

DEUTSCHER BUNDESTAG

Ausschuss
für die Angelegenheiten
der Europäischen Union
- Sekretariat –

11011 Berlin, den 13.9.2000
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Questionnaire for the Parliaments of the member states

XXIIIrd COSAC - Versailles - 16-17 October 2000

Scrutiny of european policy by member states national parliaments

1) Since 1995, has the role of your committee been modified, either in its proceedings or in its relationship to other bodies in your Parliament?

The role of today's EU Committee of the German Bundestag was defined before 1995. Indeed, the basis for its work was laid in the course of the procedure to ratify the Maastricht Treaty. In December 1992 through an amendment to the constitution, the right of the German Bundestag to participate in affairs relating to the EU was enshrined (*Art. 23 of the Basic Law*) and the Bundestag was placed under an obligation to appoint a permanent Committee on the Affairs of the European Union (*Art. 45 of the Basic Law*).

In March 1993, the Bundestag passed a law designed specially to give concrete shape to cooperation with the Federal Government in line with the constitution. This law stipulates the obligation of the Federal Government to inform the Bundestag as quickly as possible of all initiatives launched within the framework of the EU which could be of interest to Germany. The Government is also placed under obligation to give the Bundestag an opportunity to state its opinion before participating in the legislative process within the EU. To ensure compliance with its obligations the Federal Government has adopted an inter-departmental agreement.

With effect from 15 December 1994, the German Bundestag amended its Rules of Procedure to set out the procedural arrangements for the referral and submission of EU documents and to establish special powers of the EU Committee to ensure parliamentary oversight and monitoring of the process of European integration. The amendment of the Rules of Procedure also obliged the EU Committee to draw up guiding principles for dealing with EU items, which it did on 25 October 1995.

This legal basis considerably extended the rights of the German Bundestag with regard to its influence on European legislation. The Bundestag did not see a need for further modification after the entry into force of the Treaty of Amsterdam.

2) Do you think that your committee receives european legislative proposals in sufficient time? Has the protocol on the role of the national Parlimanets in the EU of the Treaty of Amsterdam improved the situation?

The Law on Cooperation between the Federal Government and the German Bundestag places the Federal Government under obligation to inform the Bundestag as quickly as possible of all initiatives launched within the framework of the EU. The Federal Government is obliged to submit to the Bundestag all the relevant regulations in their initial draft form, to inform the Bundestag of the planning for discussion of these drafts at European level, and to explain the position it intends to take in these deliberations. It must also inform the Bundestag of the opinions of the European Parliament and the European Commission, the opinions of the other Member States and of the decisions taken.

The Procedural Principles of the EU-Committee stipulate that information by the Federal Government includes comprehensive and early transmission of EU items and documents. Within five sitting days, the Federal Government shall submit a written explanatory report on the documents and initiatives transmitted to the Committee. With the permission of the Chairperson, the complete written report may be submitted at a later day. It must, however, be submitted at the latest 5 sitting days before it is due to be considered by the Committee. If the EU-Committee so demands, the Federal Government shall supplement the report orally.

3) Do you think that your committee gets an adequate period of time to consider these legislative proposals? Has the aforementioned protocol improved the situation?

In accordance with Art. 23 of the Basic Law and the Law on Cooperation between the Federal Government and the German Bundestag the Federal Government is obliged to give the Bundestag an opportunity to state its opinion before participating in the legislative process within the EU. The period within which the Bundestag may state its opinion must be such that the Parliament has sufficient opportunity to consider the item concerned. The Bundestag expects the Federal Government to recommend an appropriate time for considering the item in question and for stating its opinion. If it is not possible for the Bundestag to consider the proposed legislation in time, the Federal Government cannot agree to the item in Brussels and must lodge a parliamentary proviso in the EU-Council.

4) Art. 7 of the Rules of Procedure of the Council of the European Union is the base for the notion of „legislative proposals« as understood by the protocol on the role of the national Parliaments in the EU of the Treaty of Amsterdam. In your opinion, is this definition satisfactory or do you think that some acts, not deemed as legislative by Art. 7 should be included in the definition?

In the German EU-scrutiny system the Federal Government must transmit to the Bundestag:

- all initiatives within the framework of the EU which could be of interest to Germany, e.g. communications of the Commission, green papers and white papers

- drafts of EU directives and regulations (including content, objective, procedure, time set for a Council decision, decisions of the Federal Government, course of deliberations, opinions of the European Parliament, the European Commission and the Member states, and the decisions taken)
- communications on developments in the EU and Euratom councils and on Council decisions
- communications from the European Parliament and decisions taken by the EP committees under the codecision procedure
- all drafts of initiatives, reports, expert opinions and communications from the institutions of the EU and the Member States which are made available to the Member States.

5) Do you think your committee is sufficiently informed, and in good time, on the proceedings of other EU affairs committees? In what ways could the system be improved?

The committee is informed on the work of other EU affairs committee in the framework of the COSAC meetings and dense bilateral contacts. Furthermore, it receives plenty of information actively transmitted by other EU affairs committees, e.g. on proceedings dealing with the IGC or the Charter on Fundamental Rights.

6) Are members of your committee participants to the joint meetings organized by the European Parliament? If such is the case, is there any improvements you would like to suggest?

Members of the EU Committee of the German Bundestag participate quite actively in the EP's joint meeting if the agenda contains items the EU Committee is in charge of, e.g. the IGC.