

Handling of EU documents and subsidiarity checks at the German Bundestag

General information	
Legal framework	<p>Article 23 (1a) of the Basic Law (<i>Grundgesetz</i>), the German constitution, contains provisions relating to subsidiarity actions.</p> <p>Article 23 (2) of the Basic Law requires the Federal Government to notify the Bundestag of matters concerning the European Union comprehensively and as early as possible.</p> <p>Article 23 (3) of the Basic Law requires the Federal Government, before participating in legislative acts of the European Union, to provide the Bundestag with an opportunity to state its position.</p> <p>The Act on Cooperation between the Federal Government and the German Bundestag in Matters concerning the European Union (<i>Gesetz über die Zusammenarbeit von Bundesregierung und Deutschem Bundestag in Angelegenheiten der Europäischen Union</i> – EUZBBG) fleshes out the Bundestag’s participatory rights in EU matters.</p> <p>Sections 11 and 12 of the Responsibility for Integration Act (<i>Integrationsverantwortungsgesetz</i> – IntVG) flesh out the provisions relating to subsidiarity objections and subsidiarity actions.</p> <p>Rule 93 of the Rules of Procedure of the German Bundestag (<i>Geschäftsordnung des Deutschen Bundestages</i> – GO-BT) provides detailed rules for the handling of EU documents.</p> <p>Rule 93 contains provisions on the following aspects: the forwarding and referral of EU documents; committee deliberations on EU documents; the Committee on European Union Affairs; subsidiarity objections; subsidiarity actions.</p>

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<p>Various types of opinion delivered by the Bundestag</p>	<p>Subsidiarity objections under Protocol No. 2 on the Application of the Principles of Subsidiarity and Proportionality annexed to the Treaty of Lisbon</p> <p>Contributions to the political dialogue Since 2006, it has been possible to transmit contributions on European policy initiatives and issues to the European Commission.</p> <p>Opinions on EU documents delivered under Article 23 (2) and Article 23 (3) of the Basic Law If the Bundestag delivers an opinion under Article 23 (2) or Article 23 (3) of the Basic Law, the Federal Government is required to take it into account in its negotiations at European level. The procedure is set out in Section 8 of the Act on Cooperation between the Federal Government and the German Bundestag in Matters concerning the European Union.</p> <p>The Federal Government must inform the Bundestag on an ongoing basis about the progress of the negotiations.</p> <p>If the opinion concerns an EU legislative act, the Federal Government must, under Article 23 (3) of the Basic Law, invoke the requirement of prior parliamentary approval in the negotiations if one of the main interests expressed in the Bundestag's decision cannot be asserted. The Federal Government must notify the Bundestag of this in writing and without delay.</p> <p>Before the final decision in the Council, the Federal Government must endeavour to reach agreement with the Bundestag. It may take decisions which diverge from the Bundestag's opinion for good reasons of foreign or integration policy.</p>
<p>Institutions involved</p>	<p>The European Affairs Directorate in the Administration of the Bundestag</p>

Handling of EU documents and subsidiarity checks at the German Bundestag

	<p>The Committee on European Union Affairs</p> <p>The committee(s) to which an EU document is referred</p> <p>The parliamentary groups in the German Bundestag</p> <p>The plenary of the German Bundestag</p> <p>The President of the German Bundestag</p>
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Overview of the procedure for dealing with EU documents, including subsidiarity checks	
General characteristics	Checking whether an EU legislative project complies with the principles of subsidiarity and proportionality is part of the Bundestag's general procedure for dealing with EU projects.
Start of the procedure	EU documents are either transmitted directly to the Bundestag by the European Commission (Articles 1 and 2 of Protocol No. 1 annexed to the Treaty of Lisbon) or formally forwarded by the Federal Government
European Affairs Directorate in the Administration of the Bundestag	<p>The documents are categorised and entered into the Bundestag's internal EuDoX database</p> <p>A list of the documents received is produced, together with a proposal regarding the committees to which they should be referred</p>
Committees	The list of documents received is discussed and feedback is provided
European Affairs Directorate in the Administration of the Bundestag	After feedback has been received from the committees, a proposal for referral is drawn up setting out which committees should be involved, together with a prioritisation proposal setting out the content, aim and political relevance of each EU document. In cases where it is

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	already clear that a more intensive subsidiarity check may be needed, this is noted. The proposal for referral is divided into Part A (documents relevant for deliberations) and Part B (documents not relevant for deliberations).
Chairperson of the Committee on European Union Affairs	The chairperson of the Committee on European Union Affairs signs the proposal for referral and forwards it to the President of the Bundestag and the parliamentary groups in the Bundestag
President of the Bundestag and parliamentary groups	The President of the Bundestag and the parliamentary groups reach an agreement on the proposal for referral
President of the Bundestag	The President of the Bundestag refers the EU documents to the lead committees and committees asked for their opinion
Lead committee/Committee on European Union Affairs	<p>If the lead committee plans to file an objection of non-compliance with the principles of subsidiarity and proportionality, the Committee on European Union Affairs is asked for its opinion.</p> <p>If the filing of a subsidiarity objection is planned, it is submitted to the plenary for a decision in the form of a recommendation for a decision before the end of the eight-week time limit.</p>
Procedure in the plenary	<p>The plenary takes a decision on the recommendation for a decision submitted by the lead committee regarding a subsidiarity objection or another type of opinion</p> <p>The parliamentary groups can also table motions directly in the plenary on subsidiarity objections and subsidiarity actions, as well as opinions under Article 23 (2) and Article 23 (3) of the Basic Law.</p>
Transmission of the subsidiarity objection or contribution to the political dialogue to the EU institutions	The President of the Bundestag transmits the subsidiarity objection or contribution to the political dialogue, together with a

Handling of EU documents and subsidiarity checks at the German Bundestag

	notification letter, to the relevant EU institutions.
Addition of the subsidiarity objection or other type of opinion to the IPEX site	The subsidiarity objection or other type of opinion is added to the IPEX site in German, English and French by the European Affairs Directorate