

Übersetzung durch den Sprachendienst des Deutschen Bundestages in Zusammenarbeit mit Raymond Kerr.

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

(Gesetz über die Zusammenarbeit von Bundesregierung und Deutschem Bundestag in Angelegenheiten der Europäischen Union - EUZBBG)

Act on Cooperation between the Federal Government and the German Bundestag in Matters concerning the European Union of 4 July 2013 (Federal Law Gazette I p. 2170)

The Bundestag has adopted the following Act:

Section 1

Participation of the Bundestag

(1) In matters concerning the European Union, the Bundestag shall participate in the decision-making processes of the Federation and shall have the right to state its position. The Federal Government shall notify the Bundestag of such matters comprehensively and as early as possible.

(2) Matters concerning the European Union within the meaning of Article 23 of the Basic Law are, in particular, amendments to the Treaties and corresponding amendments at the level of primary law as well as legislative acts of the European Union. International agreements and intergovernmental arrangements are also matters concerning the European Union if they supplement, or are otherwise closely related to, the law of the European Union.

Section 2

Committee on the Affairs of the European Union

The Bundestag shall appoint a Committee on the Affairs of the European Union. The Bundestag may authorise the Committee to deliver opinions on its behalf. It may authorise the Committee to exercise the rights granted to the Bundestag by Article 23 of the Basic Law in relation to the Federal Government. It may also authorise it to exercise the rights granted to the Bundestag by the contractual foundations of the European Union.

Section 3

Notification principles

(1) The Federal Government shall notify the Bundestag comprehensively, as early as possible and continuously of matters concerning the European Union. This notification shall,

in principle, be made in writing through the forwarding of documents or the presentation of the Federal Government's own reports and, in addition, orally. The oral notification shall perform a merely supplementary and explanatory function. The Federal Government shall ensure that this notification serves to enable the Bundestag to deliberate on its content.

(2) The notification shall cover, in particular, the Federal Government's decision-making process, the preparation and course of discussions within the institutions of the European Union and the opinions of the European Parliament, of the European Commission and of the other Member States of the European Union as well as the decisions that have been taken. The same shall also apply to all preparatory bodies and working groups.

(3) The duty of notification shall also encompass the preparation and course of discussions at informal ministerial meetings, at euro summits and at meetings of the Eurogroup and of comparable institutions that are held on the basis of international agreements and other arrangements which complement or are otherwise particularly closely related to the law of the European Union. The same shall also apply to all preparatory bodies and working groups.

(4) The core area of the Federal Government's own executive responsibility shall not be affected by the duty of notification.

(5) The Bundestag may waive its right to receive notification in specific cases, unless a parliamentary group or five per cent of the Members of the Bundestag lodge an objection.

Section 4

Transmission of documents and reporting obligations

(1) The notification of the Bundestag under section 3 of this Act shall be effected in particular through the transmission of all of the following items received by the Federal Government:

1. documents:
 - a. of the institutions of the European Union, the informal ministerial meetings, the Committee of Permanent Representatives and other Council committees and working groups,
 - b. of the euro summits, the Eurogroup and comparable institutions that meet on the basis of international agreements and other arrangements which complement or are otherwise particularly closely related to the law of the European Union,
 - c. of all bodies and working groups performing preparatory tasks for the institutions referred to in items a and b above,
2. reports from the Permanent Representation of the Federal Republic of Germany to the European Union or from the Federal Government concerning:
 - a. meetings of the institutions referred to in subparagraph 1 above,
 - b. sittings of the European Parliament and meetings of its committees,
 - c. the convening of dialogues and their proceedings and outcome, and
 - d. decisions of the European Commission.

The Bundestag must be informed in advance and in sufficiently good time to form an opinion on the subject of the meetings and on the position of the Federal Government and to be able to influence the negotiating line and voting decisions of the Federal Government. Reports of meetings must present at least the positions adopted by the Federal Government and other states, the course of negotiations, intermediate findings and final outcomes as well as any decisions for which parliamentary approval is required.

(2) In addition, the Federal Government shall transmit to the Bundestag:

1. documents and information on the Federal Government's initiatives, opinions, contributions to consultations, draft programmes and explanations for institutions of the

European Union, for informal ministerial meetings, for euro summits and for the Eurogroup and comparable institutions that meet on the basis of international agreements and other arrangements which complement or are otherwise particularly closely related to the law of the European Union,

2. relevant initiatives, opinions, contributions to consultations and explanations from governments of Member States of the European Union,

3. relevant initiatives, opinions, contributions to consultations and explanations from the Bundesrat and the *Länder*, and

4. coordinated instructions for the German representative on the Committee of Permanent Representatives.

The same shall also apply to all preparatory bodies and working groups.

(3) The Federal Government shall communicate information about unofficial documents it has received on matters concerning the European Union and shall make these available on request as early as possible.

(4) Before meetings of the European Council and of the Council, informal ministerial meetings, euro summits and meetings of the Eurogroup and comparable institutions that meet on the basis of international agreements and other arrangements which complement or are otherwise particularly closely related to the law of the European Union, the Federal Government shall notify the Bundestag of each subject of discussion in writing and orally. This notification shall encompass the main features of the subject matter and of the state of negotiations as well as the negotiating line of the Federal Government and its initiatives. After these meetings, the Federal Government shall provide written and oral information on their outcome.

(5) The Federal Government shall regularly transmit to the Bundestag, on at least a quarterly basis, early-warning reports on current political developments in matters concerning the European Union.

(6) The Federal Government shall also notify the Bundestag

1. of the institution of infringement proceedings under Articles 258 and 260 of the Treaty on the Functioning of the European Union by transmitting letters of formal notice and reasoned opinions as well as explanatory information and documents, particularly the response of the Federal Government, in so far as the proceedings concern the failure of the Federation to transpose directives or its incomplete or incorrect transposition of directives,

2. of proceedings before the Court of Justice of the European Union to which the Federal Republic of Germany is a party and shall transmit the pertinent documents relating to such proceedings, and

3. of other proceedings before the Court of Justice of the European Union and shall transmit the pertinent documents in so far as it has received them.

Section 5

Projects of the European Union

(1) Projects of the European Union ('projects') within the meaning of this Act are, in particular,

1. proposals and initiatives for decisions to open negotiations on amendments to the contractual foundations of the European Union,

2. proposals and initiatives for decisions to open negotiations with a view to preparing accessions to the European Union,

3. proposals and initiatives for decisions within the meaning of Article 140(2) of the Treaty on the Functioning of the European Union on the introduction of the euro. proposals for legislative acts of the European Union,
 4. proposals for legislative acts of the European Union,
 5. negotiating mandates for the European Commission to engage in negotiations on international agreements of the European Union,
 6. items for discussion, initiatives, negotiating mandates and negotiation guidelines for the European Commission in the framework of the common commercial policy and the world trade rounds,
 7. communications, opinions, green and white papers and recommendations from the European Commission,
 8. reports, action plans and policy programmes of the institutions of the European Union,
 9. interinstitutional arrangements concluded by the institutions of the European Union,
 10. budgetary and financial plans of the European Union,
 11. draft international agreements and other arrangements if they supplement, or are otherwise closely related to, the law of the European Union,
 12. items for discussion, proposals and initiatives being addressed in the framework of international agreements and arrangements within the meaning of subparagraph 11 above.
- (2) Proposals and initiatives of the European Union for which the participation of the Bundestag is required under the Responsibility for Integration Act (*Integrationsverantwortungsgesetz*) of 22 September 2009 (Federal Law Gazette I, p. 3022), as amended, are also projects within the meaning of the present Act.
- (3) The following provisions shall apply to the matters specified below:
1. notwithstanding the provisions of sections 1 to 4 of the present Act, the provisions of the ESM Financing Act (*ESM-Finanzierungsgesetz*) of 13 September 2012 (Federal Law Gazette I, p. 1918), as amended, shall apply to the European Stability Mechanism;
 2. notwithstanding the provisions of sections 1 to 4 of the present Act, the provisions of the Stabilisation Mechanism Act (*Stabilisierungsmechanismusgesetz*) of 22 May 2010 (Federal Law Gazette I, p. 627), as amended, shall apply to the European Financial Stability Facility;
 3. section 7 of the present Act shall apply to the Common Foreign and Security Policy and the Common Security and Defence Policy.

Section 6

Formal forwarding, report form and comprehensive appraisal, conclusion of EU legislative procedures

(1) The Federal Government shall transmit all projects to the Bundestag with a forwarding letter (formal forwarding). The forwarding letter shall be based on the document to be forwarded and contain the following information:

1. the main substance and aim of the project,

2. the date on which the German-language version of the relevant document appeared,
3. the legal basis,
4. the applicable procedure, and
5. the designation of the lead federal ministry.

(2) Within two weeks following the formal forwarding of a project, the Federal Government shall transmit a report in accordance with the annex to this Act (report form). In particular, this form shall contain an appraisal of the project in terms of its compatibility with the principles of subsidiarity and proportionality.

(3) In addition, the Federal Government shall transmit a comprehensive appraisal of proposals for legislative acts of the European Union within two weeks following their referral to the Bundestag committees but no later than the start of their discussion by the Council bodies. Besides indications regarding the competence of the European Union to adopt the proposed legislative act and its compatibility with the principles of subsidiarity and proportionality, this appraisal shall, in the framework of a comprehensive assessment of the impact on the Federal Republic of Germany, contain statements, particularly in the light of legal, economic, financial, social and environmental considerations, on the substance of the regulatory provisions, alternatives, costs, administrative burden and the need for transposition. In the case of other projects within the meaning of section 5(1) of this Act, a comprehensive appraisal of the project shall be made solely on request.

(4) In the case of urgent proposals, the time limits defined in paragraphs 2 and 3 above shall be shortened so as to ensure timely notification of the Bundestag and the opportunity for the latter to deliver an opinion in accordance with the first sentence of section 8(1) of this Act. If a particularly extensive appraisal is required, the time limit may be lengthened.

(5) In addition, the Federal Government shall draw up detailed reports on request on particularly complex or significant projects.

(6) The Federal Government shall notify the Bundestag of the conclusion of a legislative procedure of the European Union; this notification shall also contain an appraisal as to whether the Federal Government considers the legislative act to be consistent with the principles of subsidiarity and proportionality; in the case of directives, the Federal Government shall inform the Bundestag of time limits to be observed for transposition into national law and of the transposition requirement.

Section 7

Common Foreign and Security Policy and Common Security and Defence Policy

(1) In the realm of the Common Foreign and Security Policy and the Common Security and Defence Policy, the Federal Government shall provide comprehensive, continuous notification as early as possible. The notification shall, as a rule, be made in writing. It shall comprise the forwarding of a summary of the legislative acts that are due to be the subject of discussion, an appraisal of them and a prognosis of the future course of discussions.

Section 4(4) shall apply, *mutatis mutandis*, to meetings of the European Council and the Council featuring decisions and conclusions in the realm of the Common Foreign and Security Policy and the Common Security and Defence Policy.

(2) In addition, the Federal Government shall forward to the Bundestag, on request, documents of fundamental importance in accordance with the provisions of section 6(1) of this Act. Section 6(2) of this Act shall apply, *mutatis mutandis*.

(3) The Federal Government shall also provide continuous and early oral notification of all relevant developments in the realm of the Common Foreign and Security Policy and the Common Security and Defence Policy.

(4) The Federal Government shall notify the competent committees of the Bundestag orally about the meetings of the Political and Security Committee.

Section 8

Opinions of the Bundestag

- (1) Before participating in projects, the Federal Government shall give the Bundestag the opportunity to deliver an opinion. To this end, the Federal Government shall continuously transmit to the Bundestag updated information on the course of discussions which will enable the Bundestag to determine, on the basis of the course of the discussions, the time by which it seems appropriate to deliver an opinion.
- (2) If the Bundestag delivers an opinion, the Federal Government shall use it as a basis for its negotiations. The Federal Government shall notify the Bundestag continuously about the consideration given to its opinion in negotiations.
- (3) The Bundestag may adapt and supplement its opinion while a project is being discussed. The first sentence of paragraph 2 above shall apply, *mutatis mutandis*.
- (4) If the Bundestag avails itself of the opportunity to deliver an opinion under the first sentence of Article 23(3) of the Basic Law (*Grundgesetz*), the Federal Government shall invoke the requirement of prior parliamentary approval in the negotiations if the main interests expressed in the decision of the Bundestag cannot be asserted. The Federal Government shall notify the Bundestag thereof without delay in a special report. In its form and content, this report must lend itself to discussion by the bodies of the Bundestag. Before the final decision, the Federal Government shall endeavour to reach agreement with the Bundestag. This shall also apply if the Bundestag delivers an opinion on matters concerning municipal services of public interest in connection with projects of the European Union. The foregoing provisions shall not prejudice the right of the Federal Government, in awareness of the Bundestag's opinion, to take divergent decisions for good reasons of foreign or integration policy.
- (5) After the final decision, the Federal Government shall notify the Bundestag in writing without delay, particularly as regards the adoption of the parliamentary opinion. If not all of the interests expressed in the opinion have been taken into account, the Federal Government shall also state the reasons for this. At the request of one quarter of the Members of the Bundestag, the Federal Government shall also explain these reasons in the framework of a plenary debate.

Section 9

Opening of negotiations on accessions and treaty amendments

- (1) When notifying the Bundestag of proposals and initiatives for decisions on the opening of negotiations
1. to prepare an accession to the European Union, or
 2. to make amendments to the contractual foundations of the European Union,
- the Federal Government shall refer to the Bundestag's right to deliver an opinion under section 8 of this Act.
- (2) Before the final decision in the Council or in the European Council, the Federal Government is to reach agreement with the Bundestag. This shall not prejudice the right of the Federal Government, in awareness of the Bundestag's opinion, to take divergent decisions for good reasons of foreign or integration policy.

Section 9a

Introduction of the euro in a Member State

- (1) When notifying the Bundestag of proposals and initiatives for Council decisions under Article 140(2) of the Treaty on the Functioning of the European Union on the introduction of the euro in an additional Member State, the Federal Government shall refer to the Bundestag's right to deliver an opinion under section 8 of this Act.
- (2) Before the final decision in the Council, the Federal Government is to reach agreement with the Bundestag. This shall not prejudice the right of the Federal Government, in

awareness of the Bundestag's opinion, to take divergent decisions for good reasons of foreign or integration policy.

Section 10

Access to databases, confidential treatment of documents

(1) Within the scope of the provisions on data protection, the Federal Government shall grant the Bundestag access to the documentary databases of the European Union that are accessible to the Federal Government.

(2) The documents of the European Union shall, in principle, be transmitted openly. Security classifications applied by the institutions of the European Union to ensure special confidentiality shall be respected by the Bundestag. Any national classification as confidential which may be necessary for these documents or for other information, reports and communications to be transmitted to the Bundestag within the scope of this Act shall be applied prior to dispatch by the Federal Government and shall be respected by the Bundestag. The reasons for the classification shall be explained on request.

(3) The Bundestag shall take account of the particular need to protect current confidential negotiations by according them confidential treatment.

Section 11

Bundestag Liaison Office

(1) The Bundestag may maintain direct contacts with bodies of the European Union through a liaison office in so far as this enables it to exercise its participatory rights in matters concerning the European Union. The parliamentary groups in the Bundestag shall second representatives to the liaison office.

(2) The Federal Government shall assist the Bundestag Liaison Office in its professional tasks through the Permanent Representation of the Federal Republic of Germany to the European Union and the Embassy of the Federal Republic of Germany to the Kingdom of Belgium.

Section 12

Entry into force, termination

This Act shall enter into force on the day following the date of promulgation. At the same time, the Act of 12 March 1993 on Cooperation between the Federal Government and the German Bundestag in Matters concerning the European Union (Federal Law Gazette I, p. 311), as amended by Article 2 of the Act of 13 September 2012 (Federal Law Gazette 2012 II, p. 1006), shall terminate.