

Legal basis of the Committee on European Affairs in the German Bundestag

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1. Articles 23 and 45, introduced by the Law amending the Basic Law of 21 December 1992

Article 23

(1) With a view to establishing a united Europe the Federal Republic of Germany shall participate in the development of the European Union, which is committed to democratic, rule-of-law, social and federal principles as well as the principle of subsidiarity, and ensures protection of basic rights comparable in substance to that afforded by this Basic Law. To this end the Federation may transfer sovereign powers by law with the consent of the Bundesrat. The establishment of the European Union as well as amendments to its statutory foundations and comparable regulations which amend or supplement the content of this Basic Law or make such amendments or supplements possible shall be subject to the provisions of paragraphs (2) and (3) of Article 79.

(2) The Bundestag and, through the Bundesrat, the Länder shall participate in matters concerning the European Union. The Federal Government shall inform the Bundestag and the Bundesrat comprehensively and as quickly as possible.

(3) The Federal Government shall give the Bundestag the opportunity to state its opinion before participating in the legislative process of the European Union. The Federal Government shall take the opinion of the Bundestag into account in the negotiations. Details shall be the subject of a law.

(4) The Bundesrat shall be involved in the decision-making process of the Federation in so far as it would have to participate in a corresponding internal measure or in so far as the Länder would be internally responsible.

(5) Where in an area in which the Federation has exclusive legislative jurisdiction the interests of the Länder are affected or where in other respects the Federation has the right to legislate, the Federal Government shall take into account the opinion of the Bundesrat. Where essentially the legislative powers of the Länder, the establishment of their authorities or their administrative procedures are affected, the opinion of the Bundesrat shall in this respect prevail in the decision-making process of the Federation; in this connection the responsibility of the Federation for the country as a whole shall be maintained. In matters which may lead to expenditure increases or revenue cuts for the Federation, the approval of the Federal Government shall be necessary.

(6) Where essentially the exclusive legislative jurisdiction of the Länder is affected the exercise of the rights of the Federal Republic of Germany as a member state of the European Union shall be transferred by the Federation to a representative of the Länder designated by the Bundesrat. Those rights shall be exercised with the participation of and in agreement with the Federal Government; in this connection the responsibility of the Federation for the country as a whole shall be maintained.

(7) Details regarding paragraphs (4) to (6) shall be the subject of a law which shall require the consent of the Bundesrat.

Article 45

The Bundestag shall appoint a Committee on the Affairs of the European Union. It may empower the Committee to exercise the Bundestag's rights in relation to the Federal Government in accordance with Article 23.

2.a Act on Cooperation between the Federal Government and the German Bundestag in Matters concerning the European Union of 12 March 1993

The Bundestag has adopted the following law:

Section 1

In matters concerning the European Union the Bundestag shall participate in the decision-making process of the Federation.

Section 2

The Bundestag shall appoint a Committee on the Affairs of the European Union. The Bundestag may empower the Committee to state an opinion on its behalf.

Section 3

The Federal Government shall inform the Bundestag comprehensively and as quickly as possible of all initiatives within the framework of the European Union which could be of interest to the Federal Republic of Germany.

Section 4

The Federal Government shall, in particular, send the Bundestag draft directives and draft regulations of the European Union and, at the same time, inform the Bundestag of their main content and objectives of the procedure to be applied within the European Union in enacting the planned Legislation and of the probable time at which the Council will deliberate on the items in question, in particular of the probable time at which the Council will take a decision on them. It shall inform the Bundestag without delay of the decisions that it intends to take, the course of the deliberations, the opinions of the European Parliament and of the European Commission, the opinions of the other Member States and of the decisions taken.

Section 5

Before taking a decision on European Union Legislation, the Federal Government shall give the Bundestag an opportunity to state its opinion. The period within which the opinion is to be stated shall be such that the Bundestag has sufficient opportunity to consider the item concerned. The Federal Government shall use the opinion as a basis for its negotiations.

Section 6

In respect of the area covered by Article 235 of the EEC Treaty the provisions of this Law shall already apply *mutatis mutandis* prior to establishment of the European Union.

Section 7

This law shall enter into force on the date on which the European Union is established. This date shall be published in the Federal Law Gazette¹. In derogation of the first sentence, Section 6 shall enter into force on 1 January 1993.

¹ The Treaty on European Union entered into force on 1 November 1993.

The above law is hereby signed and shall be promulgated in the Federal Law Gazette.

Bonn, 12 March 1993

The Federal President
Weizsäcker

The Federal Chancellor
Dr. Helmut Kohl

The Federal Minister of the Interior
Seiters

The Federal Minister of Foreign Affairs
Kinkel

The Federal Minister of Justice
Leutheusser-Schnarrenberger

The Federal Minister of Economics
Günter Rexrodt

2.b Act on Cooperation between the Federal Government and the German Bundestag in Matters concerning the European Union

of 12 March 1993 with amendments, adopted by the German Bundestag on 12 May 2005 and by Bundesrat on 27 May 2005

Section 1

In matters concerning the European Union, the Bundestag shall participate in the decision-making process of the Federation.

Section 2

The Bundestag shall appoint a Committee on the Affairs of the European Union. The Bundestag may empower the Committee to state an opinion on its behalf.

Section 3

The Federal Government shall inform the Bundestag comprehensively and as quickly as possible of all initiatives within the framework of the European Union which could be of interest to the Federal Republic of Germany.

Section 4

The Federal Government shall, in particular, send the Bundestag the proposals, initiatives or motions for legislative acts of the European Union where it is involved in the adoption process, and shall simultaneously inform the Bundestag of their main content and objectives, of the procedure to be applied within the European Union in enacting the planned legislative act and of the probable time at which the Council or the European Council will deliberate on the items in question, in particular the probable time at which the Council or the European Council will take a decision on them. The German Bundestag may decide to forgo being sent or notified of individual or groups of proposals, initiatives or motions for legislative acts. It may not decide to forgo this if a parliamentary group or five per cent of the Members of the Bundestag object. The Federal Government shall inform the Bundestag without delay of the decisions that it intends to take, the course of the deliberations, the opinions of the European Parliament and of the European Commission, the opinions of the other Member States and of the decisions taken.

Section 5

Before taking a decision on legislative acts of the European Union, the Federal Government shall give the Bundestag an opportunity to state its opinion. The period within which the opinion is to be stated shall be such that the Bundestag has sufficient opportunity to consider the item concerned. The Federal Government shall use the opinion as the basis for its negotiations.

Section 6

Agreement between the Bundestag and the Federal Government

Details of the notification and involvement of the Bundestag under this Act shall be the subject of an agreement between the Bundestag and the Federal Government.² In this agreement, the details of the notification of the Bundestag under the Act on the Exercise of the Rights of the Bundestag and the Bundesrat deriving from the Treaty of 29 October 2004 establishing a Constitution for Europe of ... [insert date and source of the Act under Article 1] shall be established.

Section 7

This Act shall enter into force on the date on which the European Union is established. This date shall be published in the Federal Law Gazette. In derogation of the first sentence, Section 6 shall enter into force on 1 January 1993.

² Section 6, first sentence, shall enter into force on the day after promulgation (Article 3, second sentence, of the amended version of the bill).

3. Act on the Exercise of the Rights of the Bundestag and the Bundesrat deriving from the Treaty of 29 October 2004 establishing a Constitution for Europe

Bill, adopted by the German Bundestag on 12 May 2005

and by Bundesrat on 27 May 2005

Section 1

EU documents

The Bundestag and the Bundesrat shall regulate in their Rules of Procedure how documents transmitted to them under Articles 1 and 2 of the Protocol on the role of national Parliaments in the European Union annexed to the Treaty establishing a Constitution for Europe ... (insert: details of the law requiring the consent of the Bundesrat relating to the Treaty establishing a Constitution for Europe) are to be treated.

Section 2

Subsidiarity objection

(1) The Federal Government shall notify the Bundestag and the Bundesrat comprehensively about draft legislative acts of the European Union which are, under Article 2 of the Protocol on the role of national Parliaments in the European Union annexed to the Treaty on a Constitution for Europe, to be transmitted to the Bundestag and the Bundesrat, as soon as possible after the beginning of the six-week time limit under Article 6(1) of the Protocol on the application of the principles of subsidiarity and proportionality annexed to the Treaty establishing a Constitution for Europe, but no later than two weeks after the beginning of the time limit. This notification shall include the necessary information relating to the assessment of the draft's compliance with the principle of subsidiarity under Article I-11 (3) of the Treaty establishing a Constitution for Europe. The Federal Government shall, for this purpose, transmit to the Bundestag and the Bundesrat the official documents of the institutions of the European Union which have been drawn up in connection with the preparation of the draft legislation and which are available to the Federal Government, as well as the official opinions of the Federal Government.

(2) The Bundestag and the Bundesrat shall regulate in their Rules of Procedure how a decision is to be reached on the delivery of a reasoned opinion in accordance with Article 6 of the

Protocol on the application of the principles of subsidiarity and proportionality annexed to the Treaty establishing a Constitution for Europe.

(3) If the Bundestag or the Bundesrat has adopted a reasoned opinion, the respective President shall send it to the Presidents of the European Parliament, the Council and the Commission, and inform the Federal Government.

Section 3

Subsidiarity proceedings

(1) The Federal Government shall inform the Bundestag and the Bundesrat of the conclusion of a European Union legislative procedure at the earliest possible time, but no later than one week after publication of the European legislative act. This notification shall also include an assessment of whether the Federal Government considers the legislative act to be compatible with the principle of subsidiarity under Article I-11 (3) of the Treaty establishing a Constitution for Europe.

(2) Upon the motion of a parliamentary group, the Bundestag shall decide to initiate proceedings under Article 8 of the Protocol on the application of the principles of subsidiarity and proportionality annexed to the Treaty establishing a Constitution for Europe, unless two thirds of the Members of the Bundestag object. Upon the motion of one or more parliamentary groups who do not support the initiation of proceedings, their view shall be made clear in the application initiating proceedings. Details shall be regulated by the Rules of Procedure of the German Bundestag.

(3) The Bundesrat may regulate in its Rules of Procedure how the Bundesrat is to reach a decision on the initiation of proceedings under Article 8 of the Protocol on the application of the principles of subsidiarity and proportionality annexed to the Treaty establishing a Constitution for Europe.

(4) The Federal Government shall forward the application without delay to the Court of Justice of the European Union on behalf of the body which has decided to initiate proceedings under subsection (2) or subsection (3).

(5) In the case of proceedings under Article 8 of the Protocol on the application of the principles of subsidiarity and proportionality annexed to the Treaty establishing a Constitution for Europe, the body which has decided to initiate proceedings shall conduct the case before the Court of Justice.

(6) If a motion to initiate proceedings is tabled in the Bundestag or the Bundesrat, the other body may state its opinion.

Section 4

Passerelle clause

(1) The Federal Government shall inform the Bundestag and the Bundesrat if the Council is involved in the preparation of an initiative of the European Council under Article IV-444 of the Treaty establishing a Constitution for Europe.

(2) The Federal Government shall inform the Bundestag and the Bundesrat if the European Council has taken an initiative under Article IV-444 of the Treaty establishing a Constitution for Europe.

(3) For the rejection of an initiative of the European Council on a move from unanimity to a qualified majority for decision-making in the Council under Article IV-444 (1) of the Treaty establishing a Constitution for Europe, or a move from a special legislative procedure to the ordinary legislative procedure under Article IV-444 (2) of the Treaty establishing a Constitution for Europe, the following provisions shall apply:

1. If an initiative primarily affects exclusive legislative powers of the Federation, the initiative shall be rejected if the Bundestag so decides with a majority of the votes cast.
2. If an initiative primarily affects exclusive legislative powers of the *Länder*, the initiative shall be rejected if a majority of the Bundesrat so decides.
3. In all other cases, the Bundestag or the Bundesrat may decide, within four months of the initiative of the European Council being forwarded, to reject this initiative. In these cases, the initiative shall only be rejected if such a decision is not overridden by the other body no later than two weeks before expiry of the time limit of six months in accordance with Article IV-444 (3) of the Treaty establishing a Constitution for Europe. An initiative shall also not be rejected if a body overrides the decision of the other body within this time limit, insofar as it believes that there is no case under number 1 or under number 2. If the

Bundestag has rejected the initiative with a two-thirds majority, the Bundesrat shall require a two-thirds majority to override it. If the Bundesrat has rejected the initiative with at least a two-thirds majority, the Bundestag shall require a two-thirds majority and the votes of at least the majority of the Members of the Bundestag to override it.

Details shall be regulated by the Bundestag and the Bundesrat in their Rules of Procedure.

(4) The Presidents of the Bundestag and the Bundesrat shall jointly transmit a resolution reached under subsection (3) to the Presidents of the European Parliament and of the European Council, and shall inform the Federal Government.

(5) The Federal Government shall inform the Bundestag and the Bundesrat whether the European Parliament has given its consent to an initiative under subsection (2), and whether the European Council has taken a decision on it.

Section 5

Bundestag Committee on the Affairs of the European Union

The Bundestag may empower the Committee on the Affairs of the European Union it establishes under Article 45 of the Basic Law to exercise the rights of the Bundestag under this Act.

Section 6

Agreements on notifications

Details of the notifications under this Act shall be subject to the agreement to be reached between the Bundestag and the Federal Government under Section 6 of the Act on Cooperation between the Federal Government and the German Bundestag in Matters concerning the European Union and the agreement between the Federal Government and the *Länder* under Section 9 of the Act on Cooperation between the Federation and the *Länder* in Matters concerning the European Union.

**4. Rules of Procedure of the German Bundestag
(Sections 93 and 93a) as at 17 September 2002**

Rule 93

EU items

(1) Initiatives pursuant to Sections 3 to 5 of the Law on Cooperation between the Federal Government and the German Bundestag in Matters concerning the European Union and pursuant to Article 2 of the Law ratifying the Treaties establishing the EEC and EURATOM as well as communications of the European Parliament (EU items) shall be sent to the Committee on the Affairs of the European Union direct.

(2) The appropriate committees may, prior to and independently, of the formal notification of the Bundestag, declare EU items and drafts of such items (EU documents) to be items for discussion. The committees shall inform the President and the chairman of the Committee on the Affairs of the European Union which EU documents they have declared to be items for discussion.

(3) The chairman of the Committee on the Affairs of the European Union shall, in agreement with the specialized committees, submit to the President a proposal for referral of the EU items received and of the EU documents which the committees have declared to be items for discussion. In agreement with the Council of Elders, the President shall refer the EU items and documents to one committee as the committee responsible and to other committees as committees asked for an opinion.

(4) The titles of the EU documents referred shall be recorded in a list, which shall be distributed and shall indicate to which committees the items have been referred. An EU document shall be distributed as a Bundestag printed paper if the Committee on the Affairs of the European Union so requests in its proposal for referral and the Council of Elders consents, if it is agreed in the Council of Elders or if the committee responsible submits a recommendation for a resolution going beyond acknowledgement.

(5) The committees may invite Members of the European Parliament as well as members of the Council and of the Commission of the European Union or persons commissioned by them to attend their deliberations on European affairs. They may deliberate on EU documents jointly with committees of the European Parliament with the same terms of reference.

(6) To prepare decisions on EU documents, the committees may send delegations to a committee of the European Parliament with the same terms of reference or to other organs of the European Union.

Rule 93a**Committee on the Affairs of the European Union**

(1) The Committee on the Affairs of the European Union to be appointed by the Bundestag pursuant to Article 45 of the Basic Law shall have the task of dealing with EU items pursuant to Rule 93, paragraph (1) in accordance with the Rules of Procedure and the decisions of the Bundestag.

(2) Upon the motion of a parliamentary group or five percent of the Members of the Bundestag, the Bundestag may empower the Committee on the Affairs of the European Union, in respect of specifically designated EU items, to exercise the rights of the Bundestag in relation to the Federal Government in accordance with Article 23 of the Basic Law. The Bundestag's right at any time to take a decision itself on a matter concerning the European Union shall remain unaffected.

(3) In the case of its empowerment pursuant to paragraph (2), the Committee on the Affairs of the European Union shall, before stating its opinion to the Federal Government, request an opinion on the EU item from the specialized committees. Moreover, it may state its opinion on an EU item unless one of the specialized committees concerned objects. If the Committee on the Affairs of the European Union wishes to deviate from the opinion of one or more specialized committees, a joint meeting with the committees concerned should be convened. In urgent cases the chairmen of the committees concerned may have a written vote taken pursuant to the second sentence of Rule 72. The committee chairman shall also be entitled, in derogation of Rule 60, to convene a meeting of the Committee on the Affairs of the European Union outside the Bundestag's timetable or not at the permanent seat of the Bundestag, if the schedule of the relevant organs of the European Union so requires and the President has given his consent.

(4) In respect of the content of and the reasons for the opinion stated to the Federal Government by the Committee on the Affairs of the European Union on an EU item, the Committee on the Affairs of the European Union shall submit a report which shall be distributed as a Bundestag printed paper and placed on the agenda within three weeks of sittings of its distribution. A debate shall, however, take place only if a parliamentary group or five percent of the Members of the Bundestag present so demand.

(5) The Committee on the Affairs of the European Union may, in respect of an EU item which has been referred to it as a committee asked for an opinion, move motions for amendments to the recommendation for a Resolution submitted by the committee responsible; the motion for an amendment shall be submitted to the President by 18.00 hours at the latest on the day before the recommendation for the Resolution on the EU item is considered.

(6) German Members of the European Parliament shall have access to the meetings of the Committee on the Affairs of the European Union; additional German Members of the European Parliament shall be entitled to attend as substitutes. Upon the proposal of the parliamentary groups in the Bundestag from whose parties German Members have been elected to the European Parliament, the Members of the European Parliament entitled to participate in the deliberations shall be appointed by the President of the German Bundestag to serve until the next elections to the European Parliament or until the end of the electoral term of the German Bundestag at the latest. The Members of the European Parliament appointed shall be authorized to propose that items be deliberated upon as well as to provide information and state an opinion during the deliberations of the Committee on the Affairs of the European Union.

(7) The Committee on the Affairs of the European Union shall draw up principles governing the treatment of EU items sent to it pursuant to Rule 93 and use them as the basis for its recommendations for resolutions submitted to the Bundestag or for its opinions addressed to the Federal Government.

5. Procedural Principles of the Committee on the Affairs of the European Union in Dealing with Items of Business Transmitted to it in Accordance with Section 93 of the German Bundestag's Rules of Procedure as adopted on 25 October 1995

On the basis of Rule 93 a, paragraph (7) of the Rules of Procedure of the German Bundestag, the EU Committee hereby establishes the following guidelines for dealing with EU items transmitted to it in accordance with Rule 93 of the Rules of Procedure.

Section 1

Terms of Reference

The EU Committee shall be responsible for dealing with EU items (Rule 93, paragraph (1) of the Rules of Procedure) and EU documents (Rule 93, paragraph (2) of the Rules of Procedure). EU items shall be documents formally transmitted to the Committee by the Federal Government. EU documents shall be EU items or their drafts. For further details, reference is made to the explanatory note in Annex I.

In addition, the EU Committee may, in accordance with Rule 62, paragraph (1), third sentence of the Rules of Procedure, declare matters to be items for discussion which, within the framework of the European Union, could affect the interests of the Federal Republic of Germany, without the conditions contained in paragraph (1), first sentence being fulfilled.

Section 2

Notification by the Federal Government

Pursuant to the provisions of sections 3 and 4 of the Law on Cooperation between the Federal Government and the German Bundestag in Matters concerning the European Union, the Federal Government shall notify the EU Committee comprehensively and as early as possible of

- EU items and EU documents,
- initiatives taken by the Federal Government, the Leander and the Bundesrat as well as initiatives taken by Member States which facilitate decision-making by the competent organ of the European Union,
- the response to the opinions of the Bundestag in the decision-making process in the competent organs of the European Union.

Section 3

Form and Content of Notification

Notification shall consist in the transmission to the Committee of EU items, EU documents and initiatives as defined in section 2. Within five sitting days, the Federal Government shall submit a written explanatory report on the EU items, EU documents and initiatives transmitted to the Committee. Reference is made to Annex II. With the permission of the Chairperson, the complete written report may be submitted at a later date. 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.

Section 4

Committee responsible and referral to the Committees

The EU Committee shall be responsible for dealing with all EU items and EU documents; in individual cases it shall be responsible in line with the provisions of the decision on referral and the relevant authorization to state an opinion to the Federal Government. In the case of express authorization pursuant to Rule 93 a, paragraph (2), first sentence of the Rules of Procedure, the EU Committee should as a rule assert its claim to deal with EU items as the committee responsible.

In agreement with the Committee spokespersons, the Chairperson of the EU Committee shall submit to the chairpersons of the other committees concerned a proposal for referral indicating which committee should be the committee responsible and which committees should be asked for an opinion. If the chairpersons of one of these committees has reservations about this proposal, they shall inform the Chairperson of the EU Committee accordingly within three sitting days. The chairpersons shall then seek to reach agreement on this matter. Subsequently, the Chairperson of the EU Committee shall submit the proposal for

referral, including any reservations expressed, to the President of the Bundestag for a decision.

If the EU Committee considers an authorization pursuant to Rule 93, paragraph (2), first sentence of the Rules of Procedure necessary, it shall notify the President accordingly in the proposal for referral.

Section 5

Report to the Bundestag

In accordance with Rule 93 a, paragraph (4) of the Rules of Procedure, the EU Committee shall submit to the Bundestag a report on its opinions. In the report, it shall inform the Bundestag of the views of the committees concerned.

Section 6

Statement of an opinion to the Federal Government in the case of authorization pursuant to Section 93 a, paragraph (2), first sentence of the Rules of Procedure

In the case of an authorization pursuant to Rule 93 a, paragraph (2), first sentence of the Rules of Procedure, the EU Committee shall ask the committees concerned for their views before submitting its opinion to the Federal Government.

If the EU Committee wishes to deviate from the opinion stated by one or more of the committees concerned, a joint meeting with these committees should be convened.

Section 7

Statement of an opinion to the Federal Government in the case of an authorization pursuant to Rule 93 a, paragraph (3), second sentence of the Rules of Procedure

If the EU Committee wishes to state an opinion to the Federal Government in the cases provided for under Section 93 a, paragraph (3), second sentence of the Rules of Procedure, the Chairperson shall, after consulting the spokespersons of the Committee, immediately contact the chairpersons of the other committees concerned to ascertain whether the latter wish to object to the opinion which the EU Committee intends to state. An appropriate time limit for exercising the right to object must be agreed. If the objection is not lodged within the agreed time limit, the EU Committee shall state its opinion to the Federal Government.

Section 8

Obligation of the Federal Government to report to the EU Committee

The Federal Government shall inform the EU Committee continually on the progress of deliberations in the bodies of the European Union, particularly with regard to matters which the EU Committee has declared to be items for discussion.

Section 9

Procedures

All the EU items, EU documents, reports, opinions and other documents transmitted to the EU Committee shall be registered and stored by the Committee secretariat in an EDP system operated under the direction of the Committee.

The procedure for preparing the proposal for referral pursuant to Section 4, paragraph (2), first sentence shall be as follows:

- The Committee secretariat shall prepare for the Chairperson of the EU Committee a proposal for the referral of EU items received by the EU Committee and of EU documents which other committees have declared to be items for discussion.

The procedure to be followed in this respect must ensure that

- the other committees are, as quickly as possible, asked to state which items they wish to discuss,
 - the EU Committee is able to concentrate in its work on those EU items and other EU documents which are politically significant.
- The Committee secretariat immediately transmits to the Committee spokespersons and to the rapporteurs for the respective policy fields the EU items received by the Committee as well as other EU documents which, at the request of Committee members, are to be taken up by the Committee on its own authority.

The documents transmitted shall be accompanied by a list containing, in addition to the Council, Commission or EP document number and the title of each document, a proposal by the Committee secretariat for treatment, subdivided into three categories: a) deliberation recommended, b) deliberation not recommended (summary list), c) deliberation open/doubtful.

Once it has been notified of the items and documents the EU Committee wishes to deal with, the Committee secretariat shall immediately transmit the EU documents received by the Committee to the other committees concerned. At the same time, the list containing the proposals for the treatment of the documents shall be sent to all the committees concerned.

Once the President of the Bundestag has taken a decision on referral, the Committee secretariat shall, in conformity with this decision, transmit the documents listed in the first paragraph to the relevant committees.

A summary list of items which, on the basis of a proposal by the Committee secretariat, the Committee is merely to acknowledge, shall as a rule be dealt with under an item of the agenda reserved for this purpose. The Committee shall take its decision three weeks after transmission of the summary list to the spokespersons. If an objection is lodged against the inclusion of a given EU item in the summary list, this item shall be dealt with under a regular item of the agenda.

EU items relating to the Intergovernmental Conference on a Review of the Maastricht Treaty shall be listed and registered separately by the Committee secretariat and dealt with by the Committee under an item of the agenda reserved for this purpose.

Reports by the Federal Government on previous or forthcoming Council meetings shall be dealt with under an item on the agenda reserved for this purpose.

The Committee secretariat shall, without a prior request to this effect, transmit opinions and materials of the Federal Government, Land governments, the Bundesrat, Land parliaments, and the European Parliament and its committees to the rapporteurs and spokespersons. The Committee shall, without a prior request to this effect, inform the rapporteurs and spokespersons of time limits, deadlines and amendments.

Section 10

Public meetings

In the case of authorizations pursuant to Rule 93 a, paragraph (2), first sentence and Rule 93 a, paragraph (3), third sentence of the Rules of Procedure the Chairperson may, if none of the parliamentary groups represented on the Committee objects, convene a public meeting of the EU Committee for its final deliberations on these items of business. This shall not affect the right of the EU Committee to decide whether the public should be admitted to or excluded from its meetings.

Annex I

1. EU items shall be

- Initiatives within the meaning of sections 3-5 of the Law on Cooperation between the Federal Government and the German Bundestag in Matters concerning the European Union, in particular:
 - All initiatives within the framework of the European Union which could be of interest to the Federal Republic of Germany, eg. communications of the Commission, green papers and white papers.
 - Drafts of European Union directives and regulations (including content, objective, procedure, time set for a Council decision, decision 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.

2. EU documents shall be:

- All EU items
- All drafts of initiatives, reports, expert opinions and communications from the institutions of the European Union (in particular drafts of green and white papers) and the Member States which are made available to the Member States.

Annex II

Subject:

Field:

Council document number:

Commission number:

EP number:

Bundesrat number:

Legal basis:

Objective:

Proof of need for regulation at European level:
(subsidiarity assessment)

Main content:

Political significance:

Germany's specific interest:

Current position of the Bundestag:

Position of the Bundesrat:

Position of the European Parliament:

State of debate in the Council:

Stage of procedure:

Financial implications:

Timetable for treatment by:

- a) German Bundestag: in accordance with Article 23 of the Basic Law and the Law on Cooperation between the Federal Government and the German Bundestag in Matters concerning the European Union
- b) Bundesrat:
- c) EP:
- d) Council:

6. Interministerial Agreement (as at: 10 November 1995)

Notification of the German Bundestag in accordance with Sections 3 ff. of the Law on Cooperation between the Federal Government and the German Bundestag in Matters concerning the European Union of 12 March 1993 (Federal Law Gazette I, p. 311)

The objective is to notify the German Bundestag comprehensively and as soon as possible of all initiatives within the European Union which could be of interest to the Federal Republic of Germany.

I. Notification of the German Bundestag

I.1 Formal transmission of EU items to the German Bundestag

Every proposal relating to regulations and directives of the Council of the EU submitted by the Council's Secretariat-General, as well as proposals relating to decisions and other resolutions of the Council, shall be transmitted without delay in duplicate to the German Bundestag by the Federal Ministry of Economics². This shall also apply to decisions taken by the Council in accordance with Articles 100c, 138 and 201 of the EC Treaty and Articles K. 3, para.2 and K.9 of the EU Treaty.

The Ministry responsible and the Federal Chancellery shall receive a copy of the letter of transmission.

The letter of transmission shall contain:

- the envisaged title of the initiative and the main content of the letter of communication addressed to the Secretariat of the Council of the EU (in particular, information regarding the objectives and substance of the initiative);
- the date of publication of the Council document in the German language;
- if possible, a reference to the legal basis of the initiative;
- a reference to the procedure to be applied in dealing with the initiative within the EU (participation by the European Parliament, the Economic and Social Committee and the Committee of the Regions) - as specified in the Council document;

³ In correspondence between the Head of the Federal Chancellery and the President of the German Bundestag it was decided that transmission shall be effected by letter from the head of the European affairs division of the Federal Ministry of Economics to the Secretary-General of the German Bundestag.

- as concrete a reference as possible to the envisaged date for adoption by the Council, in particular by citing the estimated time frame set out in the Council document;
- the name of the federal ministry or ministries responsible for dealing with the EU initiative in question.

Several EU initiatives shall be subsumed in a single letter of transmission only if they relate to the same subject area.

I.2 General transmission

The Federal Ministry of Economics shall send one copy of all the Council documents it receives (including those which must be formally transmitted to the German Bundestag in accordance with Section I.1) to the Bundestag and, at the same time, a second copy to the ministry responsible.

I.3 Additional notification

The ministry responsible shall inform the Committee on the Affairs of the European Union (hereinafter referred to as the EU Committee), and the committee responsible, of any legislative acts or other decisions of the Commission not covered by Sections I.1 and I.2 which are of fundamental importance or will have a significant effect on the interests of the Federal Republic of Germany.

In addition, the EU Committee of the German Bundestag expects that such notification include information about the Federal Government's own initiatives, initiatives by the Länder or the Bundesrat, and initiatives by Member States which might significantly influence the decision-making process in the organ of the European Union concerned.

II. Tasks of the ministries in connection with deliberations on EU proposals in the German Bundestag

The ministries shall notify the German Bundestag without delay, if necessary by transmitting relevant documents, of their assessment of the EU proposal and the stance taken by the Federal Government; of the course of deliberations; of the opinions stated by the European Parliament, the Commissions and other Member States; and of any decisions taken.

The EU Committee of the German Bundestag expects submission, within five days of sittings, of a report in writing on the EU items transmitted in accordance with Sections I.1 and I.3 which, to the extent possible given the short time available, shall contain the information set out in the annex. This report shall be submitted by the ministry responsible; Division EA7 of the Federal Ministry of Economics and Division 011 of the Federal Foreign Office shall receive a copy.

The Federal Foreign Office shall inform the German Bundestag, in an appropriate form, about developments in the Common Foreign and Security Policy, in particular about its most important aspects and about fundamental policy alignments.

II.1 In the case of EU proposals transmitted in accordance with Section I.1, the ministry responsible shall inform the EU Committee, and the committee responsible, whether federal legislation will be affected by the planned EU measure. It shall also notify them of any significant changes to the EU proposals transmitted in accordance with Section I.1 or to the schedule for dealing with them; of the state of negotiations on the EU proposals in questions; and of any additional EU documents on which the committee should base their deliberations. Staff of the ministry responsible should be present at committee meetings when items on the agenda concerning it are dealt with.

II.2 The EU Committee expects the Federal Government, after completion of the decision-making process on the EU initiative in question, to report to the Committee informing it as to how the decisions of the Bundestag were taken into consideration and whether, and to what extent, the Federal Government complied with corresponding decisions of the Bundesrat in these cases. Moreover, the Federal Government shall be expected to inform the Committee of any reasons it had to deviate from the Bundesrat's decision insofar as it complies with its obligation to report on this subject to the Bundesrat.

This report shall be submitted by the ministry responsible as part of its reporting on Council meetings. As further clarification, the report should explain the extent to which the decision taken by the Council of the European Union corresponds with the proposal originally considered by the German Bundestag. The ministry responsible shall at the same time send a copy of the report to the Federal Ministry of Economics (Division EA7) and the Federal Foreign Office (Division 011).

7. Protocol on the Rule of National Parliaments in the European Union (excerpt from the Amsterdam Treaty of 2 October 1997)

THE HIGH CONTRACTING PARTIES -

recalling that scrutiny by individual national parliaments of their own government in relation to the activities of the Union is a matter for the particular constitutional organization and practice of each Member State,

desiring, however, to encourage greater involvement of national parliaments in the activities of the European Union and to enhance their ability to express their views on matters which may be of particular interest to them,

have agreed upon the following provisions, which shall be annexed to the Treaty on European Union and the Treaties establishing the European Communities:

I. Information for national Parliaments of Member States

1. All Commission consultation documents (green and white papers and communications) shall be promptly forwarded to national parliaments of the Member States.
2. Commission proposals for legislation as defined by the Council in accordance with Article 151 of the Treaty establishing the European Community, shall be made available in good time so that the Government of each Member State may ensure that its own national parliament receives them as appropriate.
3. A six-week period shall elapse between a legislative proposal or a proposal for a measure to be adopted under Title VI of the Treaty on European Union being made available in all languages to the European Parliament and the Council by the Commission and the date when it is placed on a Council agenda for decision either for the adoption of an act or for adoption of a common position pursuant to Article 189 b or 189 c, subject to exceptions on grounds of urgency, the reasons for which shall be stated in the act or common position.

II. The Conference of European Affairs Committees

4. The Conference of European Affairs Committees, hereinafter referred to as COSAC, established in Paris on 16 - 17 November 1989, may make any contribution it deems appropriate for the attention of the institutions of the European Union, in particular on the basis of draft legal texts which Representatives of Governments of the Member States may decide by common accord to forward to it, in view of the nature of its subject matter.
5. COSAC may examine any legislative proposal or initiative in relation to the establishment of an area of freedom, security and justice which might have a direct bearing on the rights and freedoms of individuals. The European Parliament, the Council and the Commission shall be informed of any contribution made by COSAC under this paragraph.
6. COSAC may address to the European Parliament, the Council and the Commission any contribution which it deems appropriate on the legislative activities of the Union, notably in relation to the application of the principle of subsidiarity, the area of freedom, security and justice as well as questions regarding fundamental rights.
7. Contributions made by COSAC shall in no way bind national parliaments or prejudice their position.

8. Rules of Procedure of the Conference of Community and European Affairs Committees of Parliaments of the European Union - COSAC

The present Rules of Procedure are designed to facilitate and improve the work of the Conference of Community and European Affairs Committees of Parliaments of the European Union, hereinafter referred to as COSAC, established in Paris 16-17 November 1989.

COSAC enables a regular exchange of views, without prejudicing the competences of the parliamentary bodies of the European Union. The Protocol on the Role of National Parliaments in the European Union to the Amsterdam Treaty amending the Treaty on the European Union, the Treaties establishing the European Communities and certain related acts, empowers COSAC to make any contribution it deems appropriate for the attention of the institutions of the European Union and to examine Union legislative activities, proposals and initiatives. Contributions made by COSAC shall in no way bind national parliaments or prejudice their position.

These Rules of Procedure are adopted in the XXI COSAC of Helsinki on 11 and 12 October 1999. They replace the rules elaborated on 6 and 7 May 1991 in the IV COSAC of Luxembourg, adopted on 4 and 5 November 1991 in the V COSAC of The Hague and modified on 9 and 10 May 1994 in the X COSAC of Athens and 24 and 25 June 1996 in the XIV COSAC of Rome.

1. FREQUENCY AND DATES OF MEETINGS

1.1. Ordinary meetings

One ordinary meeting of COSAC shall be held during each Presidency of the Council of the European Union taking account of different parliamentary practices of Member States, of election periods and of the dates of public holidays in Member States. The date of the next meeting shall be fixed and announced by the date of the preceding meeting at the latest.

1.2. Extraordinary meetings

Extraordinary meetings of COSAC shall be held, if deemed necessary, by an absolute majority of the Chairpersons of the European Affairs Committees of the national Parliaments and of the appropriate body of the European Parliament.

1.3. Preparatory meetings of the Chairpersons

A preparatory meeting of the Chairpersons of the European Affairs Committees and of the representative of the European Parliament shall be held prior to meetings of COSAC, if proposed by the Parliament of the Member State holding the Presidency, after consulting the Presidential Troika. The Presidential Troika of COSAC consists of the Presidency, assisted by the preceding and the next Presidency, and the European Parliament.

1.4. Extraordinary meetings of the Chairpersons

Extraordinary meetings of the Chairpersons of the European Affairs Committees and the appropriate body of the European Parliament shall be held, if proposed, by the Presidency, after consulting the Presidential Troika, or, if deemed necessary, by an absolute majority of the Chairpersons of the European Affairs Committees of the national Parliaments and of the appropriate body of the European Parliament.

1.5. Working groups

COSAC may decide to set up a working group to study a particular issue linked with the activities of the European Union. Such a working group shall also be set up, if deemed necessary, by an absolute majority of the Chairpersons of the European Affairs Committees of the national Parliaments and of the appropriate body of the European Parliament. The Chairperson of the European Affairs Committee of the Parliament of the Member State holding the Presidency shall act as the Chairperson of the working group. The Secretariat of the Parliament of the Member State holding the Presidency shall provide secretariat for the working group.

2. PLACE OF MEETINGS

Meetings shall take place in the Member State holding the Presidency, although extraordinary meetings, meetings of the Chairpersons and of Working Groups may be held elsewhere.

3. DURATION OF MEETINGS

The duration of ordinary and extraordinary meetings of COSAC shall be one and a half days.

4. COMPOSITION

4.1. Ordinary and extraordinary meetings

Each National Parliament shall be represented by a maximum of six members of its European Affairs Committee(s). The European Parliament shall be represented by six Members. Each Parliament shall determine the composition of its own delegation.

4.2. Observers from the Parliaments of applicant countries

Three observers from the Parliaments of each applicant country shall be invited to ordinary meetings, and may be invited to extraordinary meetings, provided that the European Union has officially opened discussions and/or negotiations aimed at accession with the country concerned and that the Parliament concerned has made an official request to participate in COSAC. These observers shall have the right to participate in debates on specific items on the agenda determined by the meeting.

4.3. Other observers, specialists and special guests

The Presidency shall invite observers from the General Secretariat of the Council of the European Union and the European Commission, and it may invite observers from the embassies of the Member States of the European Union, and, after consulting the Presidential Troika, specialists and special guests.

4.4. Public access to meetings

Meetings of COSAC shall be public, unless otherwise determined.

5. CONVOCAATION

Ordinary meetings and meetings of the Chairpersons and of Working Groups shall be convened by the Secretariat of the Parliament of the Member State holding the Presidency.

Extraordinary meetings shall be convened by the Secretariat of the Parliament of the Member State where the meeting takes place.

6. DESIGNATION OF MEETINGS

The designation of ordinary and extraordinary meetings shall be "Conference of the European Affairs Committees (of the European Union's National Parliaments and the European Parliament) - COSAC" - with the name preceded by the number of the meeting in sequence, followed by the date and place of the meeting.

7. AGENDA

7.1. Before the last ordinary meeting of each year the delegation will indicate the subjects they propose to be dealt with the following year. This matter shall be discussed at the end of the meeting. The Presidential Troika, paying due account to the provisions of Part II of the Protocol to the Asterdam Treaty on the Role of National Parliaments in the European Union, proposes, at the beginning of each Presidency, one or several subjects drawn from the working programme of the Council of the European Union, the European Parliament, and the European Commission, or from proposals made during the meeting referred to above.

7.2. A draft agenda shall be drawn up by the Chairperson of the European Affairs Committee of the host Parliament, after consulting Chairpersons of the European Affairs Committees and the representative of the European Parliament. National delegations may propose to the Presidency that a specific item is put on the agenda.

7.3. The meeting itself shall decide on its final agenda.

8. PREPARATION OF MEETINGS

8.1. The national delegations may send documents relating to items on the agenda to the Secretariat of the host Parliament.

8.2. The national delegation of the Member State holding the Presidency may draw up discussion documents for the Conference.

9. LANGUAGES

9.1. Each delegation is responsible for translating any document which it submits into English or French.

9.2. Participating Parliaments will receive conference documents in French or English. Each Parliament is responsible for translation into its national language.

9.3. Simultaneous translation is provided into the official languages of the EU in the meetings.

9.4. The contributions of COSAC are drawn up in a single original in French and English, each of these being equally authentic.

10. COSAC CONTRIBUTIONS

10.1. COSAC may address contributions to the institutions of the European Union pursuant to the Amsterdam Treaty Protocol on the Role of National Parliaments in the European Union.

10.2. Each national delegation may propose that a contribution is adopted by COSAC. A draft contribution shall be drawn up if proposed by the Presidency, after consulting the Presidential Troika, or if deemed necessary by an absolute majority of the Chairpersons of the European Affairs Committees of the national Parliaments and of the appropriate body of the European Parliament, or if decided in a meeting of COSAC:

10.3. The draft of a contribution shall be communicated to the delegations in good time before the relevant meeting of COSAC to avail them with a reasonable period for scrutiny and remarks.

10.4. The final draft of a contribution shall be prepared at the preparatory meeting of the Chairpersons preceding the relevant meeting of COSAC. It shall embrace the observations and remarks by all delegations, including possible declarations concerning the vote.

10.5. Adoption of the contribution requires unanimity between the delegations present at the meeting. Abstentions by delegations shall not prevent the adoption of the contribution.

11. ROLE OF THE PRESIDENCY

11.1. The European Affairs Committee of the Member State holding the Presidency of the Council of the European Union shall hold the Presidency of COSAC during that Presidency.

11.2. The Secretariat of the host Parliament shall prepare the documents for the meeting.

11.3. The Chairperson of the European Affairs Committee of the host Parliament shall open the debate.

11.4. The Chairperson of the European Affairs Committee of the host Parliament shall propose a timetable for the meeting and the length of speeches which shall be four minutes, unless the meeting determines otherwise.

11.5. The Secretariat of the host Parliament shall draw up brief minutes of the meeting.

11.6. The Chairperson of the European Affairs Committee of the host Parliament shall present the debate's conclusions, as drawn up by the Presidential Troika.

11.7. The Secretariat of the Parliament holding the Presidency shall provide secretariat for the activities of COSAC during its term. The Secretariats of national Parliaments and of the European Parliament shall provide assistance.

12. DEBATE CONCLUSION

If the meeting decides to issue a communiqué, a draft, annexed with possible contributions adopted, is drawn up by the Presidential Troika.

13. RECIPIENTS OF COMMUNIQUES

Communiqués are sent to the Parliaments of the Member States and the European Parliament, to the Council of the European Union, and to the European Commission by the Secretariat of the host Parliament.

14. REVISION OF THE RULES OF PROCEDURE

14.1. Proposals for a revision of the Rules of Procedure must be sent, in writing, from one or several delegations of one or several Parliaments to all national Parliaments of the Member States and to the European Parliament, at least one month before the meeting of COSAC.

14.2. Any proposals for a revision of the rules should be put on the agenda of the first meeting of COSAC following the presentation of the proposal.

14.3. Adoption of the proposal requires unanimity between the delegations present at the meeting. Abstentions by delegations shall not prevent the adoption of the proposal.

15. ENTRY INTO FORCE

These Rules of Procedure shall enter into force on 1 January 2000. They are drawn up in a single original in English and French, each of these texts being equally authentic.

The text of these Rules of Procedure shall, for the authentication thereof, be drawn up in Danish, Dutch, German, Greek, Italian, Portuguese, Spanish, Finnish and Swedish. The translations shall be agreed between the national Parliaments using those languages and the European Parliament. In any question relating to the interpretation of these Rules only the English and French version shall have official status.

ANNEX

Declaration by the European Parliament on Rule 10.5 of the Rules of Procedure.

The European Parliament shall abstain in the vote of a contribution which is also addressed to it.