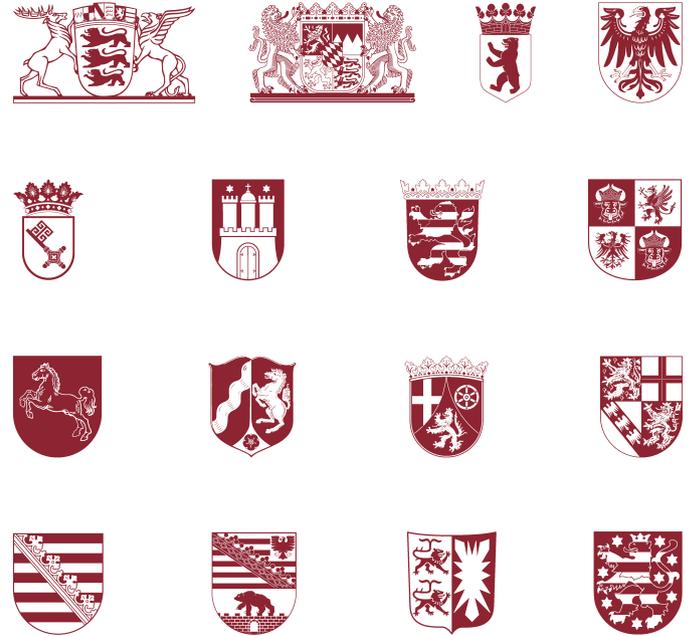
The federal states participate in shaping federal legislation through the Bundesrat. In a sense it enables policy approaches from federal state level to extend into legislation developed nationally. Through the Bundesrat, the federal states defend their interests concerning policy issues addressed at the national level, such as immigration or energy policy.

11

FOR MORE DIVERSITY

The federal system contains twofold safeguards against abuses of power. On the one hand, there is the typical democratic separation between the legislative, executive and judiciary, i.e. bodies with powers to make laws, execute them and enforce those laws. On the other hand, power is divided between the state as a whole and the federal states. This makes some processes more complex.

The additional separation of powers provides more opportunities for citizens to express their views. They can vote both in federal state elections and in elections to the Bundestag. It is also easier to establish direct contacts to politicians and the administration than in a unitary state. In addition, federalism is held to ensure diversity, allowing greater scope to preserve and develop distinctive historical, economic and cultural traits.



As individual as the federal states:
The 16 coats of arms, in German alphabetical order.



ONE OF A KIND



Which of the following states have – like Germany – a federal system with independent federal states?

- A** Canada
- B** USA
- C** France
- D** Mexiko
- E** Brazil
- F** Argentina
- G** Australia
- H** India
- I** Austria
- J** Switzerland
- K** China

You can find the answer on page 62.

Like Germany, a number of other states also have a second legislative chamber. This is often called the Senate. However, if we compare these assemblies, we can see how unique the Bundesrat is. While it is a legislative organ and thus part of the legislative level, it comprises members from the various federal state governments, who in turn belong to the executive branch. The Bundesrat plays the role of intermediary, bringing together the legislative and executive tiers. The federal states are in charge of implementing most of the legislation adopted in Berlin; often they even bear the associated costs. That makes it appropriate for them to be involved in developing these laws through the Bundesrat – and that also lets the federal states ensure their interests are taken into account.

SAVE A PLACE FOR REGIONAL INTERESTS

16



The Bundesrat could allow some of the government's proposals to fail. However, as a general rule, it opts not to do that. The Bundesrat aims to improve legislation in the interest of the federal states and thus of citizens. The Bundesrat is the first organ to be sent draft bills proposed by the Federal Government – even before the Bundestag. It examines them thoroughly: experts contribute insights gleaned from experience in the federal states.

If party-political majorities differ in the Bundestag and Bundesrat, these political fronts do play a part in the Bundesrat too. All in all, however, they are not so significant here. Irrespective of party-political affiliations, the focus is much more on federal state and regional interests.

17



Which current draft legislation is the Bundesrat working on at the moment? Stay up to date via Twitter @bundesrat and the bundesrat.de website.



In the 2013–2017 legislative period, the Bundesrat voted on 555 bills. How many of these failed in the Bundesrat?

- A 2
- B 16
- C 98

You can find the answer on page 62.

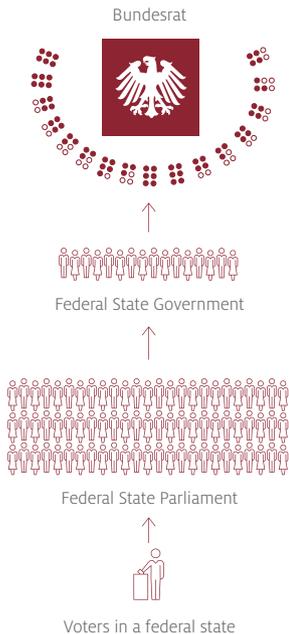


Three Graces dance in blue light: This interactive art installation by Rebecca Horn is mounted above the ceiling in the foyer. Further information can be found on pages 54/55.

ALWAYS ACTIVE

20

While the government and the Bundestag are constituted anew after each election, the Bundesrat is an “eternal” organ. As there are no Bundesrat elections, there are no Bundesrat election campaigns. Its members nonetheless have democratic legitimacy. How does this work? In federal state elections, voters also indirectly elect the federal state’s representatives in the Bundesrat. By determining the majority in the federal state parliament, these elections decide the federal state government’s composition. Its members represent their federal state in the Bundesrat.



21

In other words, there is not “one” Bundesrat election, but 16 – the number of federal states and thus federal state elections. That means some members of the Bundesrat change every now and then, but the institution as such remains.

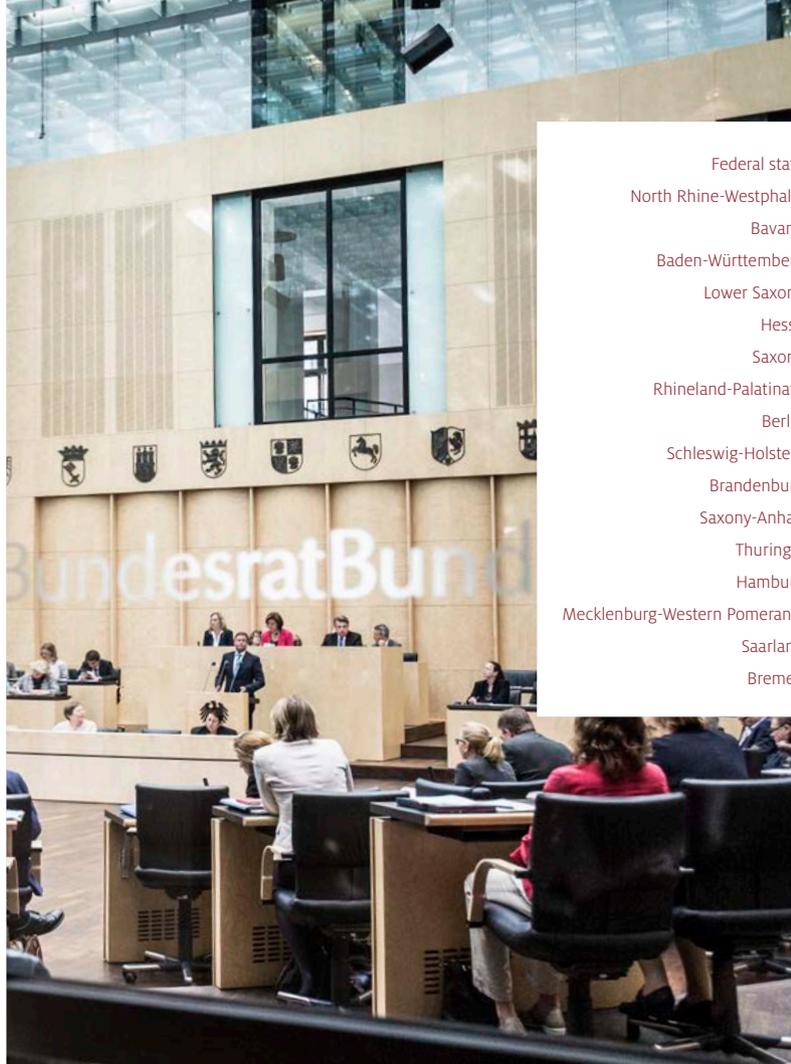
Anyone with a seat in the Bundesrat has a dual role: on the one hand in national politics as a member of the Bundesrat, and on the other hand closer to home as a member of the government in their federal state. As the Bundesrat reflects the opinion of the federal states, rather than that of individuals, the politicians from each federal state must cast their votes uniformly. The way a member of the Bundesrat votes does not necessarily have anything to do with his or her personal opinion.



In the “Länder” (federal states) section of the Bundesrat app, you can read about individual members of the Bundesrat. Download at: bundesrat.de/app

THREE FOR HAMBURG, SIX FOR BAVARIA

As the population size differs in each federal state, the various federal states also have a different number of votes in the Bundesrat: between three and six votes are allocated to each, depending on the number of inhabitants. There are 69 votes in total, which corresponds to the number of Bundesrat members. The Bundesrat is made up of the Minister Presidents and ministers from the federal states, along with their pendants in the city states, the mayors and senators.



Federal state	Votes	Population
North Rhine-Westphalia	●●●●●●	17,9 million
Bavaria	●●●●●●	13,1 million
Baden-Württemberg	●●●●●●	11,1 million
Lower Saxony	●●●●●●	8,0 million
Hesse	●●●●●○	6,3 million
Saxony	●●●●●○	4,1 million
Rhineland-Palatinate	●●●●●○	4,1 million
Berlin	●●●●●○	3,6 million
Schleswig-Holstein	●●●●●○	2,9 million
Brandenburg	●●●●●○	2,5 million
Saxony-Anhalt	●●●●●○	2,2 million
Thuringia	●●●●●○	2,1 million
Hamburg	●●●○○○	1,8 million
Mecklenburg-Western Pomerania	●●●○○○	1,6 million
Saarland	●●●○○○	1,0 million
Bremen	●●●○○○	0,7 million

A YEAR AT THE TOP



The Bundesrat's leadership changes every year on 1st November. However, the federal state that takes over the presidency never comes as a surprise. The federal states alternate in line with a specific sequence jointly defined by the Minister Presidents back in 1950, moving from the federal state with the largest population to the one with the smallest population. Party politics or shifting majorities therefore play no part in determining who will hold this prestigious position. Instead, the decisive principle is that all federal states have equal rights.

For one year, the President of the Bundesrat chairs the plenary sessions, represents the Bundesrat on important occasions in Germany and abroad and maintains contacts with the second chambers of other states. Sometimes he or she stands in for the President of the Federal Republic of Germany and thus briefly ranks as "number one" in the country, for example, if the Federal President is abroad or on holiday. In most cases, this handover of roles is planned. However, it can also arise unexpectedly – such as when Federal President Horst Köhler suddenly resigned in May 2010.

Did you know?

Every February, 30 million copies of a unique 2 Euro coin are produced: It depicts a motif from the federal state that currently holds the Bundesrat presidency.



Which federal state is the next Bundesrat President from?
[bundesrat.de/praesidium](https://www.bundesrat.de/praesidium)

ROLES AND FUNCTIONS

26

27

FIRST TO COMMENT

All federal legislation must go through the Bundesrat. In most cases, the Bundesrat is even involved twice in adopting new provisions. The Federal Government initiates the majority of new draft bills and forwards them first to the Bundesrat. It is asked to express its views even before parliamentarians in the Bundestag examine the proposal. That means Bundesrat members can propose amendments, additions or deletions at a very early stage and contribute their expertise. This opportunity to comment is hugely important for the federal states. Their practical experience of implementing federal legislation means they bring many insights to the process.

Even if the Bundesrat's opinions are not binding for the Bundestag, it is important that MPs know which position the federal states have adopted. That gives them a chance to consider know-how from the executive level in the federal states before taking a decision. It also allows MPs to assess how the federal states are likely to act during the final phase of deliberations on a law. Because the Bundesrat usually has the first say and always has the last word.



How long does the Bundesrat usually have to give its opinion on a draft bill from the Federal Government?

- A** Two weeks
- B** Six weeks
- C** Three months

You can find the answer on page 62.



THE LAST WORD

Once the Bundestag has adopted a law, it is forwarded to the Bundesrat for a final vote. If this is what is known as a second round, the Bundesrat reviews the response in the first round to the observations included in its opinion on the government draft. If the law is based on a proposal from the Bundestag, members of the Bundesrat examine its impact on their federal states for the first time at this stage.

Around 40 percent of all laws adopted can only come into force with express approval from the Bundesrat. That is why these are called consent laws. For example, legislation in this category affects the federal states' finances, impinges on their administration or involves amendments to the constitution. The Bundesrat therefore has greater influence in these areas.



The Bundesrat concluded deliberations on 551 bills in the 17th legislative period. How many were consent bills?

- A 259
- B 197
- C 72
- D 114

You can find the answer on page 62.

Matters look different for what are known as objection bills: They are considered to be approved if the Bundesrat does not prevent their adoption. Whether the Bundesrat smooths the path for a bill to be adopted depends on what is in the federal states' interests. Cross-party alliances may form, for example between coastal federal states on the topic of wind power.

As a rule, no difficulties arise when legislation is examined by the Bundesrat. In cases where the federal states do disagree, they can refer the matter to the Mediation Committee. This body, made up of 16 Bundesrat members and 16 Bundestag members, looks for a compromise between the Federation and the federal states that the Bundesrat and the Bundestag can support. Generally speaking, it does find a solution.

The Bundesrat can raise an objection if it is not possible to achieve a compromise acceptable to the federal states despite a mediation procedure. However, that does not necessarily mean that a law has failed. The Bundestag can reject the objection, meaning that the bill can enter into force without the federal states' approval.



GOOD COUNSEL, GOOD RULES

Ordinances are also needed to apply some bills. The Highway Code is one example. In contrast to the Bundestag, the Bundesrat and its committees very frequently examine ordinances proposed by the Federal Government. That is because many of these provisions need the federal states' approval to enter into force. The Bundesrat can also draft ordinances and submit these to the Federal Government.

FROM IDEA TO LAW

The Bundesrat does not only have the first say and the last word on legislation. It can also propose draft legislation to the Bundestag. If the Bundestag accepts such a bill unamended, the Bundesrat reconfirms it at the end of the process – because it always has the last word.

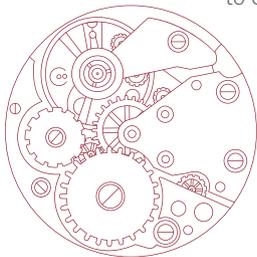
In recent years, for example, the Bundesrat introduced the draft bill on “marriage for everyone”, set the ball rolling on the statutory minimum wage and initiated legislation against illegal road races as well as proposing what have been called “anti-gawking” rules.



PRECISE AS CLOCKWORK

Applause and interjections? Not in the Bundesrat! About every three weeks the members of the Bundesrat meet for votes. Often up to 100 items await them on the agenda: quite an extensive program. Being disciplined in running the plenary session is vital to ensuring they can work through it all.

Members vote quickly and systematically – in line with positions previously defined in federal state cabinets. There are generally no heated debates. People talk calmly and matter-of-factly with each other. It all runs smoothly: like clockwork, with all the cogs interlocking quietly and precisely.



ONE VOTE PER FEDERAL STATE

As the Bundesrat is about the federal states rather than the wishes of individual members, each federal state casts all its votes uniformly. That means it can't split its votes into yes and no. The vote-caster is the only one to raise his or her hand if a federal state wishes to vote in favour. That hand stays down for an abstention or to vote against a motion. The President of the Bundesrat only asks members to show who is voting in favour. The votes are counted on the basis of the number of votes allocated to each federal state (see chart on page 23). The requisite absolute majority is achieved with a total of 35 votes.



There is no central record of how the individual federal states vote in the plenary session. However, federal states publish their voting record on their own websites. You can find all the links at: [bundesrat.de/Stimmenverteilung](https://www.bundesrat.de/Stimmenverteilung)

EXPERT KNOW-HOW CREATES SOLUTIONS

Bundesrat meetings can move through the agenda rapidly thanks to careful preparatory work in committees. There are 16 specialised committees, made up of experts from the ministries in the federal states.

In examining various topics, the federal states contribute experience and specialist know-how through their experts. For example, all the members of the Committee on the Environment, Nature Conservation and Nuclear Safety, are well-versed in soil protection, nuclear facilities and waste disposal. The experts discuss every proposal – whether it comes from the Federal Government, the EU, the Bundestag or the federal states. They examine the practical impact of proposed provisions, right down to the last detail.

Representatives from the relevant federal ministries are also involved in these discussions. Voting in plenary sessions is based on amendments, additions and decisions drawn up by the specialised committees. Through these recommendations, the committees ensure that the Bundesrat can help shape, monitor and improve legislation – quickly, objectively and systematically.





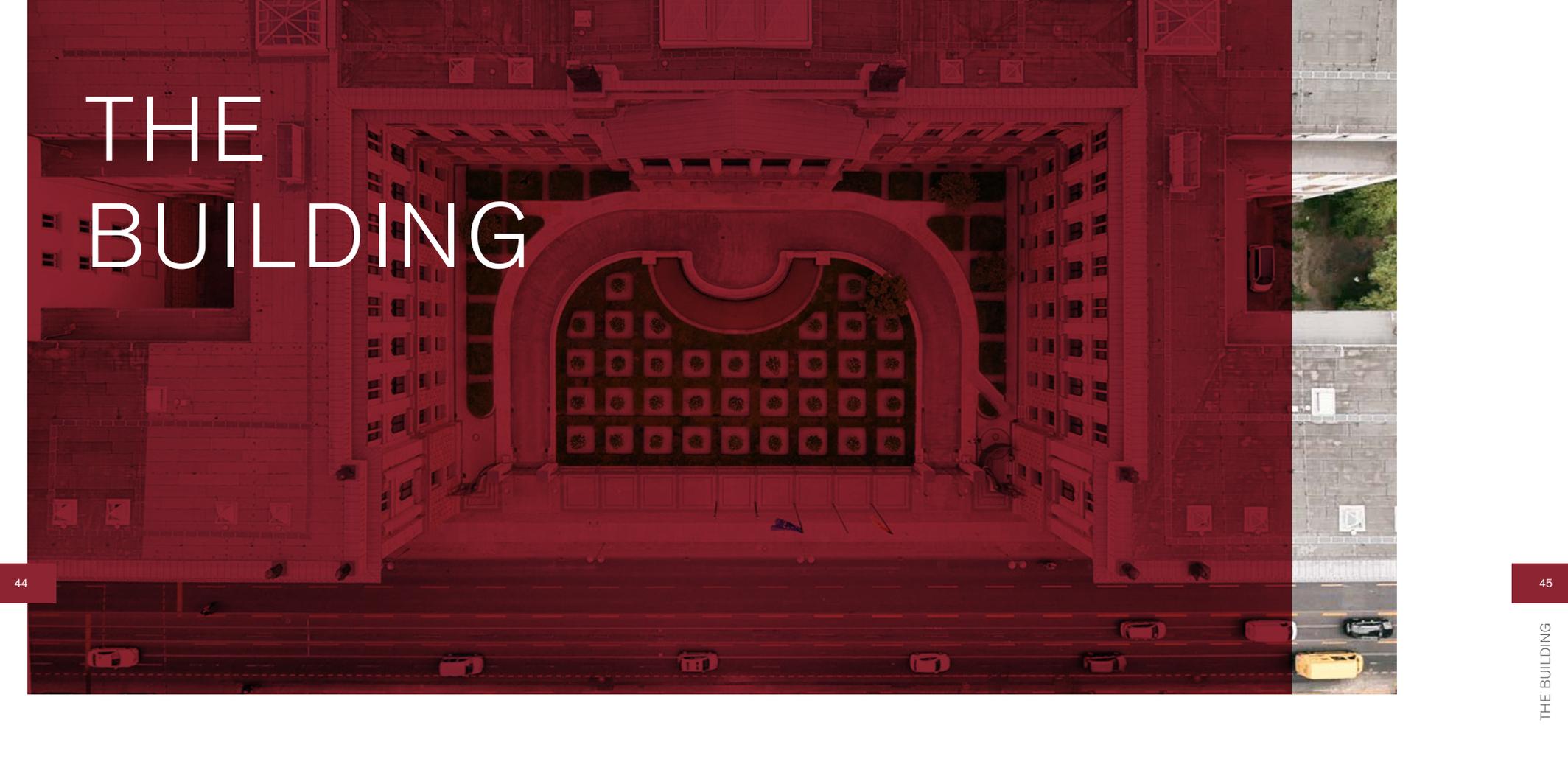


SHAPING EUROPE

Representatives of the federal states also take part in many European Union (EU) negotiations in Brussels. That means they can be sure that the federal states' interests will also be heard there. After all, EU decisions always affect the federal states too.

More than two thirds of all German laws are based on EU provisions. The Bundesrat therefore very often addresses European initiatives. In this work too, it can draw on the federal states' experience of practical implementation. The Bundesrat's role in European policymaking is enshrined in Article 23 of the Basic Law, the "Europe Article".

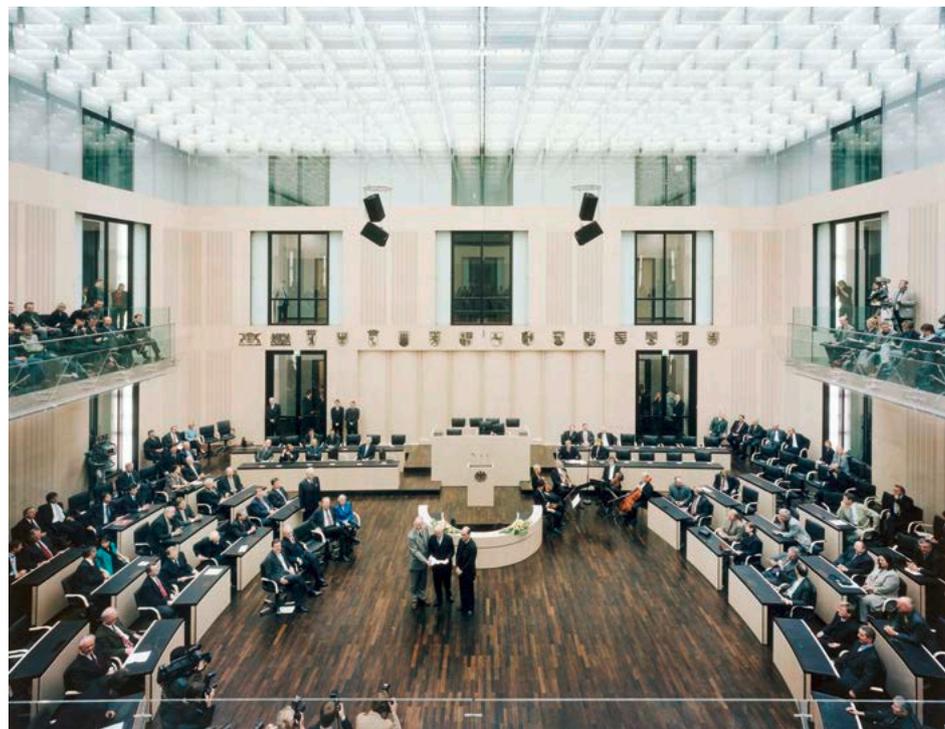
THE BUILDING

An aerial photograph of a large, multi-story building with a central courtyard. The courtyard features a grid of small trees and a prominent semi-circular structure. The entire image is overlaid with a dark red tint. The text 'THE BUILDING' is written in large, white, sans-serif capital letters on the left side of the image.

FULL OF HISTORY

Berlin is the stage for federal politics. That is why the Bundesrat also belongs in the capital. In 1996, about six years after German reunification, the decision was taken that the Bundesrat would move from Bonn to Berlin. Just four years later, on 29th September 2000, the Bundesrat met for the first time in the Prussian House of Lords at Leipziger Strasse 3–4.

A Berlin address steeped in history: the Royal Porcelain Manufactory, KPM, was based at Leipziger Strasse 4 for almost 100 years before relocating to Charlottenburg in 1871. The building next door, Leipziger Straße 3, became the home of the music-loving Mendelssohn Bartholdy family in 1825. In 1851 politics moved to centre-stage on this site when the Prussian House of Lords, the first chamber of the Prussian Parliament, began to meet here. After 1871, Number 4 provided a temporary home for the German Reichstag – for a good 23 years.



The first meeting of the Bundesrat's members in Berlin: In 2000, the President of the Federal Office for Building and Regional Planning, Florian Mausbach, handed over the keys to the Prussian House of Lords to the President of the Bundesrat, Prof. Dr. Kurt Biedenkopf.



Architect Friedrich Schulze-Colbitz designed the House of Lords building in Italian High Renaissance style.

THE NEW 1904 BUILDING

In 1899 the aristocratic representatives who made up the Prussian House of Lords decided to demolish both existing buildings and replace them with an imposing new edifice. Inaugurated in 1904, it is the seed crystal for today's Bundesrat building. The Prussian House of Lords met here until 1918 – in the immediate vicinity of the Prussian House of Representatives, now the seat of Berlin's parliament.

The changed political context after the end of the First World War and the fall of the Prussian monarchy was reflected here too: from 1920, the building was used by the Prussian Ministry for Social Welfare and the Prussian State Council under its President Konrad Adenauer.

It also hosted a range of cultural and political events. The House of Lords building became a well-known venue for events, some attended by renowned figures like

Albert Einstein and Thomas Mann. This is where the 1930 Olympic Congress paved the way for the 1936 Olympic Games in Berlin. Running events in parallel was not a harmonious business: The State Council in particular complained about being disturbed by noise.

The building's atmosphere and function changed completely after the National Socialists took power in 1933. That marked the end of rallies, plenary sessions and illustrious visitors. The Prussian House of Lords became the "House of Prussia". It was used exclusively by National Socialist institutions, such as the Reich Ministry of Ecclesiastical Affairs. Göring also utilized the premises. Much of the building was destroyed in 1943 by incendiary bombs, in particular the plenary chamber.



After the Second World War, Germany and Berlin were divided. The Wall was built very close to the severely damaged building – which ended up in East Berlin. The GDR State Planning Commission and the Academy of Sciences moved into the building. However, they could only use the side wings. The other rooms were boarded or bricked up.

REDISCOVERY

The Wall fell in 1989. The building near the border was once again in the political spotlight: with its parliamentary past, it seemed a perfect site for the Bundesrat. Architect Peter Schweger oversaw a complete renovation of the building in just three years – a record-breaking pace. Schweger preserved the existing structures, combining these with practical modern features. These embody the Bundesrat's political culture. A glass ceiling added to the plenary chamber symbolises transparent political decision-making.

Research in the 1990s:
a workshop at the Academy of
Sciences – the "previous tenant"
in what is now the Bundesrat
building.



The plenary chamber, entirely unadorned: the topping-out ceremony in June 1999, a year before the move.

CULTURE REPLACES CUISINE



The plenary chamber opens directly onto the lobby. It has become a real meeting place: this is where Bundesrat members from different federal states and parties discuss their views in the margins of meetings or give interviews on topical issues.

The past encounters modernity in the foyer too: fragments of ceiling frescoes and stucco recall the days of the Prussian House of Lords. Only scant traces remain though. A false ceiling was added to the foyer in the 1970s, creating space to house a large kitchen for the Academy of Sciences. For many years staff lunches were made here, sometimes six times a week. The ceiling paintings in particular were damaged by the cooking fumes.

Today “The Three Graces” introduces a new artistic highlight. The installation here was created by artist Rebecca Horn after the renovation.

Entirely transformed:
A canteen with a food
counter once again be-
came a magnificent high
foyer in the 1990s.



The 15-metre brass rods seem to float freely in the three cupola openings along the foyer. Rebecca Horn explains her large-format installation: “Movement is crucial for politics”.

BACK TO THE ROOTS

Human faces are enthroned on the Bundesrat's roof: bronze figures by Danish artist Per Kirkeby. They replace the historical sandstone goddesses that once adorned the building.

The figures gaze down into the Bundesrat's cour d'honneur: 35 hortensias set around a historically authentic reconstruction of a fountain recall Baroque gardens and thus the era when Leipziger Strasse 3-4 was first developed.



How many flowerpots are there in the Bundesrat's courtyard of honour?

- A 6
- B 16
- C 35

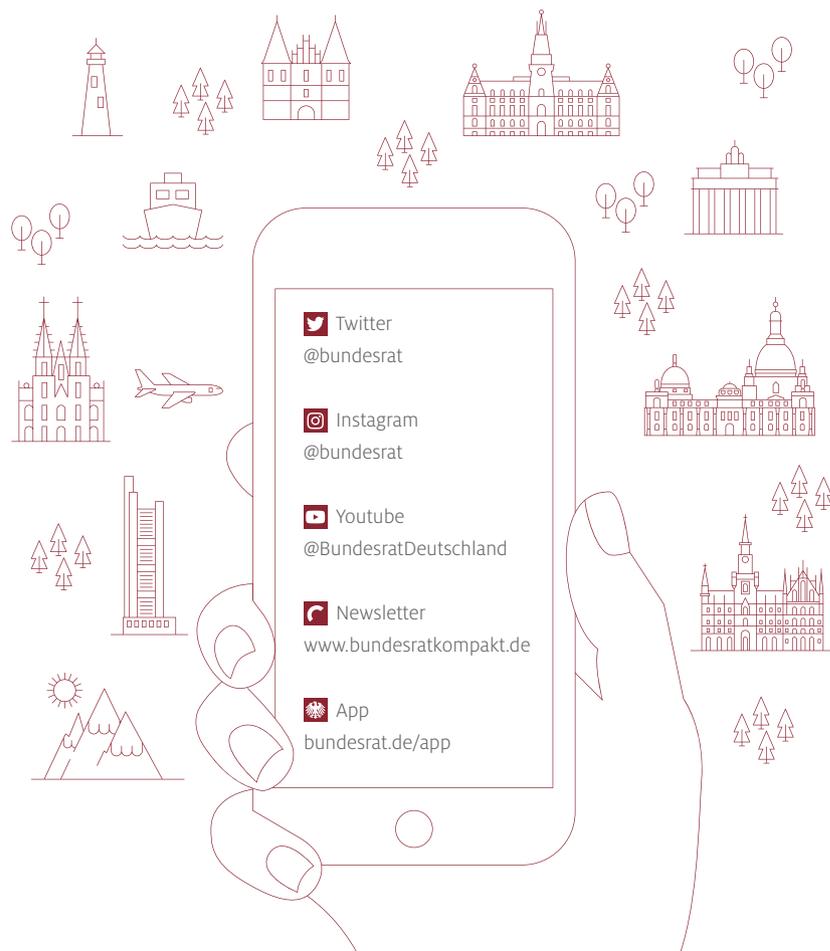
You can find the answer on page 62.



AND THERE'S MORE

Do you want to find out more about the Bundesrat and already have a trip to Berlin planned? Then the best idea would be to register to take a guided tour of the building or visit a plenary session. The Visitor Service organises exciting role plays for schoolchildren: pupils can, for example, simulate debates in the committees or a vote in the plenary chamber. To register, call 030 18 9100179, send an e-mail to besucherdienst@bundesrat.de or fill out the on-line form at www.bundesrat.de/besuch.

Current information about the Bundesrat, its members, resolutions and the topics addressed in plenary sessions can be found on bundesrat.de, in the app and on the Bundesrat's social media channels. We would be delighted to send you brochures and teaching material free of charge: www.bundesrat.de/informationsmaterial.



DID YOU KNOW?

You'll have come across several quiz questions in this brochure. Check your answers below to find out how well you know the Bundesrat.

Here are the answers to the quiz questions:

Page 15: All answers except C and K are correct.

Page 17: A

Page 29: B

Page 32: B

Page 57: C. 35 is an important number for the Bundesrat as it is the number of votes required for a majority when voting.

IMPRINT

Published by

Bundesrat
Press and Communication
11055 Berlin
www.bundesrat.de

Concept & design: neues handeln AG, Berlin

Fotos: Title, p. 2, p. 6/7, p. 18/19, p. 24/25, p. 26/27, p. 30, p. 33, p. 34/35,
p. 37, p. 38/39, p. 44/45, p. 55, p. 57 Bundesrat; p. 40 Bundesrat | Linus Lintner;
p. 16, p. 47, p. 50, p. 54, p. 56, p. 58/59 Bundesrat | v. Steffelin;
p. 52/53 dpa picture alliance | Andreas Altwein; p. 10, p. 14, p. 23, p. 42
Jan Windszus; p. 48 State Monument Office Berlin | Wolfgang Reuß Photo
Archive

Printed by: Königsdruck Printmedien und digitale Dienste GmbH

Berlin 2019, 1st edition

