

## The German Bundestag and the European Union





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Germany is assuming the Presidency of the Council of the European Union in the second half of 2020. This is primarily a matter for the Federal Government, which represents Germany in the Council. However, the parliament of the country holding the rotating Council presidency also hosts conferences and events to which it invites the other national parliaments and the European Parliament.

## The German Bundestag and the EU

The German Bundestag and the Bundesrat intend to use the Presidency as an opportunity

- to discuss the current challenges facing Europe with parliamentarians from across the entire EU;
- to help to ensure that parliamentarians from the various member states discuss their positions and develop closer links; and
- to serve as good hosts for the various events.

Another aim is to raise public awareness of the parliamentary dimension of the Council Presidency and, in this context, of the German Bundestag's role in European policymaking. This brochure therefore seeks to explain how the German Bundestag deals with European affairs and what influence it can have on EU policies.

An intensive dialogue takes place between the parliaments in the EU, as parliamentarians can only play a responsible role in shaping EU policies if they are familiar with and understand the perspective of their colleagues from the other member states and the European Parliament. Joint meetings are therefore organised with other parliaments, particularly as part of the presidency of the Council of the EU, in order to discuss each other's positions and joint solutions.



The German flag and the European flag flying in front of the Reichstag Building's West Entrance.

Germany is a founding member of the European Union, together with France, Italy and the Benelux countries. As an export-oriented industrial nation at the heart of Europe, Germany has benefited from European integration to a particular extent from the outset.

In the wake of the Second World War, the European Coal and Steel Community, followed by the European Economic Community and later the EU, made an important contribution to securing

## Germany in the EU

peaceful coexistence among Europe's nation states. Open borders for goods, services and workers led to economic growth and brought people closer together. Following the fall of the Iron Curtain, the accession of many central and eastern European countries to the EU helped to consign Europe's division during the Cold War to history.

Today, the EU encompasses 27 member states in which around 450 million people live. The member states are committed to upholding the shared principles of democracy and the rule of law and to respecting fundamental and human rights. The EU offers its citizens an area of freedom, security and justice. More than half of its member states, 19 out of 27, share a single currency, the euro.



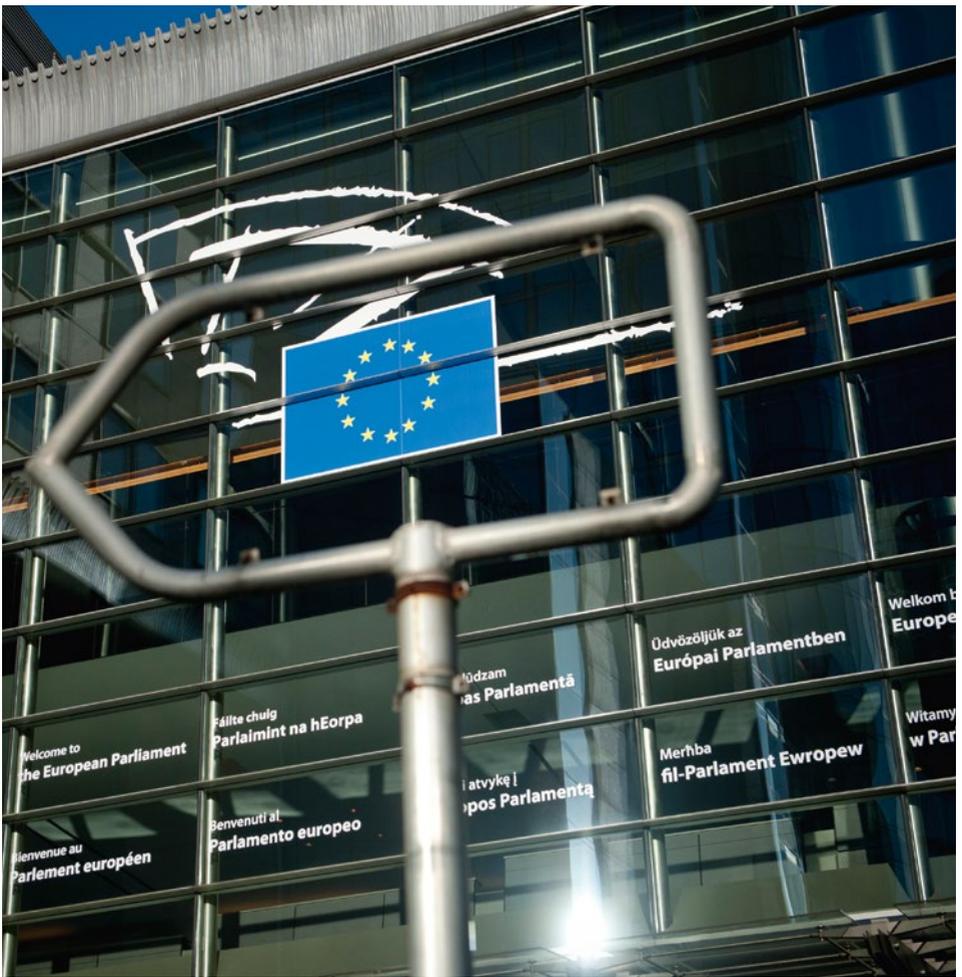
The German and European flags in a meeting room.

In order to achieve its objectives, the EU organises joint action by all member states and can introduce legislation, particularly in the form of regulations and directives. The European Commission, the European Parliament and the Council of the European Union are involved in the process of creating the EU's legislative acts.

In the case of directives, these legislative acts are implemented by laws passed by the national parliaments.

The national parliaments can also influence the EU's policies at a much earlier stage, however, for example by delivering opinions to the EU institutions or calling on their country's government to take a certain position in the Council.

## The parliaments in the EU



Twelve stars on a blue background – the symbol of the European Union on the European Parliament’s building in Brussels. Meetings of the committees and political groups are held in the Belgian capital. The official seat of the Parliament is Strasbourg.

The participation of the German Bundestag and the Bundesrat in matters concerning the EU is guaranteed by the German constitution, the Basic Law (*Grundgesetz*). Article 23 (2) of the Basic Law requires them to be involved in all matters concerning the EU. What this means in practice is regulated by separate laws. The cooperation between the Bundestag and the Federal Government on EU affairs is set out in the Cooperation Act (*Zusammenarbeitgesetz*), in particular. If the EU's competences are expanded without treaty changes, the Responsibility for Integration Act (*Integrationsverantwortungsgesetz*) applies.

The German Bundestag exercises its participatory and scrutiny rights regarding measures to stabilise the euro on the basis of the Act on Financial Participation in the European Stability Mechanism (*Gesetz zur finanziellen Beteiligung am Europäischen Stabilitätsmechanismus*).

## The Bundestag's participation in EU affairs

### **The Bundestag's rights to information in matters concerning the EU**

To enable the Bundestag to exercise its participatory rights, the Federal Government is required to notify it comprehensively about EU matters, particularly about the Federal Government's decision-making process, and about the preparations for and the course of the discussions in the EU's institutions. The Bundestag must be informed in sufficiently good time to enable it to form an opinion on the subject of meetings and the Federal Government's position and to influence the Federal Government's negotiating line and voting decisions.

### **The Bundestag's right to deliver opinions to the Federal Government**

The right to deliver opinions is a key instrument in the German Bundestag's participation in matters concerning the EU. It enables Parliament to exert political influence on the position of the Federal Government, which negotiates in the Council on behalf of Germany.

Whenever the Bundestag exercises this right, the Federal Government must use the opinion as a basis for its negotiations at European level. It informs the German Bundestag continuously about the progress of the negotiations and, in particular, about the consideration given to the opinion.

If the Bundestag delivers an opinion on a legislative act (such as a draft directive or regulation), the Federal Government must invoke the requirement of prior parliamentary approval in its negotiations with the other EU member states in the Council if any of the main interests expressed in the Bundestag's opinion cannot be asserted. It must notify the Bundestag of this without delay and must seek to reach agreement with the Bundestag before the final decision in the Council.



Meeting of the Committee on European Union Affairs in the Europasaal of the Paul Löbe Building.

### **Participatory rights under the Responsibility for Integration Act**

In addition, the Federal Constitutional Court has repeatedly emphasised the Bundestag’s “responsibility for integration” in the framework of its participation in matters concerning the EU. The Court has said that the Bundestag must consistently and permanently exercise this responsibility when it comes to further steps towards European integration. In concrete terms, this means that expansions in the EU’s competences, certain changes to European decision-making processes, other EU treaty amendments and the accession of new member states can only take place if the Bundestag and the Bundesrat have passed a law expressing parliamentary approval.

### **Parliamentary rights regarding the scrutiny of subsidiarity and proportionality**

The principle of subsidiarity means that the EU may only act if the objectives of the proposed action cannot be sufficiently achieved by the member states and can only be achieved or can better be achieved at EU level. The national parliaments may, within an eight-week period, state in a reasoned opinion delivered to the European Commission, the European Parliament and the Council of the EU why they believe that a legislative proposal is incompatible with the principle of subsidiarity; this is known as a “subsidiarity objection”.

The EU institutions involved in the legislative process are required to take an opinion of this kind into account. If one-third of the national parliaments express subsidiarity concerns (known as a “yellow card”), the European Commission is required to review its proposal. It can decide to maintain, change or withdraw its proposal, and must give reasons for its decision. If more than half of the national parliaments register concerns

about subsidiarity (an “orange card”) and the European Commission decides to maintain its proposal, the Commission must set out in detail to the Council and the European Parliament why, in its view, the proposal complies with the principle of subsidiarity.

### **Participation in measures to stabilise the euro**

The Bundestag participates in measures to stabilise the euro and the monitoring of these measures in line with the legal requirements set out in the Act on Financial Participation in the European Stability Mechanism. In essence, the Federal Government may only approve certain euro stabilisation measures which can affect the federal budget if the Bundestag has previously taken an affirmative decision to that effect.

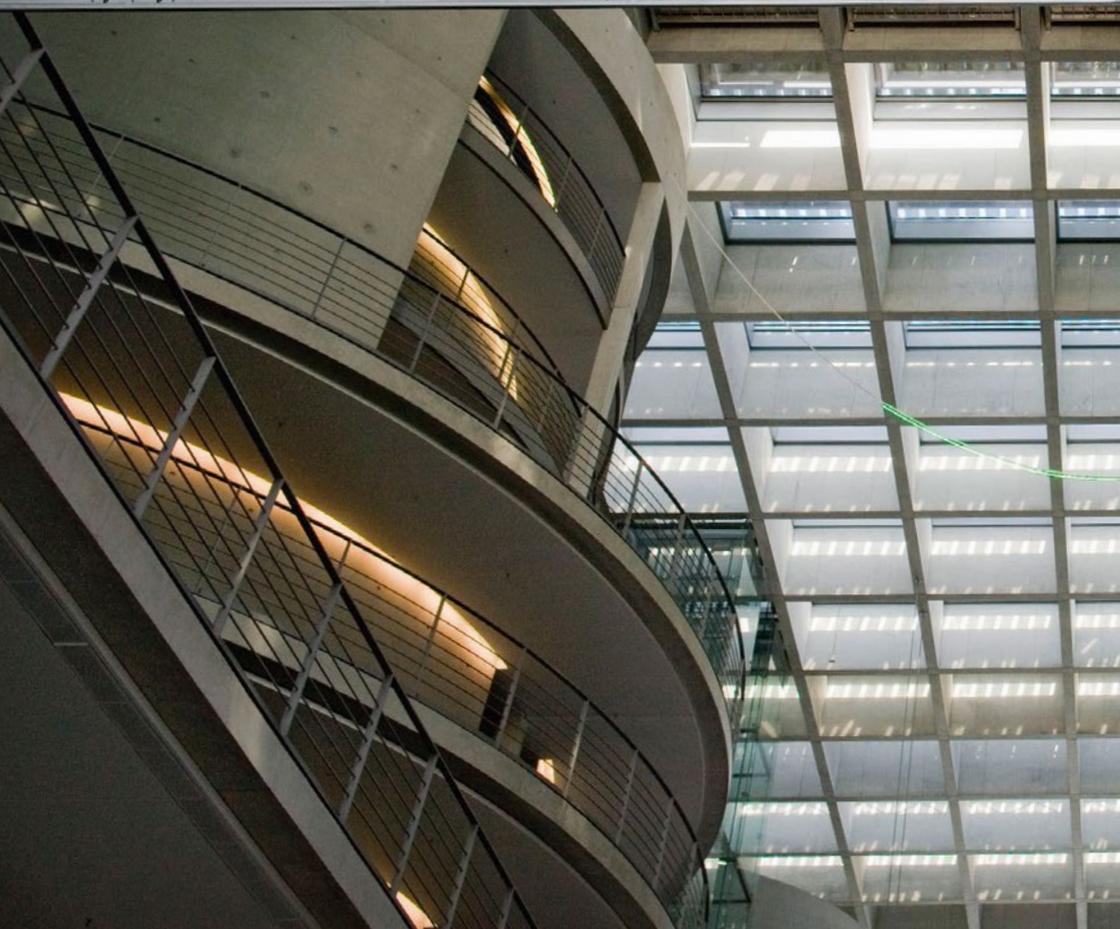
### **Other opportunities for participation**

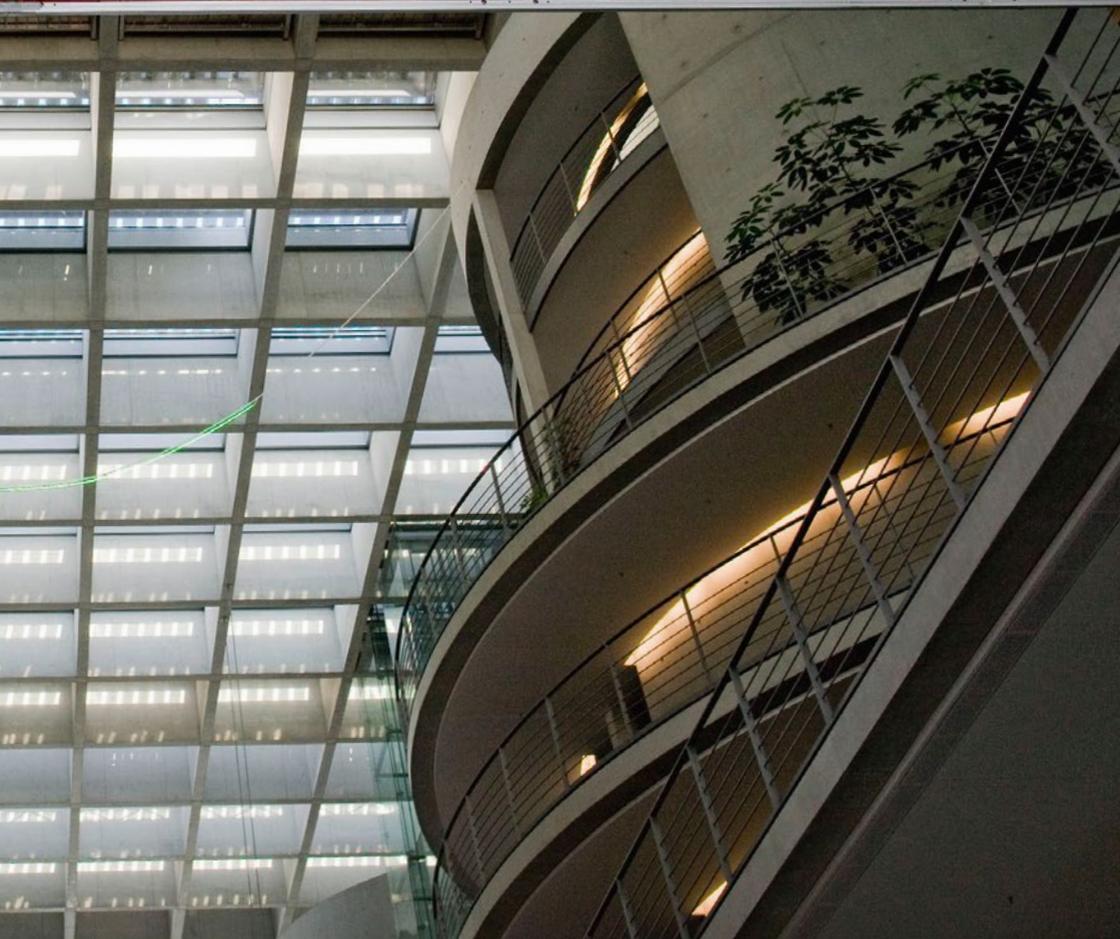
In addition, the Bundestag can state its position on EU matters directly to the European Commission, and can discuss its stance with the European Parliament and the parliaments of the other member states.

There are many other opportunities for parliamentary participation, such as talks between Members of the Bundestag, EU Commissioners and Members of the European Parliament in the framework of committee meetings at the Bundestag or during visits to Brussels, parliamentary interpellations and plenary debates on European policy, and various formal and informal discussions, exploratory talks and coordination processes (such as consultations with experts, hearings, and discussions and coordination processes between the parliamentary groups in the Bundestag and the parties with which they are affiliated in the European Parliament).



Federal Minister Franziska Giffey, SPD, at a meeting of the Committee on European Union Affairs in the Paul Löbe Building.





### **Consideration by the specialised committees**

All of the Bundestag's specialised committees focus not only on national items of business during their meetings, but also on EU projects within their area of responsibility. The parliamentarians discuss important initiatives at length and often invite the Federal Government, experts and representatives of the EU institutions to contribute to the discussions. Public hearings are also held frequently, at which specific EU projects are examined and discussed in greater detail. The committees can submit a recommendation for a decision to the plenary at the end of their deliberations. The plenary of the German Bundestag then delivers an opinion under Article 23 (2) and (3) of the Basic Law, which the Federal Government is subsequently required to take into account during the negotiations in the Council.

### **The special role of the Committee on EU Affairs**

The Committee on European Union Affairs plays a special role in this context. It is the lead committee for fundamental EU issues, changes to EU institutions

## European affairs in the German Bundestag's committees

and primary law, enlargement policy and cross-cutting EU initiatives. It includes not only Members of the Bundestag, but also German Members of the European Parliament, who are entitled to speak but have no voting rights. Under Article 45 of the Basic Law, the Committee can be empowered by the plenary to exercise the Bundestag's rights vis-à-vis the Federal Government or the EU institutions.

### Other means by which committees exert influence

The committees sometimes decide not to submit a recommendation for a decision to the plenary and instead merely provide a “summary view” of their discussions to the relevant federal minister. A summary view gives a brief account of the course of the debate in the committee without a vote having taken place on the committee's position on the project. Informal approaches of this kind can guide the Federal Government in its discussions at EU level. Representatives of EU institutions, such as EU Commissioners, are often also invited to committee meetings so that parliamentarians can obtain first-hand information from them and set out concerns and requests.

### The Bundestag and cooperation between parliaments in the EU

A lively dialogue takes place at multiple levels between the Bundestag and the national parliaments of the EU member states and the European Parliament.

During each presidency of the Council of the European Union, interparliamentary meetings are regularly held at the initiative of the national parliament of the country holding the presidency. Interparliamentary meetings on a larger scale usually deal with cross-cutting issues, while meetings at committee level or joint committee meetings focus on specific topics or legislative proposals. In addition, the European Parliament also organises meetings. However, EU issues are also a key element of talks at many bilateral meetings between committees, parliamentary friendship groups and Members of Parliament from various EU member states. There are also a wide range of contacts between the political groups in the European Parliament and the parliamentary groups in the Bundestag which belong to the same family of political parties.



View from an interpretation booth during a meeting of the Committee on European Union Affairs.

The German Bundestag will host a number of conferences, in collaboration with the Bundesrat, during Germany's Presidency of the Council.

These conferences will bring together politicians specialising in specific fields and politicians specialising in European affairs from the national parliaments and the European Parliament to discuss topical issues in their policy fields which are relevant to the entire EU. The coronavirus pandemic and its consequences will be a key issue at all of these conferences and will be examined from various perspectives. The parliamentarians responsible for foreign and defence policy will meet for the Inter-Parliamentary Conference for the Common Foreign and Security Policy and the Common Security and Defence Policy; the Inter-Parliamentary Conference on Stability, Economic Coordination and Governance in the EU will focus on the challenges for budgetary and fiscal policy; and the conference of committees on EU affairs, COSAC, will examine institutional and overarching issues. There are also plans for conferences to be held by the committees responsible for health, climate, social and innovation policy.

## The parliamentary dimension of Germany's Presidency of the Council of the EU 2020

The three member states which hold the six-month presidency of the Council in succession form what is known as a “trio presidency” together for an eighteen-month period. The start of Germany’s Presidency of the Council in the second half of 2020 marks the beginning of the country’s joint trio presidency with Portugal and Slovenia for the period from 1 July 2020 to 31 December 2021. The three presidency parliaments issue a joint “trio declaration”, in which they commit to shared aims and coordinate their activities.



The German and European flags.

### **The Bundestag and the Bundesrat**

The Bundestag is the only constitutional body in Germany which is directly elected by the people. It passes federal legislation, adopts the budget and takes decisions on Bundeswehr missions abroad. It elects the Federal Chancellor at the start of each electoral term and scrutinises the work of the government. Germany's 16 *Länder* (federal states) also participate in the passage of federal legislation via the Bundesrat. The Bundesrat can lodge an objection to bills; if a federal bill substantially affects the interests of the *Länder*, the Bundesrat's consent is required.

## The German Bundestag in the Reichstag Building in Berlin

## The Bundestag in the Reichstag Building

The German Bundestag's seat is the Reichstag Building in Berlin. The building was constructed between 1884 and 1894 to plans produced by the architect Paul Wallot and subsequently served as the seat of the German Parliament. After the Nazis seized power in January 1933, a fire took place in the night of 27-28 February 1933 which completely destroyed the plenary chamber and the building's dome. The Nazis used this fire, the full facts of which have never been established, as a pretext to suspend important fundamental rights and to abolish parliamentarianism in practice. After being badly damaged in the Second World War, the Reichstag Building was modernised in the 1960s and was subsequently used for exhibitions and special events. The German Bundestag's committees and parliamentary groups also held meetings there from time to time. During the decades when Germany was divided, the Berlin Wall ran immediately to the east of the building.

After German reunification, the Bundestag took the decision in 1991 to move the seat of the parliament of reunified Germany from Bonn to the Reichstag Building in Berlin. The British architect Sir Norman Foster was tasked with transforming the building for Parliament's work. The building's historic shell was preserved and modern and transparent elements were added, such as the publicly accessible dome. The renovation resulted in a modern and representative parliamentary building in the centre of Berlin which attracts millions of visitors from Europe and around the world each year.



View of the Reichstag Building from the Marie-Elisabeth Lüders Building.

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