

**Meeting of Secretaries General of the national Parliaments
and the European Parliament**

Session III

**Coordination of European Union Affairs in Parliamentary
Administrations: best practice**

German Bundestag

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Secretary General of the German Bundestag

Check against delivery.

Speech on the legal basis and working methods of the Bundestag Administration with regard to EU affairs

Ladies and gentlemen,

It gives me great pleasure to comply with the request made by the Lithuanian Presidency by telling you about the experiences of the Bundestag Administration in performing its coordinating role with regard to EU affairs.

By way of introduction, let me outline the participation rights of the German Bundestag in the realm of EU affairs before going on to deal in more detail with the fundamental changes that have been made to our parliamentary administration over the last few years to improve the ability of the Bundestag to handle European matters.

For many years, the Basic Law for the Federal Republic of Germany has given the Bundestag extensive enshrined information and participation rights in matters relating to the European Union. Under Article 23(1) to (3) of the Basic Law, the Federal Government must keep the Bundestag comprehensively informed of EU matters, notifying it at the earliest possible time, and, before participating in legislative acts of the European Union, must provide the Bundestag with an opportunity to state its position. The Federal Government must take the position of the Bundestag on proposed legislative acts into account in European negotiations. Article 23 of the Basic Law

also prescribes, however, that the Federal Government should be able to exercise a certain degree of discretion when negotiating in the EU framework. Accordingly, it is not legally bound by the position of the Bundestag if divergent decisions have to be taken for good reasons of foreign or integration policy.

The principles laid down in the Basic Law are applied in the form of statutes which are known collectively as *Begleitgesetze*, or accompanying acts. The first one I would like to mention is the Act on Cooperation between the Federal Government and the German Bundestag in Matters concerning the European Union, known for short as the Cooperation Act. This law spells out the information and participation rights of Parliament and the notification obligations they entail for the Federal Government. It has undergone several amendments as European integration has progressed and as the Federal Constitutional Court has interpreted its provisions, and it was revised in July 2013.

The rulings of the Federal Constitutional Court as well as the crisis within the Economic and Monetary Union have led, especially in the past five years, to constant development of the rights of the Bundestag in the wake of new Community provisions. At the same time as the Treaty of Lisbon was ratified, the Federal Constitutional Court reinforced the participation rights that the Bundestag could claim from the Federal Government in connection with European legislative processes and with procedures for the amendment of the European treaties. Under the Responsibility for Integration Act that entered into

force in 2009, treaty clauses leading directly or indirectly to a surrender of sovereign powers to the EU cannot be implemented in Germany until the Bundestag has given its consent in the form of a law, a decision or an instruction.

The measures taken by the EU to stabilise the euro, that is to say the new procedures introduced by the ‘six pack’ and ‘two pack’ Regulations, the European Semester and the European Stability Mechanism, have led to an increasingly sharp focus on European issues by the entire Bundestag, its committees and its parliamentary groups. Scarcely a sitting week passes in which European issues are not the subject of debates and resolutions. It must be made clear in this context that all our parliamentary committees are responsible for European affairs pertaining to their own portfolio, while the competence of the EU Affairs Committee covers fundamental matters of primary legislation, such as treaty amendments or enlargements of the Union, as well as matters that transcend ministerial portfolios, such as the European Semester. All of the lead committees dealing with EU proposals may adopt opinions, which must be approved by a majority of the House before being delivered to the Federal Government.

The rest of the legal basis for better provision of information to the Bundestag and for parliamentary oversight of the Federal Government in matters concerning the stability of the euro was established by the ESM Guarantees Act and the ESM Financing Act. With regard to the scope of these acts, it is worth citing the judgment of the Federal

Constitutional Court on the ESM Guarantees Act, which laid down that, under the Basic Law, even international agreements must be regarded as EU affairs if they complement the law of the European Union or have other particularly close links with EU law. As a consequence, the Bundestag now receives documents and notifications about meetings relating to the Fiscal Compact and the European Stability Mechanism.

The Administration of the Bundestag responded to these diverse challenges a year ago by establishing a Directorate for European Affairs. It comprises a total of six divisions and employs a staff of 64, of whom 25 belong to the higher administrative grades. Allow me to paint a brief picture of the individual divisions.

The secretariat of the Committee on the Affairs of the European Union, which has existed ever since the Maastricht Treaty was ratified, was incorporated into the new directorate. It is responsible for organising the meetings of the EU Affairs Committee. Two new analytical divisions, as we call them, were created. The first of these is the Division for Fundamental EU Issues and Economic and Monetary Union Issues, which is responsible for assisting Members and parliamentary groups in areas covered by the Economic Affairs Committee, the Finance Committee, the Budget Committee and the EU Affairs Committee. The second of the two analytical divisions is responsible for all other policy areas and for a total of 16 specialised committees. Both divisions prepare EU proposals for discussion at meetings of the lead committee by gathering and distilling

information from the numerous documents and notifications received by the Bundestag. They also provide services in the form of EU outlooks, situation reviews and information summaries for the purpose of setting priorities as well as advising committees on the timing of deliberations on EU proposals in their agendas. They monitor the progress of discussions in the EU framework, because – as we all know – the passage of European legislation often takes two or three years. The divisions bring new developments and new choices to the attention of the committees within their sphere of responsibility and to the attention of parliamentary groups. The same applies to subsidiarity checks, in which the specialised committees are likewise given the leading role.

The Liaison Office in Brussels also operates as a separate unit within the directorate. Its responsibilities include keeping watch for imminent developments and providing early warning. At the start of each sitting week, the Liaison Office sends Members of the Bundestag a report from Brussels with up-to-date information on important matters being discussed by the Commission and on which no decision has yet been taken, on deliberations in the European Parliament and its committees and on interparliamentary meetings taking place in Brussels. Besides its observatory and early-warning role, the Office also has the task of helping to prepare the content of external meetings of our parliamentary committees in Brussels and to make the organisational arrangements for those meetings. One special feature of the Liaison Office is that it comprises staff from both the Bundestag Administration and the parliamentary groups; the latter report to

Berlin on matters relating to their respective European political families and attend the relevant group meetings in Berlin or Brussels.

Another unit, the European Affairs Documentation Division, is responsible for managing the documentation within EuDoX, the Bundestag's internal information system devoted to EU affairs, and for overseeing the compliance of the Federal Government with its legal obligations to forward documents to the Bundestag and to keep it informed. Through EuDoX, Members can access data and text on European proposals in the form of dossiers. These dossiers contain all EU legislative proposals, including the related Commission, Council and European Parliament documents as well as information material from the Federal Government, such as reports from Council working parties, the Committee of Permanent Representatives and the various configurations of the Council. The dossiers also contain the Bundestag's own contributions, which are mainly produced within the directorate. The EuDoX database is linked with the EU databases and with IPEX, the Interparliamentary EU Information Exchange, which means that this division is also required to log information from the Bundestag into IPEX. On the basis of the laws I have mentioned, the Bundestag receives an annual total of some 1,500 documents that can be used in committee discussions. At the present time there is also an inflow of 25,000 or so documents and information items each year in the form of communications from Council bodies, follow-ups to legislative proposals, accompanying working documents from the Commission, documents on proceedings before the European courts to which Germany is a party and a host of

notifications from the Federal Government. All of these must be carefully examined, categorised and made available in our EuDoX database.

Where bodies such as the two analytical divisions or the Liaison Office provide services direct to the committees, the task of the sixth Division – the Research Section on European Affairs – is to assist individual Members in the exercise of their mandate by providing them with expert opinions and studies. It is responsible for publishing a series of informative papers entitled *Aktueller Begriff Europa*, which examine current political or legal issues relating to Europe and which are available not only to Members of Parliament but also to numerous Internet users through the Bundestag website.

Besides this organisational change, other new ways have been found to deal with European legislative proposals. One means of handling the flood of documents is the prioritisation method prescribed by our Rules of Procedure. The European Affairs Directorate draws up a brief note on the relevance to the Bundestag and to Germany of each EU initiative and submits these notes to the parliamentary groups for a decision. In this way, only about half of EU initiatives find their way onto the agendas of parliamentary committees, enabling the Bundestag to focus on the main EU policy issues.

Members, however, are assisted not only by the Bundestag Administration but also by researchers from their parliamentary groups and by their own staff. In recent times, more and more

Members are being confronted with issues relating to euro stabilisation measures and to closer economic and monetary union, not only in Parliament but in their constituencies too. They have come to recognise how important European issues are to their constituents and have therefore been focusing more attention on these issues in their parliamentary work. The Directorate provides them with an organisational entity to which they can turn for advice and assistance, and Members are making ample use of its services.

That concludes my review of the coordination of European affairs in the Bundestag Administration. Needless to say, I will be glad to answer any questions you might have.

Thank you very much for your attention.