

The German Parliament and EU affairs

Deutscher Bundestag



President: [Wolfgang Schäuble](#) (CDU/CSU, EPP)

Chair of the EU affairs committee: [Gunther Krichbaum](#) (CDU/CSU, EPP)

Secretary General: [Horst Risse](#) ([organigram](#))

EU liaison officer: [Vesna Popovic](#)

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www.bundestag.de | [@Bundestag](#)

709 seats

Deutscher Bundesrat



President: [Dietmar Woidke](#) (SPD, S&D)

Chair of the EU affairs committee: [Guido Wolf](#) (CDU, EPP)

Secretary General: [Ute Rettler](#)

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69 seats

Introduction to Germany's parliamentary system

The Federal Republic of Germany has a parliamentary system consisting of the [Bundestag](#) and the [Bundesrat](#), established in 1949. The Bundestag is the main legislative body, which determines all laws at federal level. It does so with the participation of a 'second chamber', the Bundesrat, which represents the 16 constituent states (*Bundesländer*).

Competencies are shared between the Federation and the *Länder*, with the *Länder* having the right to legislate insofar as the *Grundgesetz* (Basic Law) does not confer legislative power on the Federation. Federal law takes precedence over *Länder* law. Areas of exclusive federal legislation, such as foreign policy, defence and trade, are governed at federal level. In areas of concurrent legislation, the *Länder* can adopt legislation as long as there is no existing federal legislation. Over time, federal legislation has been expanding. Only in some areas, for example in education, culture, police and administrative law, have the *Länder* retained their exclusive legislative powers.¹

This briefing is part of an EPRS series on national parliaments (NPs) and EU affairs. It aims to provide an overview of the way the NPs of EU Member States are structured and how they process, scrutinise and engage with EU legislation. It also provides information on relevant NP publications.

Legislative proposals at federal level can come from the Federal Government, the Bundestag or the Bundesrat. In practice, most legislation originates from the government, while its execution and implementation is the responsibility of the states. Proposals must first be presented to the Bundesrat, which can prepare an opinion within six weeks. In turn, proposals by the Bundesrat first have to be presented to the government, which can present an opinion within six weeks. Afterwards, the proposal is submitted to the Bundestag for plenary discussion, usually in three readings. Proposals from within the Bundestag can originate from either a parliamentary group or at least five per cent of its members. These proposals do not need to be presented to the Bundesrat before being discussed in the plenary, which is why the government at times uses this way of initiating legislation in urgent matters. If there is a majority supporting a proposal, it is presented to the Bundesrat. For some policy areas, the Bundesrat's approval is required (*Zustimmungsgesetze*), while in others (*Einspruchsgesetze*), laws can be passed without the Bundesrat's approval, as long as there is an absolute majority in a second vote in the Bundestag. If the Bundesrat has adopted an objection by a majority of at least two thirds of its votes, its rejection by the Bundestag requires a two-thirds majority, including at least a majority of all Members of the Bundestag.

In domestic politics, the German Bundestag is constitutionally one of the strongest NPs in the EU. In EU politics, however, academics state that it had a long phase of 'relative apathy'.² The Bundestag's rights and competences in this regard started increasing in 1993 with the [first version of the Act on Cooperation between the Federal Government and the German Bundestag in matters concerning the EU – Gesetz über die Zusammenarbeit von Bundesregierung und Deutschem Bundestag in Angelegenheiten der EU \(EUZBBG\)](#) – but have expanded considerably over the last two decades, most significantly in the context of the Lisbon Treaty and a related ruling of the German Federal Constitutional Court. The Bundestag's role has developed from a largely controlling function into an 'active policy shaper'.³

The German Parliament's organisational structure for EU affairs

The participation of the Bundestag and the Bundesrat in EU matters is governed by Article 23(2) of the German Basic Law (*Grundgesetz - GG*), which states that both the Bundestag and the *Länder* shall participate in matters concerning the European Union. The Federal Government shall notify the Bundestag of such matters comprehensively and as early as possible'. As a result, the German Parliament now has extensive participation, cooperation and co-decision-making rights in EU affairs.

The [EUZBBG](#), which was substantially reformed in 2009 and amended in 2013, sets out the Federal Government's obligations in EU matters and the Bundestag's information and participatory rights (see 'Scrutinising EU affairs' for more details). The *Länder* participation rights on EU affairs are specified in the Act on Cooperation between the Federation and the *Länder* in matters concerning the EU - *Gesetz über die Zusammenarbeit zwischen Bund und Ländern in Angelegenheiten der Europäischen Union* (EUZBLG) - also [adopted in 1993](#) and [modified in 2009](#).

The 'Responsibility for Integration Act' ([Integrationsverantwortungsgesetz](#)) came into force in 2009 in the context of a ruling by the Federal Constitutional Court related to the Lisbon Treaty. It establishes the responsibility of the Bundesrat and Bundestag for European integration and states that in areas under the special responsibility for integration, the government may only act in the Council of the EU if the Bundestag – and, when it is concerned, the Bundesrat – has issued a respective decision or law beforehand. The act mainly concerns amendments to EU primary law and cases in which the Lisbon Treaty provides for an expansion of competences for the EU (e.g. Article 352 TFEU). In practice, this law is not applied very frequently owing to the limited use of the simplified Treaty revision procedure.⁴

The Bundestag and its Committee on EU Affairs

The Bundestag is elected directly every four years. The last elections took place in September 2017. It officially consists of 598 Members of Parliament (*Mitglieder des Bundestags*, MPs); however, owing to overhang and balance seats,⁵ the current Bundestag has 709 seats.

The [Committee on European Union Affairs](#) (CEUA) is the central forum for the Bundestag's participation in European affairs and one of only four committees enshrined in the German Basic Law. It must be appointed every legislative period and currently comprises [39 MPs](#). In addition, German Members of the European Parliament (MEPs) have access to the meetings of the CEUA and a number of nominated German MEPs are 'entitled to attend as representatives' (Bundestag's [Rules of Procedure](#), 93b(8)). The aim is to improve the link between the national and European levels. As is also the case for [other NPs](#), these MEPs ([currently 17](#)) can thus participate in the debates of the CEUA, but they must be formally appointed by the President of the Bundestag on a proposal from the parliamentary party groups. While they do not have voting rights, they can propose items for deliberation, provide information and state an opinion.

As a rule, the CEUA holds meetings every sitting week on a Wednesday afternoon. During the previous mandate (2013-2017), the committee held 92 sessions, and it continues to hold on average two sessions per month. Gunther Krichbaum (CDU/CSU, EPP) has been the CEUA chair since 2007.

The work of the CEUA is supported by the Secretariat of the Committee on EU Affairs and the Division for Fundamental EU issues, both within the Directorate for European Affairs. They analyse the content of EU documents and communications forwarded by the Federal Government and/or EU institutions, draw up recommendations on issues to prioritise and assist the political groups in their parliamentary responses to initiatives originating at EU level.

The CEUA not only has a special role in the German Basic Law, it is also the only committee with the right to adopt resolutions in the name of the plenary. It must be consulted on all EU legislative proposals and is the lead committee on topics such as the multiannual financial framework, the European Semester, European institutional affairs, and enlargement issues. A large part of the political work on EU legislation is nevertheless carried out by the sectoral committees and here the CEUA plays more of a coordination role.

Increasingly, EU law has been becoming part of mainstream policy-making, owing to increased EU competence, particularly since the Lisbon Treaty, and to greater public interest in EU affairs.⁶ This has led the sectoral committees to increase their own expertise in EU affairs, for example by appointing rapporteurs for specific EU proposals. The Bundestag's Budget Committee as well as its Committee on Legal Affairs and Consumer Protection have even created subcommittees dedicated to EU legislation.

The Bundesrat and its Committee on EU Questions

The Bundesrat represents the 16 *Bundesländer* in the legislative process. The Members of the Bundesrat are appointed by the governments of the *Länder* after every election at state level. It has 69 seats, distributed proportionately to the population. The least populated state, Bremen, has three seats and the most populated one, North Rhine-Westphalia, has six. The current president of the Bundesrat is [Dietmar Woidke](#) (SPD/S&D), Minister-President of the state of Brandenburg.

The Bundesrat has been involved in EU affairs since the beginning of the European project: as early as 1957, the Bundesrat set up a Common Market and Free Trade Committee, which in 1965 became the [Committee on Questions Pertaining to the European Communities](#).

The [Committee on European Union Questions](#) (*Ausschuss für Fragen der Europäischen Union*- CEUQ) was established in its current form in 1993. Like every other Bundesrat committee, it consists of 16 members, the ministers for the EU from each *Bundesland*. It meets about 10 times per year. [Guido Wolf](#) (CDU, EPP), from Baden-Württemberg, has been the committee's chair since 2016.

The task of the CEUQ is to examine EU documents relevant to the *Länder*, with respect to the subsidiarity and proportionality principles in particular. This includes legislative proposals, such as directives and guidelines, but also communications, and green and white papers. The CEUQ discusses documents based on recommendations by the specialised committees. It can then prepare an opinion for the plenary to adopt and submit to the Federal Government. If it wants to submit an opinion directly to the European Commission, it can recommend that the Bundesrat plenary do so.

Since plenary sessions take place only once a month, the Bundesrat has established a Chamber for European Affairs (*Europakammer*) which has the power to take decisions on EU matters instead of the plenary, if an urgent decision is needed. For this Chamber, each *Land* appoints a member or alternate member of the Bundesrat, and a chair is elected without debate every year (Rules 45b&c of the Bundesrat's [Rules of Procedure](#)). [Katrin Lange](#) (SPD, S&D) from the state of Brandenburg is currently chair of the *Europakammer*.

Engagement with the EU

Debates on EU affairs

Compared with other NPs, the Bundestag nowadays has a high share of European debates, with EU legislation and policies often being debated on the floor.⁷ The frequency with which EU politics and policies are mentioned in plenary has indeed risen significantly in recent decades.⁸

The Bundesrat also looks at European issues very frequently, with at least part of almost all its plenary sessions dedicated to them. EU affairs in general occupy an important place in the Bundesrat's work, as 'approximately one third of its workload is dedicated to EU matters'.⁹ In the event of an emergency, the *Europakammer* is convened as was the case in April 2020 in order to [deal with the EU's planned response to the coronavirus crisis](#) before the European Council meeting of 23 April 2020. On that day, the Bundestag also held a [debate on the EU's response](#) to the coronavirus crisis, with several proposals made by the parliamentary opposition groups. The [previous time](#) the *Europakammer* was convened was more than two years previously, in December 2017.

Since the beginning of this legislative term, the Bundestag has been debating key topics on the EU agenda extensively. Brexit was, as a matter of consequence, often the subject of parliament debates. In November 2018, the German government's legislative proposal on the transition period after the United Kingdom's departure from the EU was for example first [discussed in plenary](#) and sent for further deliberation to the CEUA. [Several experts were heard by the CEUA](#) and underlined the many legal uncertainties that Brexit would create for citizens and companies. The law was finally [adopted on 17 January 2019](#).

Another recurrent topic has been economic and financial affairs, and especially the next multiannual financial framework. Here as well, many experts have contributed to the discussion. Most of them have [advised to work towards a more ambitious budget](#) than the one proposed in 2019 by the European Commission. At an earlier stage, in July 2018, the Bundesrat also adopted a [detailed opinion criticising planned cuts to EU agricultural and cohesion policies](#). Furthermore, the same year, other experts encouraged MPs to work towards [strengthening European economic and monetary union \(EMU\) and deepening the banking union](#).

Other key EU priorities have been examined by both chambers of the German parliament. For example, in mid-May 2020, the Bundesrat adopted its positions on the [investment plan of the European Green Deal](#), the [new circular economy action plan](#) and the [EU's digital future](#). The Bundesrat has been especially active in promoting the [EU's digital sovereignty through better regulation of algorithms](#) and has asked the Federal Government to implement EU guidelines on achieving trustworthy artificial intelligence as soon as possible.

At the same moment, MPs also supported the need to protect European values, such as the rule of law and democracy, [after having rejected two motions proposed by the opposition](#). A few weeks earlier, experts from different scientific disciplines had taken part in a public hearing of the CEUA and analysed the [risks for democracy coming from disinformation, political hacking and cyber-attacks](#). Respect for the rule of law is also of particular importance to the Bundesrat owing to the implications for the competencies of the *Länder*. The Bundesrat for example committed to better protection of European symbols in a [draft law proposed in September 2019](#).

Another topic of interest is the future of the EU and its political agenda. The plan to launch a conference on the future of the EU to listen to citizens' concerns enjoys naturally broad support but the Bundesrat has stressed several elements that should be taken into account according to its members. In a [resolution adopted on 13 March 2020](#), the Bundesrat said it expected the goals of the

process and the way the results would be treated to be clearly determined in advance, and the NPs to be closely involved from an early stage, with even an institutional discussion to be opened on possibilities to reinforce the participation rights of NPs in the EU. In the past, the Bundesrat had already contributed extensively to reflections on the EU's future in another long [resolution adopted in December 2017](#). At the beginning of 2020, following a [proposal made by the Greens](#), the [Bundestag discussed the forthcoming German EU Council Presidency](#), which starts on 1 July 2020.

Contributions to EU policy

In past years, the Bundesrat has been a relatively active player in 'political dialogue' with the EU institutions. Since 2006, when José Manuel Barroso, during his time as President of the European Commission, first invited NPs to react to EU legislative proposals, the Bundesrat has regularly been among the most active chambers, alongside the Czech Senate, the Italian Senate, the Portuguese Parliament and the Romanian Chamber of Deputies. The academic literature has argued that the German Bundesrat plays a more pro-active role in EU affairs than the Bundestag, and has gained a reputation for strong EU expertise by regularly writing thorough reports on the impact of EU proposals.¹⁰

The Bundestag has not engaged much in this written process and rather concentrates its action on direct exchanges. Its involvement in the more formal scrutiny of respect for the principle of subsidiarity through reasoned opinions is also limited. Several factors can explain this situation, such as differing interests for the chambers to be active EU policy players, the extensive indirect administrative resources the Bundesrat can rely on through the administrations of the *Länder*,¹¹ the lack of incentive for the Bundestag to interfere with government proceedings, and the main institutional addressee of the institution's work.

In 2018, the Bundesrat sent 20 contributions in the framework of informal political dialogue (Protocol 1), and 41 contributions in the framework of the subsidiarity procedure (Protocol 2) which could not be registered as reasoned opinions. The Bundesrat tries as much as possible to influence EU dossiers by being active at an early stage in the process (such as by contributing on green or white papers), especially on dossiers of specific interest to Germany.¹²

Both chambers were active in 2017 on European Commission proposals relating to services in the internal market. The Bundestag even issued a [reasoned opinion on the proposal to introduce a European services e-card](#) to express its concerns about duplication of authorities and the introduction of the country-of-origin principle. The following year, the proposal on health technology assessment also led [both chambers to react](#). They considered it would encroach upon Member States' responsibility for defining their health policies and organising and delivering health services and medical care. The measures proposed to advance completion of the trans-European transport network led to a [similar reaction](#). The regulation proposed was considered as not being sufficiently able to reflect regional characteristics and needs.

Recently, the Bundesrat has shared its view on key EU priority dossiers such as the [European Green Deal](#), the [rule of law](#) and the [Just Transition Fund](#).

Since the [resolution adopted by the Bundesrat on the European Commission's 2016 Work Programme](#), neither of the German chambers has adopted or sent contributions to EU institutions on annual work programmes.

Protocol 1 contributions: informal political dialogue

2019: Bundestag 0, Bundesrat 6

2018: Bundestag 0, Bundesrat 20

2017: Bundestag 0, Bundesrat 15

Protocol 2 contributions:

2019: Bundestag 1, Bundesrat 4

2018: Bundestag 0, Bundesrat 41

2017: Bundestag 4, Bundesrat 28

Source: [CONNECT, European Parliament database of NP documents](#).

Interactions with the EU

Brussels liaison offices of the German Parliament

Relations between the two chambers of the German Parliament and the EU institutions are handled by their respective liaison offices in Brussels, in close cooperation – for the Bundestag – with their colleagues from the Directorate for European Affairs and the secretariats of the Committees for European Affairs in Berlin.

Established in 2007, the Bundestag's representation is in charge of monitoring EU affairs, providing early warnings and pre-selecting the most important dossiers to be discussed by the Bundestag. Before each plenary session of the European Parliament, the liaison office sends members, committees and groups a 'Report from Brussels' (*Bericht aus Brüssel*) and also keeps them up to date with short memos (*Kurzmitteilungen*).¹³

In contrast to the parliamentary representations of other Member States, the EU Liaison Office of the German Bundestag consists partly of staff from the parliamentary administration, who must remain neutral and independent. They form a unit within the Directorate for European Affairs of the Bundestag's administration. The liaison office also includes staff from the various political groups. This gives the liaison office a partisan dimension that contrasts with those of other Member States.¹⁴ The administration's [office is headed by Ms Vesna Popovic](#) and [five different political groups are represented](#) (CDU/CSU, SPD, Freie Demokraten, Die Linke, Bündnis 90/Die Grünen).

The work of the Bundesrat is also supported by a representative in the European Parliament, and by the 'Observer of the Länder' ([Länderbeobachter](#)) which is an office established and financed by the 16 German *Länder*. Its mission is to follow EU legislation at the different stages, keep the *Länder* informed, and monitor whether the resolutions of the Bundesrat are taken into account by the Federal Government.

Members' visits to and meetings with EU actors

The Brussels liaison offices also play a networking and support role for national members' visits to Brussels and their relations with EU actors in general. After a transition year following the German federal elections that took place in 2017, visits by German MPs to European Parliament committee meetings began again on a regular basis in mid-2018. [Members of the Bundestag participated in 2018 in three specific European Parliament committee meetings](#) (Economic and Monetary Affairs, Transport and Tourism, and Petitions). In February 2019, German MPs visited the Committees on Legal Affairs and Consumer Protection, and in February 2020 the Budgets Committee.

The Commissioners also have regular meetings with members of NPs. In 2018, out of a total of 140 meetings with or visits to NPs, the European Commission registered [11 that took place with the Bundestag](#) but none with the Bundesrat. EU affairs ministers of German *Länder* tend to travel to Brussels on their own to meet Commissioners (or to attend Committee of the Regions' sessions), but do not speak formally as representatives of the Bundesrat.

Despite the possibility for 17 German MEPs to attend CEUA meetings as representatives, in practice, this opportunity is often difficult to use for agenda reasons.¹⁵ On 31 January 2020, a common sitting with MEPs took place to debate the conference on the future of Europe, the multiannual financial framework and Brexit. The introduction of videoconferencing and remote participation resulting from the coronavirus pandemic, also allowed some MEPs to participate in a public hearing on 25 May 2020 on the consequences of the 5 May 2020 judgment of the Federal Constitutional Court on the European Central Bank's 'quantitative easing-programme'.

Another possibility for exchange between national and European parliamentarians is provided by the [interparliamentary meetings organised by European Parliament committees](#) and the [Conference of Parliamentary Committees for Union Affairs \(COSAC\)](#) meetings. COSAC is an interparliamentary forum, enshrined in Protocol 1 to the Treaties, which brings together representatives of NPs' European affairs committees and MEPs twice a year. COSAC's presidency is linked to the order of rotating Council presidencies and will thus be in the hands of the German Parliament as of 1 July 2020, with a meeting scheduled to take place in Berlin on 19-20 July 2020.

Scrutinising EU affairs

The Bundestag

As stated by Article 23(2) of the German Basic Law, the Federal Government must inform the Bundestag about all EU activities (including as regards the Federal Government's decision-making process, and the preparation and course of discussions within the EU institutions) comprehensively, continuously, and as early as possible. Reporting is in principle done in writing through the forwarding of documents or the presentation of the Federal Government's own reports and, in addition, orally.¹⁶ Scrutiny is thus document- rather than mandate-based.¹⁷

The EUZBBG enhanced the rights of parliamentary participation and scrutiny. It stipulates which documents must be forwarded to the German Bundestag (Section 4) namely all [European Commission proposals for EU regulations and directives, reports, communications, green and white papers, and proposals for Council decisions](#). The [European Affairs Directorate](#) in the administration of the Bundestag plays an important scrutiny role, since it pre-selects the EU initiatives deemed relevant and analyses their potential impact on Germany, in particular on federal legislation and the federal budget.¹⁸ Upon request, all unofficial EU documents must be forwarded to the Bundestag (Section 4(3) EUZBBG).

The government must also inform the Bundestag about planned action and its positioning in the Council. The Bundestag has the opportunity to formulate an opinion on how the government shall act at EU level. If an opinion has been adopted within the framework of legislative negotiations, the Federal Government shall use it as the basis for these negotiations at EU level and keep the Bundestag informed as to the attainment of its objectives. However, the government has the right to diverge from the Bundestag's position 'for good reasons of foreign or integration policy' (Sections 8-9 EUZBBG). It must only take into account the Bundestag's opinion and try to reach an agreement. If it deviates from the Bundestag's position, a quarter of MPs can ask the government to explain its position in plenary (Section 8, EUZBBG). This tool is used by opposition parties in particular.¹⁹

Each electoral term, the Bundestag establishes a range of bodies with remits that encompass the scrutiny of the Federal Government. The permanent committees, whose main task is to participate in the legislative process, are the prime example of such bodies. They also include special bodies, such as committees of inquiry, which are almost always set up to scrutinise the work of the government.

The scrutiny of EU affairs in the Bundestag is – except for the matters mentioned previously - carried out by its sectoral committees, rather than the CEUA. The Bundestag has increased its participation in EU affairs since the mid-2000s, on the basis of several reforms. This has included involving most of its sectoral committees in the ordinary scrutiny procedure.²⁰

It has been pointed out that, in comparison to the Bundesrat, the Bundestag focuses more on scrutinising Council documents (especially on foreign policy), but also on initiating resolutions that do not refer to specific input from an European actor.²¹ It mainly addresses the Federal Government in its scrutiny process – which by nature corresponds to its role of controlling the Federal Government, not the EU institutions. This explains the limited number of contributions sent to the EU level in the framework of the political dialogue. Between the beginning of the 19th legislative period and the end of May 2020, the Bundestag adopted 17 opinions on legislative acts (Article 23(3) GG) and 22 on wider EU policy matters (Article 23(2) GG).

Other scrutiny tools include public debates in plenary and parliamentary questions. MPs can hold the government accountable in plenary, a possibility used increasingly by opposition parties in particular. Likewise, a growing number of parliamentary questions have been put to the government since the entry into force of the Lisbon Treaty, which are again of particular relevance to opposition parties.²² In the current 19th legislative period, there were 1 977 parliamentary questions (including oral, written and questions on the floor) asked in relation to EU policy up to the end of May 2020.

Germany has no strong parliamentary tradition in respect of ex-ante impact assessment.²³ However, the Bundestag and Bundesrat actively scrutinise the government's impact assessment work, thereby

considering the opinion of the Regulatory Control Council (*Normenkontrollrat*).²⁴ Ex-post evaluation of better regulation policies in Germany are normally ad hoc. Ex-post evaluation often takes the form of reports presented to the Bundestag or the competent committees.²⁵

The role of NPs has also been strengthened by their participation in the control mechanism stipulated in [Protocol 2](#) to the Treaties. NPs have eight weeks to raise an objection in the form of a reasoned opinion, if they think that an EU proposal does not comply with the principle of subsidiarity. As mentioned above, in the Bundestag, the scrutiny of the subsidiarity principle is conducted in the sectoral committees. Out of 500 to 600 proposals per year, approximately 25 to 30 are scrutinised in a comprehensive manner.²⁶ If a sectoral committee finds a breach of subsidiarity, the CEUA must be informed without delay, in order to give it the opportunity to state its opinion in the first instance. If the lead committee only intends to acknowledge the document in question but the CEUA expresses concerns regarding infringement of the principles of subsidiarity and proportionality, a report must nevertheless be made to the Bundestag. The final decision to issue a subsidiarity complaint is taken by the plenary.²⁷

The Bundestag does not make extensive use of raising subsidiarity objections. Between 2009 and 2014, there were only four subsidiarity complaints, which represented 2% of complaints by all NPs.²⁸ However, the number has increased somewhat in recent years, with six reasoned opinions issued in 2017 and two in 2018.

Moreover, political groups can also file a law suit against the government before the German Constitutional Court – *Bundesverfassungsgericht* – if they see their participation rights violated.²⁹

Early warning system –
reasoned opinions sent

2019: Bundestag 0, Bundesrat 0

2018: Bundestag 2, Bundesrat 0

2017: Bundestag 6, Bundesrat 3

Source: [CONNECT, the European Parliament's database of NP documents.](#)

The Bundesrat

Article 50 of the German Basic Law stipulates that 'the *Länder* shall participate through the Bundesrat in the legislation and administration of the Federation and in matters concerning the European Union'. It has been emphasised that the Bundesrat traditionally has an even stronger role in EU affairs than the Bundestag.³⁰

Even though the Bundesrat is often not as directly affected by EU legislative proposals as the Bundestag, the Bundesrat invests more time in the scrutiny of EU proposals and issues more EU-related resolutions. This could be explained by the fact that the Bundesrat draws on the administrative resources of the *Bundesländer*. The regional ministries and administrations are in fact also responsible for selecting documents for scrutiny.

The Bundesrat increasingly addresses its resolutions directly to the European Commission. Public debates such as in the Bundestag, however, are not commonly used, owing to the limited number of plenary sessions.³¹

The process for the scrutiny of EU documents by the Bundesrat is set out in the table below.

Scrutiny of documents coming from the EU and monitoring of compliance with the principle of subsidiarity		
Date	Responsible body or unit	Description of the procedure
Receipt of a document	Transmitted to the Bundesrat by the Commission or Council or by the Federal Government Documents received by the Bureau of the EU Committee	Direct transmission of proposals for legislation from the Commission or Council pursuant to Article 4 of Protocol 2 to the Treaty of Lisbon Information provided on all EU proposals pursuant to § 2 EUZBLG
Immediately after receipt of a document	President of the Bundesrat refers the matter to the Secretary General of the Bundesrat, who refers it to	Selection of the proposals to be examined by the Bundesrat. The federal states may at any time demand that further proposals be examined.

	the Bureau of the EU Committee Parliamentary Service	Contacts committees to ascertain which committees should be involved in deliberations on the proposals. EU Committee always lead committee. Reprint as Bundesrat Official Document of proposals selected with indication of committee referrals
Two weeks before the plenary session	Lead EU committee and other sector-specific committees involved in deliberations	Sector-specific committees scrutinise proposals from the perspective of each committee's specialised policy area. EU committee deliberates on the basis of the recommendations from the sector-specific committees and scrutinises the proposal in particular from the perspective of policy on EU integration. All committees involved also always scrutinise whether the proposal is compatible with the subsidiarity principle. One or more committees may recommend that the plenary adopt a reasoned opinion on breach of the subsidiarity principle.
	Secretary of the lead EU Committee Plenary Chamber of European Affairs	Compiles all committee recommendations into a document that indicates any conflicting opinions. The plenary decides on the basis of this document. Adopts opinions on EU proposals by deciding on recommendations from the committees. Adopts resolutions on reasoned opinions pertaining to breach of the subsidiarity principle. Decides in lieu of the plenary in urgent cases.
	President of the Bundesrat	Transmits reasoned opinions on breach of the subsidiarity principle to the Presidents of the EU institutions
		Reprint as official documents all resolutions from the plenary or the Chamber of European Affairs and upload to the Bundesrat website.

Source: [IPEX](#).

Implementing EU legislation

The implementation of EU legislation follows the normal legislative procedure and thus involves three main players: the Federal Government, the Bundestag and the Bundesrat. When it comes to EU affairs, the legislative function of NPs is however usually 'severely reduced'.³² Their possibility to influence the legislative process is indeed very limited at this post-EU legislative stage. Furthermore, as is the case in other Member States, the Federal Government in Germany [tables around two thirds of the bills](#), meaning most of the legislative work is done in the federal ministries by civil servants. They might even assist the parliament in the drafting of amendments. Despite this, according to the scientific literature, 'Germany is among the leaders in involving the Bundestag in the transposition of EU directives'.³³

The detailed process in the Bundestag is explained by Rules 78-87 of its [Rules of Procedure](#). The CEUA is informed every half year about the expiry of transposition deadlines for bills introducing directives.

The work on the proposals is carried out, as usual, in the sectoral committees of the Bundesrat according to the policy areas. Decisions must be taken by the plenary or, in cases of emergency, by the Chamber for European Affairs. The Bundesrat also occasionally uses its right to participate and issue resolutions to put pressure on the Federal Government and try to influence the transposition process. In November 2019, for example, it [called on the Federal Government to act quickly to transpose the EU directive on single-use plastics and asked it to examine and consider some additional elements](#).

The Bundestag is responsible for the transposition of EU legislation in compliance with the German Basic Law. If implementation falls within the responsibility of the *Länder*, the Federal Government must be kept informed about the implementation process, in order to fulfil the Federation's responsibility to implement EU directives. If necessary, the CEUA can put the issue on the Bundestag's agenda and demand to be informed orally about the implementation process and possible delays. These reports are only available to the committee.

German Parliament's publications on EU policy

Research capabilities on EU affairs

The Research Service of the Bundestag ([Unterabteilung Wissenschaftliche Dienste](#)) assists both MPs and informs the public. MPs can request studies or reports on any topic of relevance to federal politics. The Research Service employs around 100 researchers, approximately half of whom are lawyers, and forms part of the Research and External Relations Directorate-General within the administration of the Bundestag. The [10 research sections](#) are organised according to the responsibilities of Bundestag committees.

Until 2013, there was an 11th research section, on Europe, which was transferred to the newly established Directorate on European Affairs (PE, see above) within the Directorate-General P (Parliament and Members). The Directorate on European Affairs consists of several divisions, one of which is a dedicated research section. Both the Research Section on European Affairs and the ten research sections in the Bundestag Research Service are relevant to EU affairs.

Covering all policy areas, the Research Service provides MPs with analysis upon request, but is also proactive in researching topics deemed relevant for the political agenda. Since 2016, all work carried out by the Research Service has been made publicly available four weeks after its delivery to the requester (and can be accessed [in German](#) – with [some English summaries available](#)).³⁴

The Bundesrat does not have a research service. Research on EU affairs is carried out at the level of the federal states.

Documents produced by the German Parliament

Bundestag documents on EU affairs

The [documents produced by the Bundestag](#) and [related to the work of the CEUA](#) are publicly available. These include meeting agendas, decisions, opinions, reports, minutes or contributions of public hearings as well as other documents. The table below shows some types of documents that the Bundestag produces in relation to EU affairs.

Document	Description	Published since Sept. 2017	Example
Paper/report (Ausarbeitung)	Background research and detailed analysis of a specific issue.	189	Possibilities for state civilian sea rescue in the EU , November 2019.
State of affairs (Sachstand)	In-depth analysis of an EU-topic, for a specific purpose (ex: meeting of a committee or a political body)	250	Police authorities in Germany's EU neighbour countries , March 2020.
Brief information (Kurzinformation)	Short analysis of a topic	212	Travel restrictions for seasonal and harvest workers from EU Member States in view of Union law , March 2020.
Up-to-date report – Europe (Aktueller Begriff - Europa)	Short synthesis on current EU topics	7	The priorities for the Croatian Presidency of the EU Council in 2020 , February 2020.
Documentary report (Dokumentation)	Review of legal texts and other documents on a specific topic	11	Measures to fight corruption in the EU , June 2018.
Information letter (Infobrief-Europa)	Analysis by external researcher	1	The parliamentary dimension of the German EU Council Presidency from 1 July to 31 December 2020 , September 2019.

Reasoned opinions	Opinion on compliance of a draft legislative act with the principles of subsidiarity and proportionality (Protocol 2)	In 2019: 0 In 2018: 2 In 2017: 6	Reasoned opinion on trans-European transport network , July 2018.
Contributions to European political dialogue	Contribution to the Informal Political Dialogue (Protocol 1) or not fulfilling the reasoned opinion criteria (Protocol 2)	In 2019: 1 In 2018: 0 In 2017: 4	Decision on application of the Republic of Albania for accession to the EU , September 2019.

Bundesrat documents on EU affairs

All documents adopted by the Bundesrat on EU affairs are [publicly available](#). The table below provides numbers and links to some examples.

Document	Description	Published since Sept. 2017	Example
Reasoned opinions	Opinion on compliance of a draft legislative act with the principles of subsidiarity and proportionality (Protocol 2)	In 2019: 0 In 2018: 0 In 2017: 3	Reasoned opinion on a proportionality test before adoption of new regulation of professions , March 2017.
Contributions to European political dialogue (Protocol 1 & 2)	Contribution to the Informal Political Dialogue (Protocol 1) or not fulfilling the reasoned opinion criteria (Protocol 2)	In 2019: 10 In 2018: 61 In 2017: 43	Decision on Strengthening the rule of law within the Union , September 2019.

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ENDNOTES

- ¹ These competencies are determined by the German Basic Law, Articles 70-74.
- ² Abels, G. (2016), 'Die Rolle des Bundestages in der deutschen Europapolitik aus politologischer Perspektive' in Böttger, K. & Jopp, M. (eds.), *Handbuch zur deutschen Europapolitik*, Nomos, Baden-Baden p. 130.
- ³ Höing, O. (2015), 'With a Little Help of the Constitutional Court: The Bundestag on Its Way to an Active Policy Shaper' in Heffler, C.; Neuhold, C.; Rozenberg, O.; Smith, J. (eds), *The Palgrave Handbook of National Parliaments and the European Union*, Palgrave Macmillan, London, p.191-207.
- ⁴ Höing, O. (2015), 'With a Little Help of the Constitutional Court: The Bundestag...', op. cit., p.195.
- ⁵ Overhang and balance seats are related to the elections' proportional system and explained by the need to ensure that the distribution of seats reflects: the parties' share of the second votes, that no party receives fewer than its guaranteed minimum number of seats, and that each party needed about the same number of second votes per seat.
- ⁶ Abels, G. (2016), 'Die Rolle des Bundestages in der deutschen Europapolitik...', op. cit., p. 124.
- ⁷ Auel, K. & Raunio, T. (2014), 'Debating the State of the Union? Comparing Parliamentary Debates on EU Issues in Finland, France, Germany and the United Kingdom', *The Journal of Legislative Studies*, 20:1, p. 21.
- ⁸ Rauh, C. (2015) 'Communicating supranational governance? The salience of EU affairs in the German Bundestag, 1991–2013', *European Union Politics*, Vol. 16(1), p. 133.

- ⁹ Rasmussen, M. B., Dionigi, M. K. (2018) 'National Parliaments' Use of the Political Dialogue: Institutional Lobbyists, Traditionalists or Communicators?', *Journal of Common Market Studies*, Vol.56(5), p. 1119.
- ¹⁰ Ibid., p. 1112.
- ¹¹ Höing, O. (2015), 'With a Little Help of the Constitutional Court: The Bundestag...', op. cit., p. 201.
- ¹² Rasmussen, M B, Dionigi, M K (2018) 'National Parliaments' Use of the Political Dialogue...', op. cit., p. 1120.
- ¹³ See Deutscher Bundestag, 'Das Verbindungsbüro des Deutschen Bundestages in Brüssel', Dezember 2015.
- ¹⁴ Auel, K. & Neuhold, C. (2018), 'Europeanisation' of National Parliaments in European Union Member States: Experiences and Best Practices', Study by the European Parliament's Greens/EFA Group, p. 37.
- ¹⁵ Höing, O. (2015), 'With a Little Help of the Constitutional Court: The Bundestag...', op. cit., p. 196.
- ¹⁶ See Sections 3 & 4 EUZBGG; and Deutscher Bundestag (2017), 'Wegweiser in EU-Angelegenheiten', p. 93.
- ¹⁷ Höing, O. (2015), 'With a Little Help of the Constitutional Court: The Bundestag...', op. cit., p. 196.
- ¹⁸ Ibid., pp.196 and 200.
- ¹⁹ Abels, G. (2016), 'Die Rolle des Bundestages in der deutschen Europapolitik...', op. cit., p. 121.
- ²⁰ Ibid., referring to Vollrath, S. (2011), 'Herausforderungen bei der Umsetzung der neuen Rechte nach dem Vertrag von Lissabon durch den Deutschen Bundestag und die Begleitgesetzgebung', in Abels, G. & Eppler, A. (eds), *Auf dem Weg zum Mehrebenenparlamentarismus? Funktion von Parlamenten im politischen System der EU*, Nomos, Baden-Baden, p. 179.
- ²¹ Höing, O. (2015), 'With a Little Help of the Constitutional Court: The Bundestag...', op. cit., p.197.
- ²² Abels, G. (2016), 'Die Rolle des Bundestages in der deutschen Europapolitik...', op. cit., p. 122.
- ²³ OECD, *Better Regulation in Europe: Germany*, 2010, p. 100.
- ²⁴ Anglmayer, I. (2020), *Better Regulation practices in national parliaments*, Study, EPRS, European Parliament, p. 19.
- ²⁵ OECD, *Better Regulation in Europe: Germany*, 2010, p. 44.
- ²⁶ Abels, G. (2016), 'Die Rolle des Bundestages in der deutschen Europapolitik...', op. cit., pp. 127-128.
- ²⁷ Deutscher Bundestag, Bericht über die Subsidiaritätsprüfung im Deutschen Bundestag und in anderen nationalen Parlamenten, Drucksache 18/12260, 03.05.2017, pp. 12-13.
- ²⁸ Abels, G. (2016), 'Die Rolle des Bundestages in der deutschen Europapolitik...', op. cit., p. 128.
- ²⁹ Ibid., p. 122-123.
- ³⁰ Höing, O. (2015), 'With a Little Help of the Constitutional Court: The Bundestag...', op. cit., p.192.
- ³¹ Ibid., pp. 197 and 205.
- ³² Sprungk, C. (2016), 'National Parliaments in the European Union: Moving towards more 'cooperative' institutions?', *Comparative European Politics*, Vol. 14, 2, p. 183.
- ³³ Sprungk, C. (2013) 'Legislative Transposition of Directives: Exploring the Other Role of National Parliaments in the European Union', *Journal of Common Market Studies*, March 2013, Vol.51(2), p. 308.
- ³⁴ Deutscher Bundestag (2018), 'Ausarbeitung: Die Wissenschaftlichen Dienste des Deutschen Bundestags. Funktion, Struktur und Arbeitsweise'.

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