

The Bundesrat and Europe

Europe is high on the federal
states' agenda



Bundesrat

... inspired by the determination
to promote world peace as
an equal partner in a united
Europe...

Basic Law of the Federal Republic of Germany,
Preamble (excerpt)

The Bundesrat and Europe

Europe is high on the federal
states' agenda

Author: Georgia Rauer
English translation: Helen Ferguson
Published by: Bundesrat, Parliamentary Relations Division

Berlin 2020



View of the Bundesrat plenary chamber

The Bundesrat – helping to shape Europe

For many people, Europe is first and foremost Brussels. It is where the most important EU institutions, such as the European Commission, the Council of the European Union or the European Parliament, are based. And it is there that much of the legislation that unites the Member States of the European Union is adopted. However, in the case of Directives, for example, it is up to each Member State to decide how they will implement the provisions developed in Brussels. It is only when these are transposed into legislation in the national parliaments, in Germany the Bundestag and the Bundesrat, that the provisions from Brussels become applicable law. The Bundesrat, which represents the federal states, the *Länder*, in the Federal Republic of Germany, plays a central role in this process by safeguarding regional interests. That means Europe is above all high on the agenda for the federal states too.

The Bundesrat is one of the five permanent constitutional bodies of the Federal Republic of Germany – alongside the Federal President, the Bundestag, the Federal Government and the Federal Constitutional Court. As stipulated in Germany's constitution, known as the Basic Law (BL), the 16 federal states

participate through the Bundesrat in legislation, in the Federation's administration and in European Union affairs. This is because many European Union initiatives that affect Germany do not become legally binding here until they have gone through the parliamentary legislative process in the Bundesrat and the Bundestag. Many European provisions only become applicable legislation in Germany through Bundesrat and Bundestag participation.

The Bundesrat's rights to participate at the European level are enshrined in the Basic Law and stipulated in detail in a number of other laws that regulate, for example, how the governments in the federal states cooperate with the Federal Government in these matters. Article 23 of the Basic Law in particular emphasises the Bundesrat's importance for European policy. Known as the Europe Article, it makes the Bundesrat a central figure in addressing European Union affairs. Its provisions aim primarily to compensate for the domestic powers and responsibilities of the Federal Government and the *Länder* that have been lost due to transfer of sovereign rights to the European Union.

The five permanent constitutional bodies of the Federation

- Federal President
- Bundestag
- Federal Government
- **Bundesrat**
- Federal Constitutional Court



Article 23 of the Basic Law

The Bundesrat shall participate in the decision-making process of the Federation insofar as it would have been competent to do so in a comparable domestic matter or insofar as the subject falls within the domestic competence of the *Länder*.

Insofar as, in an area within the exclusive competence of the Federation, interests of the *Länder* are affected and in other matters, insofar as the Federation has legislative power, the Federal Government shall take the position of the Bundesrat into account. To the extent that the legislative powers of the *Länder*, the structure of *Land* authorities, or *Land* administrative procedures are primarily affected, the position of the Bundesrat shall receive prime consideration in the formation of the political will of the Federation; this process shall be consistent with the responsibility of the Federation for the nation as a whole. (...)

When legislative powers exclusive to the *Länder* concerning matters of school education, culture or broadcasting are primarily affected, the exercise of the rights belonging to the Federal Republic of Germany as a member state of the European Union shall be delegated by the Federation to a representative of the *Länder* designated by the Bundesrat. These rights shall be exercised with the participation of, and in coordination with, the Federal Government; their exercise shall be consistent with the responsibility of the Federation for the nation as a whole.

Basic Law of the Federal Republic of Germany,
Article 23, paragraphs 4, 5 (excerpt), 6

National parliaments' rights to participate have also been continuously strengthened at the European level – first and foremost by the Treaty of Lisbon, which came into force in 2009. As Europe has become more united, the participation of the Bundesrat and the other national parliaments has thus become much more important. The Bundesrat's right to receive comprehensive information is enshrined in the Basic Law; it can comment on EU draft legislation and may send representatives to the Council of the European Union.

Involving the Bundesrat in European policy issues at an early stage ensures that the interests of the German federal states are taken into account. What's more, its involvement in the legislative process means that the debates usually involve precisely those experts from the *Länder* who will subsequently be responsible for implementing the legislation.

The Bundesrat has close links at the European level and is actively involved in numerous interparliamentary associations. European issues regularly come up for discussion in the Bundesrat's work, in the committees, the plenary session or, in urgent cases, in the Chamber of European Affairs, which has special powers allowing it to be convened as a "small-scale Bundesrat" to address European issues when time is short. As stated in the Basic Law, decisions taken by this Chamber are considered to be decisions of the Bundesrat.

That means Europe is high on the agenda for the federal states too – no doubt about it!



The European Union – a democratic community of diversity

The European Union is an economic and political alliance that currently encompasses 27 European countries. It is also a community of some 450 million people with their own languages, cultures and traditions, who, in their diversity, have agreed to share common values.

In the European Union, they seek to attain a society in which democracy, human rights, freedom, equality and the rule of law are self-evident. Their achievements include peace that has endured for over half a century, stability and prosperity across Europe, the Single European Market and the Euro as the common currency. Involving Europe's citizens at the local, regional, national and European level helps safeguard these successes.

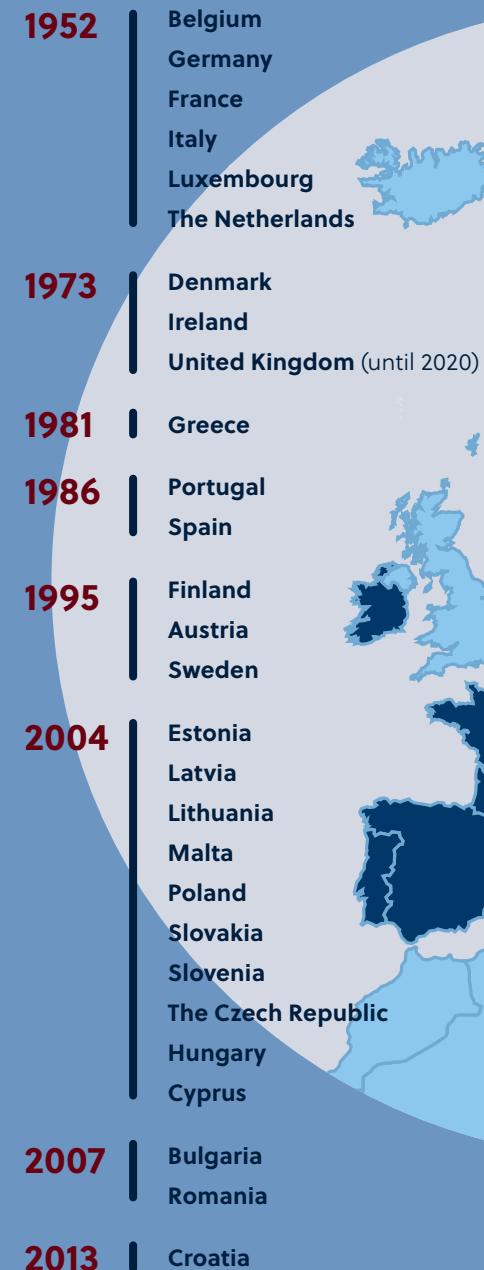
As a supranational union of states in which the Member States renounce some of their own rights in favour of the Union, the European Union is unique within European history and is by no means a matter of course. Six countries, including Germany, signed the Treaties of Rome in 1957 and founded the European Economic Community (EEC). It was inspired by the idea that states

engaged in trade should become economically intertwined and avoid military conflicts. That concept had a great impact and was adopted by many European countries, especially after the fall of the Iron Curtain, as manifested in EU enlargement.

In 1993, the European Economic Community became the European Union, a democratic organisation that addresses many political issues – from climate and environmental protection to health and social affairs, foreign relations and security, justice and migration. In all these areas, the subsidiarity principle is crucial; it stipulates that the European Union should only act if an objective can be better achieved at the EU level than at national, regional or local level.

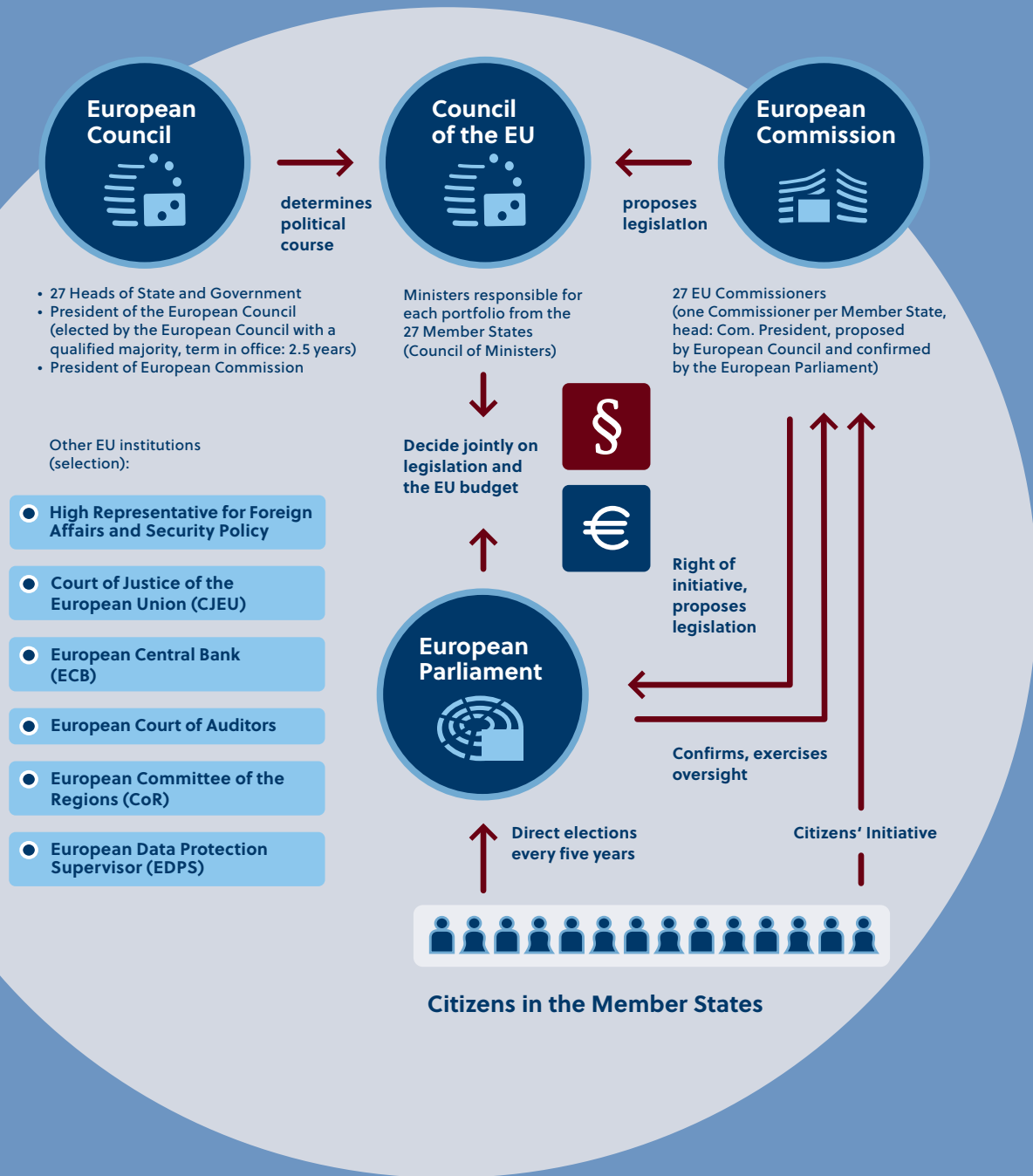
The European Union is able to take action through its institutions, in which all Member States are represented – the European Parliament, the European Council, the Council of the European Union (Council), the European Commission, the Court of Justice of the European Union, the European Central Bank and the European Court of Auditors.

The Member States of the European Union by date of accession



Status: 2020

The European Union institutions and their roles



The roles of the European Union's institutions are defined by the EU Treaties, above all by the Treaty of Lisbon; its adoption in 2009 reinforced in particular the rights of parliaments to participate at the European and national level. This treaty, which plays a crucial part in the process of European unification and fundamentally alters the previous European treaties, defines the tasks of the European Union and its Member States. Above all, it strengthens the position of the European Parliament as the voice of Europe's citizens, as well as providing for the participation of national parliaments. With the Treaty of Lisbon, the Charter of Fundamental Rights also came into force for the European Union's approximately 450 million citizens. Since then, direct public participation has also been possible thanks to the European Citizens' Initiative.

The EU takes legal decisions in certain policy areas to ensure the same rules apply everywhere within the Union. These may be Regulations, which are directly binding in every Member State, Directives, which must be transposed into national or federal state legislation before they can take effect, as well as Decisions that contain stipulations for Member States, for example within the context of the Common Foreign and Security Policy. Through these instruments, the EU creates uniform quality standards that make life easier for people in the Member States in many areas – business and trade,

environmental and consumer protection, technology or food quality. These standards have a practical impact on work and leisure, on shopping, eating, travelling or rates for phone calls.

Three institutions are involved in the legislative process: the European Commission, which, with its President and 26 other members, could be considered the "government" of the EU and proposes new legislation; the European Parliament, which is directly elected by EU citizens; and the Council, which brings together the ministers from the Member States responsible for each policy area, who discuss, adopt or reject proposed legislation.

The Member States' parliaments participate in the EU's work at an early stage. The same applies to two advisory bodies: the European Committee of the Regions, which brings together representatives of the regions and local authorities, and the European Economic and Social Committee, in which, inter alia, employees' and employers' organisations are represented.

The Bundesrat and the German Bundestag are involved in many EU decisions affecting Germany. This participation is governed by Article 23 of the Basic Law and, for the Bundesrat, additionally by Article 50. European initiatives are discussed intensively in the democratic parliamentary process.

Background

From the EEC to the EU

The idea of a united Europe began as early as 1951 with the European Coal and Steel Community (ECSC): its six founding states – Belgium, the Federal Republic of Germany, France, Italy, Luxembourg and the Netherlands – created a common market that gave them access to coal and steel. The establishment of the ECSC marked the first major achievement in creating a supranational Europe; for the first time, the Member States surrendered national sovereignty to the Community.

The next important step towards a united Europe was taken in 1957, when the Treaties of Rome were signed, establishing the European Economic Community (EEC) and the European Atomic Energy Community (Euratom). The EEC Treaty aimed to achieve European integration through a common economic policy. The EEC, Euratom and ECSC formed the three European Communities.

With the 1992 Maastricht Treaty, the EEC became the European Community (EC), with powers extended to encompass non-economic areas such as environmental protection, health and justice. This change was also reflected in the introduction of the new designation “European Union” (EU) in 1993.

With the Treaty of Lisbon, which came into force in 2009, the EU replaced the EC. This treaty made the EU more able to take action, more democratic and more transparent. The European Parliament was given greater powers and national parliaments’ rights to participate were also strengthened by the Treaty of Lisbon.



Background

The Treaty of Lisbon

The Treaty of Lisbon, which was signed in 2007 and came into force in 2009, is an international treaty between the Member States of the European Union. Initially known as the Reform Treaty, its aim was institutional reorganisation of the EU. The Treaty gives the EU the legal framework and the means to meet the challenges it faces and respond to citizens' needs.

The most important changes are the establishment of enforceable fundamental rights for EU citizens and increased legislative and budgetary powers for the directly elected European Parliament. National parliaments are also accorded greater scope to participate. This above all strengthens the principle of subsidiarity.

Further new developments include the European Citizens' Initiative, the establishment of the position of High Representative of the Union for Foreign Affairs and Security Policy and new voting rules; before the Treaty of Lisbon, unanimity was necessary for many decisions in the EU, whereas now decisions in the Council of the EU can in most cases be taken by qualified majority. That helps make the EU more able to take action. Unanimity is however still required for particularly sensitive issues, such as on foreign policy and defence, where all Member States must agree.





Resolved by thus pooling their resources to preserve and strengthen peace and liberty...

"Those who want peace want a transfer of sovereignty to the United States of Europe. The rest is a lie."
Luigi Einaudi 1948

6th August, 1950: Calling for a united Europe, 300 demonstrators from nine European countries stormed the German-French border crossing at St. Germanshof-Wissembourg, where they set fire to barriers and border posts.



... and calling upon the other peoples of Europe who share their ideal to join in their efforts...

Preamble to the Treaty establishing the European Economic Community (excerpt)

1st July 2013: celebrating accession to the European Union in Croatia's capital, Zagreb. Croatia is the most recent Member State to join the EU.

How the Bundesrat works

The Bundesrat has its seat in Leipziger Strasse, at the heart of Berlin's parliamentary and government district. This is where the body that represents the states of the Federal Republic of Germany meets, in the former Prussian House of Lords, not far from Potsdamer Platz.

The Bundesrat is one of the Federal Republic of Germany's five permanent constitutional bodies, alongside the Federal President, the German Bundestag, the Federal Government and the Federal Constitutional Court. As stipulated in the Basic Law, the 16 federal states, the *Länder*, participate through the Bundesrat in the legislation and administration of the Federation. The Basic Law also provides for Bundesrat participation in European Union affairs.

Who are the Bundesrat's members?

The Bundesrat is also known as the "parliament of the federal state governments". Pursuant to the Basic Law, members of the governments at the federal state level can become members of the Bundesrat. The Bundesrat's democratic legitimacy is also indirectly based on the parliamentary elections in each of the federal states. Whenever voters in a federal state decide on the composition of their federal state parliament, thus determining which party or coalition will govern in their *Land*, they

also indirectly determine who sits in the Bundesrat. That is because the federal state government is held by the majority in the federal state parliament; that *Land* government in turn appoints the members of the Bundesrat from among its ranks. The elections to the federal state parliaments therefore always have a national political significance too.

Depending on the size of their population, the 16 federal states appoint between three and six members to the Bundesrat. In total, the Bundesrat has 69 full members and 69 votes. The Bundesrat is led by the President of the Bundesrat, who is elected each year on 1st November from among the Minister Presidents.

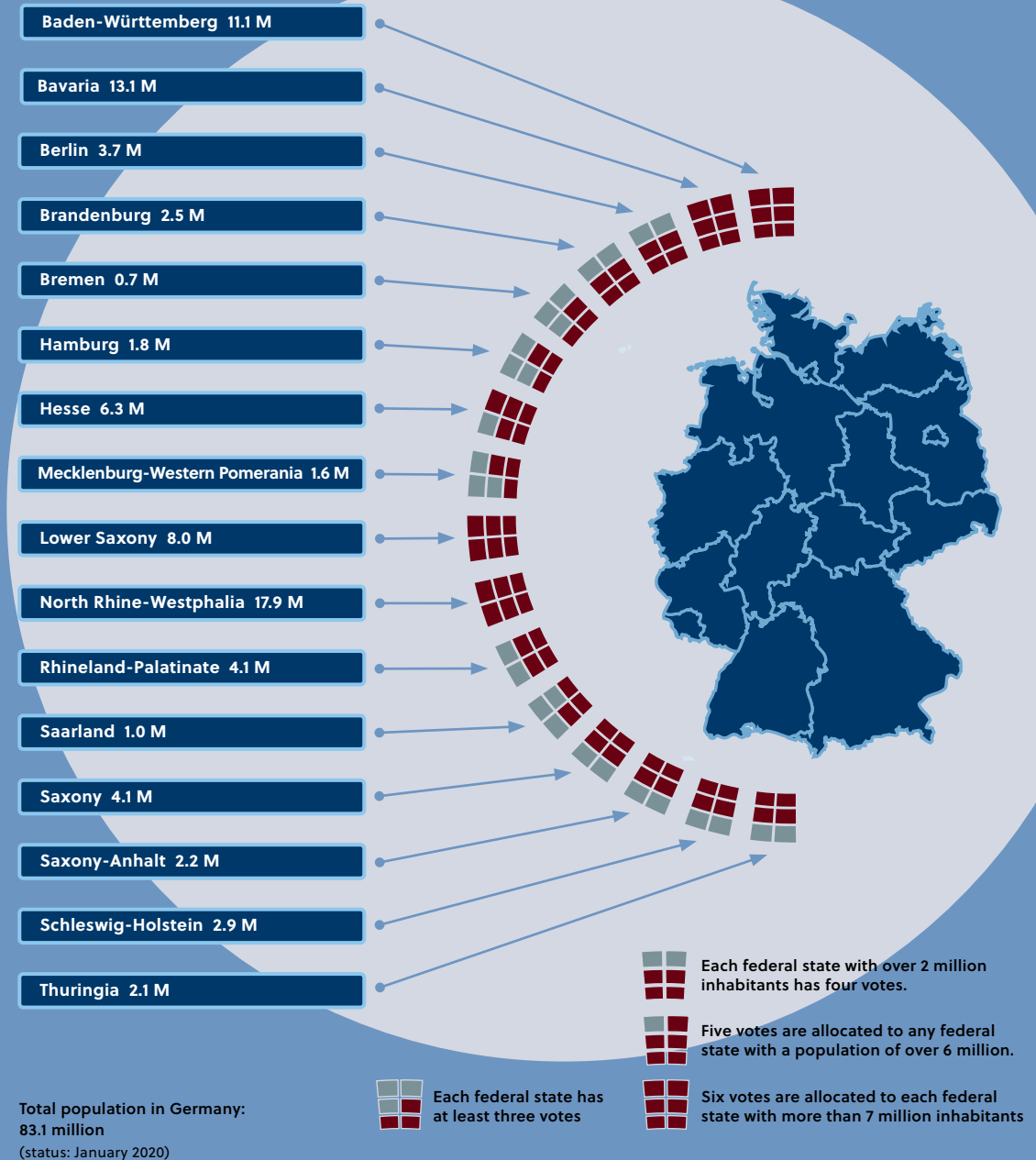
How does the Bundesrat vote?

The Bundesrat is intended to express the will of the federal states; therefore, according to the Basic Law, each federal state must cast its votes en bloc. As a rule, the government in each federal state determines how the votes for its *Land* will be cast in the Bundesrat. For this purpose, a vote-caster is generally chosen from among each federal state's representatives to cast all the votes of that federal state. If a member of the Bundesrat from the federal state in question votes differently, that federal state's entire vote is invalid.

Distribution of votes in the Bundesrat

69 votes in total

Population in millions (M)



Population figures for the federal states (status: June 2019) Source: © Statistisches Bundesamt (destatis) 2019
Map based on data from: Bundesamt für Kartographie und Geodäsie

The President of the Bundesrat accepts the vote cast by each vote-caster during the plenary session as expressing the will of their entire federal state. An absolute majority, which is usually required in Bundesrat votes, calls for 35 of 69 votes. In contrast, amendments to the constitution require a two-thirds majority: 46 votes.

As a rule, voting is by show of hands, with only votes in favour being counted to determine whether they constitute the majority or are in the minority. In the case of constitutional amendments and for certain other decisions, the federal states cast their votes in alphabetical order in a roll-call vote. In this case, their votes are documented. The Bundesrat does not hold secret ballots.

What can be decided by the Bundesrat?

Whenever a law comes into force in Germany, the Bundesrat has always been involved in the legislative process – in the case of draft bills proposed by the Federal Government, the Bundesrat participates even before the Bundestag enters the decisive consultation phase. This ensures that the interests of the federal states are taken into account in national legislation.

The Bundesrat also has a right of initiative in the legislative process.

Like the Federal Government or the Bundestag, which can also propose legislation, the Bundesrat may thus also initiate legislative procedures.

One of the Bundesrat's core tasks is participating in legislative procedures at the Federation level, i.e. adopting legislation that will affect everyone in Germany. Federal laws can only be passed if the Bundesrat has addressed them. In addition, many bills can only come into force with the Bundesrat's explicit agreement.

Clear rules for this are stipulated in the Basic Law. The scope of the Bundesrat's right to participate depends on the content of each specific piece of legislation. A distinction is made between consent bills and objection bills. The Bundesrat's importance is particularly evident in the consent bills. These are usually particularly significant for the federal states and can only be passed if the Bundestag and Bundesrat are in agreement. If the Bundesrat ultimately rejects a bill in this category, the bill fails.

Bundesrat approval is required for legislation that amends the constitution or transfers sovereign rights to the European Union, as well as for legislation that has a particular impact on the federal states' finances or impinges on the federal states' administrative sovereignty. Bills in this category make up almost 40 percent of

federal legislation. All other laws are objection bills. The Bundesrat has less influence here. It can only express its disagreement by objecting to the draft legislation.

The Mediation Committee

The Mediation Committee plays a central role in the legislative procedure. It is generally convened when the Bundestag and the Bundesrat cannot agree on a bill and its role involves working out a compromise proposal. In the case of consent bills, the Bundesrat, the Bundestag and the Federal Government can refer a matter to the Mediation Committee as participants in the legislative process; in the case of objection bills, only the Bundesrat is entitled to request that the Committee be convened.

The Mediation Committee, made up of 16 members from the Bundestag and 16 from the Bundesrat, seeks an amicable solution, which must subsequently be discussed in the Bundestag's plenary session. If no agreement can be reached on a consent bill through the Mediation Committee, it cannot come into force. For all other legislation, the Bundesrat may lodge an objection after the mediation procedure is concluded. The Bundestag can overrule this objection. If the Bundesrat does not lodge an objection, it is considered to agree with the proposed bill.

The role of the committees

The Bundesrat's parliamentary activities are characterised by work in its specialist committees. Decisions taken in the plenary session have been meticulously prepared in the meetings of the 16 committees. This is where the ministers from the federal states or their representatives from the administration at *Land* level meet to discuss committee voting recommendations, draft federal bills, as well as proposed European Union legislation.

The committees shape, monitor and improve the legislative texts; they seek dialogue with experts from the Federal Government and make recommendations. Their work is usually based on intensive preparatory input provided by experts from the ministries in the federal states, who remain involved in the deliberations via further rounds of voting in the run-up to the debate in the plenary session.

On the one hand, this parliamentary procedure ensures that the federal states' interests are represented in European Union matters as well as at the level of the Federation. On the other hand, integrating experts from the federal states into deliberations means that the people who will later help implement the legislation are involved from an early stage.

Europe on the Bundesrat's agenda

The Treaty of Lisbon, which came into force in 2009, strengthened the rights of the Member States' parliaments to participate in EU affairs. As the project of European union has progressed, the Bundesrat's involvement has therefore also grown more important. It plays an active role in this process. The Bundesrat is entitled to receive comprehensive information on EU matters, can comment on EU proposals and send representatives to the Council of the European Union.

The rights of the Federal Government and the federal states to participate at EU level are enshrined in the Basic Law, with further tangible details stipulated in a number of other laws, addressing, for example, cooperation between the Federal Government and the federal states on EU policy. Article 23 of the Basic Law, known as the Europe Article, on the one hand expresses a clear commitment to the project of European union. On the other hand, its provisions are intended above all to offset the loss of domestic powers and responsibilities by the Federal Government and the *Länder* as a result of the transfer of sovereign rights to the European Union.

Prompt information

The provision of information by the Federal Government is an important instrument in Bundesrat participation.

Article 23 of the Basic Law stipulates that the Federal Government shall inform the Bundesrat "comprehensively and as early as possible" about all proposed EU measures that affect the interests of the *Länder*. This includes documents, reports and communications from European Union bodies and from the Permanent Representation of Germany to the EU as well as documents on meetings and decisions taken by EU bodies. In addition, the Federal Government must also inform the Bundesrat of any initiatives and statements it has made to European Union bodies and provide documentation of these to the Bundesrat.

As a result, the Bundesrat receives around 22,000 official documents every year, which all have to be read and processed. About 500 of them relate to what are known as proposals at deliberation stage and around 160 will be examined in the Bundesrat's committees and plenary sessions; about two-thirds of these relate directly to specific draft legislation.

The decision-making process within Germany

Receiving information is however only part of the picture. If the interests of the federal states are affected, the Bundesrat is also actively involved in determining the negotiating position that the Federal Government will represent in Brussels.

National Parliaments contribute actively to the good functioning of the Union (...) by taking part in the inter-parliamentary cooperation between national Parliaments and with the European Parliament, in accordance with the Protocol on the role of national Parliaments in the European Union.

Treaty on European Union (Treaty of Lisbon),
Article 12 (excerpt)



However, the impact of the Bundesrat's views on European policy matters varies. It depends on whether the Federal Government or the federal states would be responsible for the corresponding provisions within Germany.

If draft legislation affects the legislative competence of the Federal Government but at the same time also impinges on the interests of the federal states, the Federal Government must take the Bundesrat's opinion into account when determining its negotiating position. This means that it must engage with the arguments put forward by the Bundesrat.

If draft legislation affects the federal states' legislative powers, the establishment of their authorities or their administrative procedures, the Federal Government must give Bundesrat's views "prime consideration". In this case, the Bundesrat's position will hold sway if there is any disagreement when determining the German negotiating stance. In addition, the Bundesrat can also submit its opinions directly to the European Commission. It currently does so around 50 times a year.

Participation at the European level

The Bundesrat is also directly represented at the European level in other instances, for example, if Bundesrat involvement would be mandatory for the corresponding national measure, in policy areas where the federal states are competent at national level or if the essential interests of the *Länder* are affected. While the Federal Government holds ultimate responsibility for conducting

negotiations in the Council or in European Commission advisory bodies, in the cases just mentioned it is possible for the Bundesrat to insist that representatives of the federal states be involved in the negotiations too. If draft legislation primarily concerns an area where the federal states hold exclusive legislative competence in the fields of school education, culture or broadcasting, the Bundesrat appoints a representative of the federal states to lead negotiations.

Early oversight for EU initiatives

The subsidiarity principle is an important instrument in parliamentary scrutiny of the EU institutions. The Lisbon Treaty provides that national parliaments – which also includes the Bundesrat – must ensure that the subsidiarity principle is observed. This principle states that in areas in which the EU shares legislative competence with the national parliaments, the EU may only legislate if the objectives pursued cannot be sufficiently achieved by the Member States acting centrally or at the regional or local level. A reasoned opinion on non-compliance with the subsidiarity principle can be submitted if the Bundestag or the Bundesrat comes to the conclusion that the objectives of a bill could be achieved just as well, or even better, by national, regional or local institutions. This is a pre-emptive oversight mechanism at the start of the legislative procedure. Depending on how many reasoned opinions on non-compliance are received, this procedure may require the European Commission to provide fresh substantiation for the legislative initiative and may ultimately even mean that the proposal fails.

The Committee on European Questions

Participation in addressing European policy issues becomes apparent in particular in the Committee on European Union Questions. This committee has a long tradition in the Bundesrat and, to a certain extent, reflects how Europe has become increasingly united. When the European Economic Community was founded, the Bundesrat set up a Special Committee on the Common Market and the Free Trade Area in December 1957. In 1965 it became a Standing Committee on Questions Concerning the European Communities. The committee has borne its current name since the Maastricht Treaty came into force on 1st November 1993.

The Committee for European Union Questions is responsible for discussing proposals from the Council of the European Union, the European Commission and the European Parliament that are important to the federal states. This includes draft EU Regulations and Directives, as well as Communications and Green or White Papers, frequently submitted by the European Commission before specific legislative procedures with a view to determining the needs and the appropriate scope of measures in a particular domain. The spectrum of policy areas addressed by the committee ranges from agriculture through provision of services, capital and payment transactions, environment and climate, asylum and immigration, to transport and competition policy.

The EU Committee generally draws on recommendations from the 15 other specialist committees in its debates.

Policy on the European Union and European integration guides it in its work.

The EU Committee examines, inter alia, whether legislative initiatives from the European Commission comply with the subsidiarity principle and if the Federal Government must give prime consideration to the Bundesrat's opinions on specific issues. If it takes the view that the Bundesrat's opinions should be submitted directly to the Commission, the EU Committee formulates a recommendation to this effect for the Bundesrat's plenary session. Its meetings are not public.

The Chamber of European Affairs

The Chamber of European Affairs plays a special role, so to speak as the "small-scale Bundesrat" to address urgent European policy issues. The Basic Law states that the Chamber of European Affairs may take decisions that are deemed to be Bundesrat decisions. That means there is no need to convene special plenary sessions to deliberate on particularly urgent European proposals. Resolutions can even be passed using a written procedure without a meeting.

The Chamber of European Affairs can only meet if a matter is expressly referred to it by the President of the Bundesrat. Its meetings are generally open to the public. Each federal state sends a representative to the Chamber, where the distribution of votes is the same as in the plenary. Its rotating chairmanship reflects the Bundesrat's rotating presidency system.

Background The Chamber of European Affairs' written consultation procedure on coronavirus response measures

When decisions must be taken on particularly urgent EU proposals, the Chamber of European Affairs meets in special sessions or works with a written consultation procedure – for example in spring 2020 when the coronavirus pandemic called for a response from the Chamber of European Affairs. At that point the European Commission had already proposed initiatives to mitigate the economic and social consequences of the coronavirus crisis and invigorate Europe's economy. One of the envisaged European projects, "SURE", aims to provide support for short-time working schemes. This temporary instrument is scheduled to make up to 100 billion Euro available to protect jobs and workers threatened by the coronavirus pandemic. In addition, all available Structural Funds monies will be redirected exclusively to tackling the coronavirus crisis. In future, Structural Funds projects will be financed by the EU alone without national co-financing. Further assistance will include the Fund for European Aid to the Most Deprived (FEAD) and support for the fisheries sector.

Within the framework of the federal states' shared responsibility for European policy, the Chamber of European Affairs addressed the planned measures in detail using its written consultation procedure. That written procedure was completed on 21st April 2020; the European Council discussed the measures just two days later.

- ✓ "SURE" support for short-time work schemes for EU citizens
- ✓ Structural Funds without national co-financing
- ✓ Re-orientation of the Fund for European Aid to the Most Deprived (FEAD)
- ✓ Aid for the fisheries sector
- ✓ Structural Funds exclusively to tackle the coronavirus crisis



View of the entrance hall of the Bundesrat

The Bundesrat and the interparliamentary bodies of the European Union

The Bundesrat's international relations are reflected not only in the Chamber of European Affairs and the Bundesrat's EU Committee, but also in its participation in various bodies and networks at the European level.

Interparliamentary cooperation at the EU level

A regular exchange of views on European policy also takes place through the EU interparliamentary conferences in which the Bundesrat participates. These include in particular the Conference of the Speakers of the Parliaments of the Member States of the European Union and of the European Parliament (EU-SC). The Conference provides regular forums for the Speakers of the EU parliaments to exchange views on current European policy issues.

The European Parliament and national parliaments send members to a number of joint interparliamentary bodies.

These include, for example, the Interparliamentary Conference on Economic and Financial Governance of the European Union, the Joint Parliamentary Scrutiny Group on Europol and the Interparliamentary Conference for the Common Foreign and Security Policy (CFSP) and the Common Security and Defence Policy (CSDP).

In addition, the European Parliament's sector-specific committees regularly invite their counterparts from committees in the national parliaments to interparliamentary committee meetings and hearings on current European policy issues.

There is also an intensive exchange of views between the Member States' European Affairs Committees in the Conference of Parliamentary Committees for Union Affairs of Parliaments of the European Union (COSAC, an acronym



derived from its title in French: *Conférence des organes spécialisés dans les affaires communautaires*). COSAC's role was enhanced by the Treaties of Amsterdam and Lisbon.

It promotes exchange of information and best practices between national parliaments and the European Parliament at committee level. The Bundesrat is usually represented at COSAC's six-monthly meetings by the Chair of the Committee on European Union Questions or by one or two committee members.

In addition, the Bundesrat is one of the founding members of the Association of European Senates, which currently comprises 16 second chambers of national parliaments. The Association aims above all to foster relations between its members and promote the bicameral system in parliamentary democracy. In the NATO Parliamentary Assembly,

parliamentarians from the 30 NATO member countries and associated states discuss North Atlantic Alliance issues.

At the administrative level, the Secretaries General of EU parliaments meet regularly, also with a view to preparing the EU-SC. The Bundesrat is also a member of the European Centre for Parliamentary Research and Documentation (ECPRD), which has fostered cooperation in these areas since 1977.

European policy issues are not just in the spotlight for the Bundesrat when Germany assumes the Council Presidency on 1st July 2020. The European Union, along with its values, achievements and challenges, will continue to account for a large part of the Bundesrat's work in future too. Because Europe is also high on the agenda for the federal states.

Interparliamentary conferences at the EU level

During an EU Council Presidency, the country that holds the Presidency chairs all the European bodies that monitor and oversee policy at the European level through parliamentary scrutiny. The Presidency's Parliamentary Dimension is also linked to events and activities organised by the parliaments of the Presidency country under their own responsibility and independently of the government. Germany holds the Presidency of the Council of the European Union from July to December 2020.

Conference of the Speakers of the Parliaments of the EU Member States

The Conference of the Speakers of the Parliaments of the EU Member States (EU-SC) is made up of the Speakers of the national parliaments of the EU Member States and the President of the European Parliament; the President of the Bundesrat represents the Bundesrat in this body. It aims to promote the role of the parliaments and to carry out joint activities to support parliamentary work. Its annual conference is therefore a forum for an exchange of views on European issues that are particularly important for national parliaments and interparliamentary cooperation.

COSAC – Conference of Parliamentary Committees for Union Affairs of the National Parliaments of the EU Member States and the European Parliament

The Conference of Parliamentary Committees for Union Affairs of Parliaments of the European Union was established in 1989.

It regularly organises exchanges of views on topical issues related to the European Union and on best practices between the national parliaments and the European Parliament at committee level. The Bundesrat participates in COSAC's biannual meetings with a delegation together with the Bundestag's EU Committee.

Interparliamentary Conference for the Common Foreign and Security Policy (CFSP) and the Common Security and Defence Policy (CSDP)

In this interparliamentary conference, the national parliaments of the EU Member States and the European Parliament discuss issues relating to parliamentary oversight of the EU's foreign and defence policy. It is a platform for the national parliaments, the European Parliament and the European Commission to exchange views and information. The conference meets twice a year. Germany sends a total of six members to this conference.

Interparliamentary Conference on Stability, Economic Policy Coordination and Governance in the EU (SECG Conference)

The Interparliamentary Conference on Stability, Economic Policy Coordination and Governance in the EU was established in 2013 (Article 13, Fiscal Compact). This conference aims to ensure closer involvement of national parliaments in discussions on EU economic policy coordination. Furthermore, it ensures a regular basis for exchanges between the

Subsidiarity Economic Union Currency Union Customs Union

European Commission, the European Parliament and the national parliaments. The conference meets twice a year.

Joint Parliamentary Scrutiny Group on Europol

In the field of police cooperation, the European Parliament, together with the national parliaments, exercises oversight concerning the activities of Europol, the EU agency for law enforcement cooperation. The scrutiny group examines Europol's activities and provides parliamentary support for its work. Europol must submit working documents to the Scrutiny Group; the Scrutiny Group is consulted before a decision is taken on the multiannual programme. The European Data Protection Supervisor must also provide information to the body at least once a year. Meetings take place twice a year. The Bundesrat and the Bundestag each send two members to these meetings, as the German federal states are also responsible for internal security.

Interparliamentary Committee Meeting for Joint Evaluation of Eurojust's activities

The European Union's agency for criminal justice cooperation (Eurojust) helps EU countries fight terrorism and serious organised crime affecting more than one EU country. The Eurojust Regulation provides for parliamentary scrutiny of Eurojust's work by the European Parliament and national parliaments of the EU (Article 67, Eurojust Regulation pursuant to Article 85(1) TFEU).

A body to deal with this mechanism has not yet been established. The Bundesrat and Bundestag will send members to this body.

Joint Parliamentary Scrutiny Group on the European Border and Coast Guard Agency (Frontex)

The European Border and Coast Guard is composed of national authorities and the Frontex Agency. Frontex helps EU Member States and non-EU Schengen states manage their external borders. The Agency also contributes to harmonisation of border controls in the EU. The European Parliament and national parliaments work together to ensure that the European Parliament and national parliaments can effectively exercise their oversight functions over the Agency and national authorities in this sphere. At the invitation of the European Parliament and the national parliaments, Frontex's Executive Director and the Chair of the Management Board participate in meetings of the European Parliament and the national parliaments. The Agency is required to forward its annual activity report to the national parliaments.

Other interparliamentary meetings

The parliament of the Member State that holds the six-month Presidency of the Council also organises events on EU issues for the chairs of the sector-specific committees in the national parliaments and the European Parliament. These meetings are held in the Presidency country rather than in Brussels.

The *Länder* shall participate through the Bundesrat in the legislation and administration of the Federation and in matters concerning the European Union.

Basic Law of the Federal Republic of Germany, Article 50



(The Bundesrat. 16 federal states. One conclusion. For Germany. For Europe.)

Further information

The Bundesrat on the Internet

www.bundesrat.de

<https://www.bundesrat.de/EN/homepage/homepage-node.html>

Information on Germany's Council

Presidency 2020

<https://www.parleu2020.de/en>

Some useful addresses related to the European Union

Portal of the European Union

www.europa.eu

European Parliament

www.europarl.europa.eu

Information Office of the European Parliament in Germany (website in German)

www.europarl.de

European Commission

www.ec.europa.eu

Representation of the European

Commission in Germany

(website in German)

www.ec.europa.eu/germany

Council of the European Union and

European Council

www.consilium.europa.eu

The European Ombudsman

The European Ombudsman investigates complaints about maladministration and systemic problems in the EU institutions.

www.ombudsman.europa.eu

The European Data Protection Supervisor

The European Data Protection Supervisor is an independent supervisory authority responsible for ensuring that all EU institutions and bodies guarantee the protection of privacy when processing personal data.

www.edps.europa.eu

European Citizens' Initiative

The European Citizens' Initiative (ECI) is an important democratic instrument for participation in the EU. With the ECI, one million citizens living in a quarter of the Member States can request that the European Commission propose legislation to implement the EU Treaties. New rules have been in place since January 2020 to facilitate access to the ECI.

<https://www.europarl.europa.eu/factsheets/en/sheet/149/european-citizens-initiative>

IPEX (Interparliamentary EU Information Exchange)

The IPEX Internet-based database provides a platform for electronic exchange of EU-related information between the national parliaments of the EU Member States, candidate countries and the European Parliament. IPEX contains data on EU draft legislation, consultations and other documents on which national parliaments can submit information and opinions. Information on EU topics from the national parliaments can also be found here.

www.ipex.eu

Legal basis (selected links)

Grundgesetz für die Bundesrepublik Deutschland, Artikel 23 / Basic Law for the Federal Republic of Germany, Article 23
www.gesetze-im-internet.de/gg/art_23.html
https://www.gesetze-im-internet.de/englisch_gg/englisch_gg.html#p0127

Grundgesetz für die Bundesrepublik Deutschland, Artikel 50 / Basic Law for the Federal Republic of Germany, Article 50
www.gesetze-im-internet.de/gg/art_50.html
https://www.gesetze-im-internet.de/englisch_gg/englisch_gg.html#p0242

Grundgesetz für die Bundesrepublik Deutschland, Artikel 79 / Basic Law for the Federal Republic of Germany, Article 79
www.gesetze-im-internet.de/gg/art_79.html
https://www.gesetze-im-internet.de/englisch_gg/englisch_gg.html#p0414

Gesetz über die Wahrnehmung der Integrationsverantwortung des Bundestages und des Bundesrates in Angelegenheiten der Europäischen Union / Law on Responsibility For Integration in Matters Concerning the European Union (IntVG)
www.gesetze-im-internet.de/bjnr302210009.html
http://www.gesetze-im-internet.de/englisch_intvg/index.html

Gesetz über die Zusammenarbeit von Bund und Ländern in Angelegenheiten der Europäischen Union (EUZBLG) / Act on Cooperation between the Federation and the Federal States in European Union Affairs
www.gesetze-im-internet.de/euzblg/bjnr031300993.html

Vereinbarung zwischen der Bundesregierung und den Regierungen der Länder zur Regelung weitere Einzelheiten der Zusammenarbeit von Bund und Ländern in Angelegenheiten der Europäischen Union / Agreement between the Federal Government and the Governments of the Federal States to Regulate Further Details of the Cooperation of the Federal Government and the Federal States in European Union Affairs
www.bundesrat.de/DE/aufgaben/recht/bund-laender-eu/bund-laender-eu-node.html

Gesetz zur finanziellen Beteiligung am Europäischen Stabilitätsmechanismus (ESM-FinG) / Act on Financial Participation in the European Stability Mechanism (ESM-FinG)
https://www.bundesfinanzministerium.de/Content/EN/Standardartikel/Ministry/Laws/2012-09-13-esm-financing-act.pdf?__blob=publicationFile&v=3

Treaty of Lisbon
<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12007L/TXT>

Imprint

Published

Published by the Bundesrat
Bundesrat Parliamentary Relations Division
11055 Berlin
Tel.: 030 189100 – 0
E-Mail: parlamentarischebeziehungen@bundesrat.de
www.bundesrat.de

German text and editorial oversight

Georgia Rauer

Bundesrat coordination

Parliamentary Relations Division

Concept and design

EYES-OPEN – Agentur für Kommunikation
Sabine Dittrich, Martin Jagodzinski


Photo credits

Bundesrat, Dirk Michael Deckbar
(Title page, p. 2/3, 26, 30/31, 36/37)
Bundesrat, Linus Lintner Fotografie (p.13)
Historical Archives of the European Union,
Heinz-Jürgen Göttert (p. 16/17)
picture alliance, Anto Magzan/PIXSELL
(p. 18/19)


Status: June 2020


Follow the Bundesrat:

 Twitter
[@bundesrat](https://twitter.com/bundesrat)

 App (in German)
bundesrat.de/infoapp

 Instagram
[@bundesrat](https://www.instagram.com/bundesrat)

 Newsletter (in German)
www.bundesratkompakt.de

 YouTube
[@BundesratDeutschland](https://www.youtube.com/BundesratDeutschland)

The Bundestag and, through
the Bundesrat, the *Länder* shall
participate in matters concerning
the European Union.

Basic Law of the Federal Republic of Germany,
Article 23, paragraph 2 (excerpt)

