

UNION INTERPARLEMENTAIRE



INTER-PARLIAMENTARY UNION

ASSOCIATION DES SECRÉTAIRES GÉNÉRAUX DES PARLEMENTS
ASSOCIATION OF SECRETARIES GENERAL OF PARLIAMENTS



*CONSTITUTIONAL
AND PARLIAMENTARY
INFORMATION*

The parliamentary system of Germany

**The simplified examination procedure
of the French Assemblée nationale**

Constitutional Reform in Finland

INTER-PARLIAMENTARY UNION

Aims

The Inter-Parliamentary Union whose international Statute is outlined in a Headquarters Agreement drawn up with the Swiss federal authorities, is the only world-wide organization of Parliaments.

The aim of the Inter-Parliamentary Union is to promote personal contacts between members of all Parliaments and to unite them in common action to secure and maintain the full participation of their respective States in the firm establishment and development of representative institutions and in the advancement of the work of international peace and co-operation, particularly by supporting the objectives of the United Nations.

In pursuance of this objective, the Union makes known its views on all international problems suitable for settlement by parliamentary action and puts forward suggestions for the development of parliamentary assemblies so as to improve the working of those institutions and increase their prestige.

Membership of the Union (May 2000)

Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bangladesh, Belarus, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Fiji, Finland, Former Yugoslav Republic of Macedonia, France, Gabon, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Japan, Jordan, Kazakstan, Kenya, Korea (Dem. P. R. of), Korea (Rep. of), Kuwait, Kyrgyzstan, Laos, Latvia, Lebanon, Liberia, Libya, Lithuania, Luxembourg, Malawi, Malaysia, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Moldova, Monaco, Mongolia, Morocco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Romania, Russia, Rwanda, San Marino, Senegal, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Tanzania, Thailand, Togo, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, United States of America, Uruguay, Uzbekistan, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Associated members: Andean Parliament, Central American Parliament, European Parliament, Latin American Parliament, Parliamentary Assembly of the Council of Europe.

Structure

The organs of the Union are:

1. *The Inter-Parliamentary Conference* which meets twice a year.
2. *The Inter-Parliamentary Council*, composed of two members from each affiliated Group. *President*: Mrs Najma Heptulla (India).
3. *The Executive Committee*, composed of twelve members elected by the Conference, as well as of the Council President acting as *ex officio* President.
4. *Secretariat of the Union*, which is the international secretariat of the Organization, the headquarters being located at: Place du Petit-Saconnex, CP438, 1211 Geneva, Switzerland.

Secretary general: Mr. Anders Johnsson.

Official publication

The Union's official organ is the *Inter-Parliamentary Bulletin*, which appears quarterly in both English and French. This publication is indispensable in keeping posted on the activities of the Organization. Subscription can be placed with the Union's Secretariat in Geneva.

Constitutional and Parliamentary Information

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I. The Parliamentary System of Germany

Presentation by Dr Peter EICKENBOOM, Director of the Bundestag, and Mr Georg Berndt OSCHATZ, Director of the Bundesrat, on the parliamentary system of Germany. Berlin Session (October 1999)

Mr DAVIES, President of the Association, invited Dr Peter EICKENBOOM and Mr Georg Berndt OSCHATZ to the platform to give their presentation on the German parliamentary system. He said that the presentation would be followed by questions.

Dr Peter EICKENBOOM, Director of the Bundestag, made the following presentation:

"I. Words of welcome and introduction

It is a great pleasure for me to have the opportunity to welcome you to Berlin, the old and new capital of Germany. For Germany, 1999 is a special year in which we mark a number of major anniversaries. In the spring, we celebrated the fiftieth birthday of the Federal Republic of Germany and of its Basic Law, the most liberal constitution in our country's history. Only a few weeks ago, the Bundestag completed its move from Bonn to Berlin and took this as an occasion to invite the members of the Inter-Parliamentary Union and the Association of Secretaries-General of Parliament to this conference in Berlin.

Yesterday, the Conference was officially opened in the Reichstag, a building which like no other has been at the heart of German history over the last hundred years. When, in 1884, the foundation stone for the Reichstag Building was laid, the imperial parliament still played a subordinate role in both constitutional and political terms. Only in the course of the following decades did the parliamentary structures evolve on which the Weimar Republic could build. In November 1918, the Kaiser abdicated and Philipp Scheideman proclaimed the Republic from a balcony of the Reichstag Building. Following the collapse of the imperial and monarchical system of parliamentary government, a new, republican constitution was drafted and adopted. But in the turbulent and crisis-

ridden years of the Weimar Republic, the Reichstag never once served a full electoral term. In December 1932, the Parliament adjourned for an indefinite period, and nobody suspected that this would be the last sitting of parliament in the Reichstag Building for six decades. In 1933, the plenary chamber was destroyed in an arson attack. From then on, Members met in the Kroll opera house. The National Socialists governed largely by emergency decree. In practice, therefore, they abolished the parliamentary system and the Reichstag became a mere façade. Towards the end of the second world war, the Reichstag Building was severely damaged and captured by Soviet soldiers. Following the end of the war, it stood in ruins in a landscape of devastation. One result of the war was the division of Germany. The Federal Republic of Germany was established in May 1949 with Bonn as its provisional capital. In October 1949, the German Democratic Republic came into being in the Soviet sphere of influence.

In 1955, the German Bundestag decided to renovate the Reichstag Building so that one day it could once again house an all-German parliament. In 1961, whilst work was still in progress, the Berlin Wall, which was to divide Germany until 1989, was erected. It ran directly behind the Reichstag Building, thereby cutting it off from its historical surroundings. The actual administrative boundary ran through the middle of the pillars on the east wing. With the sudden collapse of the Berlin Wall in November 1989, the Reichstag Building once again moved to centre stage - both geographically and politically. In October 1990, the Members of the German Bundestag assembled in the plenary chamber in Berlin together with Members of the People's Chamber of the former GDR, who had been democratically elected for the first time a few months earlier. In December 1990, the first post-war parliament to be elected by all Germans convened for its constituent meeting in Berlin, and six months later voted to move the seat of parliament and government to Berlin, Germany's new capital. The British architect Sir Norman Foster was commissioned with the conversion of the Reichstag Building. Before work began, the Bundestag allowed the artists Christo and Jeanne-Claude to wrap the building for two weeks. In the summer of 1995, pictures of the Wrapped Reichstag went around the world.

The conversion has fundamentally altered the appearance of the Reichstag Building, both inside and out. The futuristic glass dome, reminiscent of the original cupula, has since become one of the city's main landmarks. The Bundestag took possession of the converted Reichstag Building at a special sitting in April this year.

Over the last few weeks, the Federal Chancellery and the federal ministries have also moved into their offices in Berlin. The Bundesrat and the representations of the 16 federal states will follow. As the Federal President,

the Federal Government, the German Bundestag and the Bundesrat move to Berlin so, too, will several thousand staff and their families. They will be followed by a large number of embassies, lobbies, media representatives and many other institutions which want to have their offices close to the seat of Parliament.

II. Composition and procedures of the German Bundestag

After this brief historical review, I would now like to explain both the composition and the tasks of the German Bundestag. The Secretary-General of the Bundesrat will then present the German system of federalism, the composition and tasks of the Bundesrat and the passage of legislation in the two chambers.

1. Composition and size of the German Bundestag

The Members of the German Bundestag are elected in general, direct, free, equal and secret elections for a period of four years. The Bundestag has at least 656 Members, half of whom are elected on a first-past-the-post basis in 328 single-member constituencies. The remainder are elected under a system of proportional representation on the basis of lists drawn up by the parties in the individual states. Hence, voters have two votes: they cast their first vote for a constituency candidate and their second vote for a party list.

Under the terms of the Federal Electoral Act, only those parties which either gain more than 5% of the valid second votes cast or win at least three constituencies can enter the Bundestag. This 5% barrier is intended to prevent the political fragmentation of the Weimar years and to ensure the Bundestag's ability to work effectively and efficiently. At present, two parties are represented in the Bundestag solely on the strength of the second votes cast for their lists. And, for the first time, a party is represented in parliament which obtained less than 5% of the votes at national level but won four constituencies. The number of Members elected via the party lists can rise as a result of so-called overhang mandates or excess seats. This occurs when a party wins more direct seats, i.e. constituencies, in a given state than it is entitled to according to the share of second votes cast for its list. In the current 14th electoral term, there are 13 overhang mandates with the result that there are a total of 669 Members.

In line with an amendment of the Federal Electoral Law, from the beginning of the next electoral term in 2002 the number of members will be reduced

to 598. This will lead to a reduction in the number of constituencies by 29 to 299 and a redrawing of constituency boundaries.

2. Parliamentary groups and the status of individual Members

At the beginning of each electoral term, Members join together in parliamentary groups. The Bundestag's Rules of Procedure stipulate that a parliamentary group must comprise at least 5% of all Members. Moreover, the members of a parliamentary group must belong to the same party or to parties which do not compete with one another in any of the federal states. Parliamentary groups play a key role in the work of parliament and in shaping the decisions it takes. As long ago as 1848, the Members of the National Assembly in Frankfurt, the first all-German parliament, joined together in so-called "clubs", which can be seen as the forerunners of today's parliamentary groups. In the Reichstag of 1871, Members' party membership already determined where they sat in the plenary chamber. The role and functions of parliamentary groups in Parliament were first laid down in the Rules of Procedure in 1922. The rules of procedure of the German Bundestag later fixed the minimum size of parliamentary groups at 5% of all Members, and stipulated that many parliamentary rights could be exercised only by this minimum number of Members acting together. Since 1949, the number of parliamentary groups in the Bundestag has essentially fluctuated between three and five. Only at the beginning of the first electoral term were there for a short time eight parliamentary groups. In its 14th electoral term, the Bundestag is divided into five parliamentary groups, the governing majority being composed of the parliamentary groups of the SPD and Alliance 90/The Greens. The opposition is made up of three parliamentary groups - the CDU/CSU, the FDP and the PDS. The influence of the parliamentary groups on the work of parliament cannot be overestimated. They not only steer the process of decision-making in line with their respective functions as the parliamentary majority or minority, they also shape the Bundestag's links with the Government, the parties, interests groups and the general public. Strengthening the rights of the parliamentary groups has tended to weaken the position of individual Members, whose status and mandate however are enshrined in the constitution. The rights enjoyed by individual Members include the right to speak in the plenary and in the permanent committees, the right to put questions to the government, the right in certain cases to table motions and introduce bills, the right to vote freely on matters before parliament, and the right to exercise their office independently.

3. Election of the President and the Vice-Presidents

During the constituent sitting held at the beginning of each electoral term, the Bundestag elects its President and his or her deputies, the Vice-Presidents,

one from each parliamentary group in line with parliamentary custom and, following a recent amendment, the Rules of Procedure. Traditionally, the right to nominate the President of the Bundestag lies with the largest parliamentary group. The President of the Bundestag represents parliament in the public domain, conducts its affairs and chairs the plenary sittings. The President and Vice-Presidents are elected for an entire electoral term and cannot be removed from office even by a decision of the Bundestag. With regard to the conduct of plenary sittings, the President and Vice-Presidents alternate in the Chair. The President in the Chair has the same powers with regard to the conduct of sittings and maintaining order as those vested in the President of the Bundestag. Together, the Presidents and Vice-Presidents form the Presidium. The Presidium discusses all matters relating to the management of Parliament and is also involved in the conclusion of important contracts, questions relating to senior administrative staff, and aspects of public relations. In conducting plenary sittings, the President in the Chair is assisted by Secretaries, who are Members of the Bundestag elected to this position on the basis of nominations put forward by the parliamentary groups. Their tasks include registering requests for leave to speak, documenting the course of each sitting and assisting the Chair in holding and establishing the outcome of votes.

4. *The Council of Elders*

The most important body in steering the work of the Bundestag is the Council of Elders. It is composed of the President, as the Chairperson, the Vice-Presidents, of whom there are currently five, and 23 Members of the Bundestag appointed by the parliamentary groups in accordance with their relative strengths. The parliamentary secretaries of all the parliamentary groups are members of the Council of Elders, which convenes in every week of sittings. A Minister of State from the Federal Chancellery regularly attends the Council's meeting as a representative of the government. The Council of Elders takes decisions on internal parliamentary affairs, such as the preparation of the Bundestag's budget. It regularly sets up commissions to deal with specific aspects of its remit. These include the commission on the legal status of Members and the commission on matters relating to Members' staff. About one year in advance, the Council of Elders sets the Bundestag's schedule of work, i.e. the sequence of weeks of sittings and weeks without sittings. During weeks of sittings, Monday evening is usually reserved for meetings of the executive committees of the parliamentary groups and Tuesday for meetings of the parliamentary groups as a whole and of their working parties. On Wednesday, the committees meet in the morning, and at 1 p.m. the plenary convenes for a session of questions put to the Federal Government following the weekly

cabinet meeting and then proceeds to general Question Time. Thursday and Friday are reserved for plenary sittings. When Parliament is not sitting, Members take care of their duties in the constituencies. However, the main task of the Council of Elders is to reach agreement among all the parliamentary groups on the agenda of plenary sittings, on the structure of plenary debates and on the referral of bills and other items to the committees, thereby reducing the number of procedural issues that have to be dealt with by the plenary. The cross-party agreements reached in the Council of Elders are submitted to the plenary for a decision. In the rare case that no preliminary agreement is reached in the Council of Elders, the plenary as a rule conducts a procedural debate and decides by majority vote.

5. *The committees of the German Bundestag*

The Bundestag is a Parliament whose work is shaped in large measure by its influential permanent committees. At the beginning of each electoral term, the Bundestag takes a decision on the number of committees to be constituted, and on their composition. Generally speaking, the committee structure mirrors that of the Federal Government, with at least one committee being responsible for scrutinizing the activities of each government department. The Council of Elders reaches agreement on the distribution of committee chairs and deputy chairs among the parliamentary groups. Both the composition of the individual committees and the number of committee chairs allotted to the parliamentary groups are in direct relation to the latter's relative strengths in the plenary. Traditionally, however, the Budget Committee is chaired by a member of the opposition. Of the 23 committees constituted at the beginning of the current electoral term, 12 are chaired by the parliamentary groups of the governing majority and 11 by those making up the opposition. The members of each committee are appointed by the parliamentary groups and can be removed or replaced at any time by them. In addition to the permanent committees, which are set up for the entire duration of an electoral term, special committees may also be established to deal, for instance, with particularly complex bills. The permanent committees also have the possibility of setting up sub-committees.

Under the Rules of Procedure, the role of the committees is to prepare decisions by the plenary; they are not empowered to take final decisions on bills and other items. Rather, their task is to deliberate on items referred to them by the plenary and then to submit to the plenary a recommendation for a decision. The committees do not have a right to introduce legislation in the plenary. However, they are empowered to deal on their own initiative with all matters falling within their remit. Like the plenary, every committee has the right, following a decision by its members, to demand the presence of a member of the

Federal Government. This applies both to non-public committee meetings and to the public hearings which are held on virtually every major bill. These public hearings give the committees an opportunity to obtain information on the issue in question from outside Parliament. They also serve to inform the public on the range of views held in parliament on the issue under discussion and enable interest groups to state their opinion. Under a procedure introduced in 1995, committees may also hold their final deliberations on a bill in public.

6. Selected permanent committees

A number of permanent committees have a special position, for instance the Committee on the Scrutiny of Elections, Immunity and the Rules of Procedure. In addition to procedural matters, this committee deals with all questions relating to the immunity of Members, which is guaranteed under the constitution. With regard to a number of aspects of immunity, such as for instance the initiation of a judicial inquiry, the Bundestag takes a general decision on the waiver of immunity at the beginning of each electoral term. In cases not covered by this general declaration, the Committee submits a recommendation for a decision to the plenary. In practice, the lifting of immunity is only refused in the case of insults of a political nature.

The Petitions Committee is also accorded a special status by law. The Committee safeguards a basic right enshrined in the constitution, namely that every person is entitled to submit requests and complaints to the Bundestag. The Committee examines some 23,000 petitions each year and prepares corresponding recommendations for decisions by the plenary.

A committee has been set up to deal with European Union affairs and endowed with a number of special powers. In contrast to the other permanent committees, the EU Committee can in certain cases exercise the rights of the Bundestag in relation to the Federal Government, that is it is empowered to state an opinion to the Federal Government on an item of EU legislation if the plenary does not have sufficient time to deal with the matter itself.

Finally, the Budget Committee also deserves mention. It considers the annual federal budget, and has the right to scrutinize, and to be heard on, all bills which will have an impact on public revenue and expenditure.

In addition to the permanent committees, the Bundestag can also set up committees of inquiry to shed light on particular matters. The constitution guarantees that a quarter of the Members of the Bundestag, that is a parliamentary minority, may demand that such a committee be set up. A distinction must be drawn between the committees of inquiry and the so-called study commis-

sions which the Bundestag may establish to look into particularly complex and wide-ranging issues. In contrast to all the other committees, these study commissions comprise not only Members of the Bundestag but also external experts. Issues dealt with by such commissions have included, for instance, the future of the media in the economy and society and the impact of demographic change. The study commissions complete their work by submitting a report to the plenary in which they present a scientific analysis of the subject concerned as well as recommendations for legislative action.

7. Remuneration of Members of the German Bundestag

Under the Constitution, Members are entitled to a level of remuneration which ensures their financial independence. On the basis of the Act on the Legal Status of Members of the Bundestag, they receive a monthly, taxable income of approximately DM 13,000 and a tax-free allowance of DM 6,500 to cover the costs of a constituency office and additional expenses for maintaining a residence in Berlin. They are provided with fully equipped offices at the seat of Parliament. This includes telecommunications services, access to the Internet and other databases, and the provision of software. Other services, such as a car pool, are also available. The costs of employing staff are reimbursed up to a certain amount.

8. The Administration of the German Bundestag

Together with Members' personal staff and the staff of the parliamentary groups, the Administration of the German Bundestag provides Members and all the organs of Parliament with organizational, technical and specialized assistance in carrying out their duties. The Administration is headed by the President of the German Bundestag; responsibility for the day-to-day running of the Administration lies with the Secretary-General. The Bundestag Administration has a staff of some 2,500, 350 of whom are in the higher service. It is divided into three directorates-general: Central Services, Parliamentary Services and the Reference and Research Services. In addition to numerous organizational and technical tasks, the Central Services are responsible for preparing and executing the Bundestag's budget, dealing with the regulations governing Members' remuneration and taking care of administrative matters relating to Members' personal staff. The Parliamentary Services prepare and support the work of the plenary; for instance, they register all bills and other items of business, ensure that they are presented as Bundestag printed papers and draw up the minutes of plenary proceedings. They offer advisory assistance on procedural questions, on parliamentary law in general and on matters relating to

the scrutiny of elections. This directorate-general is also responsible for public relations, for taking care of visitors to the Bundestag and for providing translating and interpreting services. Lastly, the Reference and Research Services are responsible for parliamentary documentation, the Bundestag library, the provision of specialist advice to Member in the form of internal papers, and the secretariats of the parliamentary committees.

III. Tasks of the German Bundestag

Among the Bundestag's most important tasks are elections, scrutiny of government, legislation and public information. I will only touch upon the Bundestag's role in legislation as the process will be explained to you in greater detail by the next speaker, the secretary-general of the Bundesrat.

1. Elections

The politically most significant election is that of the Federal Chancellor. The Federal Chancellor is elected upon the proposal of the Federal President. The election itself is by secret ballot without prior debate. Until now, all Federal Chancellors have achieved the required absolute majority in the first ballot. The Federal Ministers, on the other hand, are nominated by the Federal Chancellor and appointed, and dismissed, by the Federal President. In practice, the parliamentary groups which form the government majority agree on the composition of the cabinet well before the election of the Federal Chancellor. For this reason, the Chancellor can put forward the members of his cabinet immediately after being elected. Both the Chancellor and his ministers, most of whom are also Members of the Bundestag, are sworn in before Parliament. Traditionally, during the subsequent plenary sitting the Federal Chancellor delivers a statement setting out the newly elected government's programme for the coming years. Since the government depends on the confidence of the parliamentary majority, the links between the two are close. They face the parliamentary groups which make up the opposition.

The Bundestag is not only responsible for electing the Federal Chancellor. The constitution stipulates that the Bundestag and the Bundesrat are each to elect one half of the members of the Federal Constitutional Court, Germany's supreme court. For this purpose, both chambers elect twelve of their members to a so-called Committee of Delegates. To be elected to the Federal Constitutional Court, a candidate must obtain a two-thirds majority of votes in the Committee.

The Bundestag also elects the members of a number of mixed bodies, that is bodies comprising Members of the Bundestag and members of the Bundesrat.

For example, the Bundestag elects 32 of its members to the Joint Committee, a kind of emergency parliament envisaged under the Constitution should a state of defence be proclaimed. The remaining sixteen members are delegated by the federal states. The Bundestag and the Bundesrat each elect half of the members of the Mediation Committee and of the so-called Committee for the Election of Judges, which is convened to appoint the judges to Germany's highest federal courts.

2. Parliamentary control of the Government

Parliamentary control of the Government is another of the Bundestag's central functions. In this field, the parliamentary groups which make up the governing majority have, in addition to formal rights such as the right to put questions to the government and to demand the presence of a member of the government, a number of informal channels for exerting influence which are less visible to the public but often much more effective.

The most powerful formal right of parliament in exercising control over the Federal Government is the so-called constructive vote of no-confidence. Under this procedure, the Bundestag can remove the Federal Chancellor and his government from office by electing a new Chancellor.

However, in the day-to-day work of Parliament, the right to put questions to the government is of greater significance. In addition to questions submitted to the government for written or oral reply, this also encompasses minor and major interpellations. If the Members submitting the interpellation request, a plenary debate may be held on the issue concerned. The Bundestag also conducts debates on matters of topical interest if requested to do so by one of the parliamentary groups. During these debates, speaking time is limited to five minutes and speakers take the floor in a specific order. No substantive motions may be tabled.

Furthermore, the Bundestag also possesses classical powers of control, that is the right to set up committees of inquiry and the right to adopt and control the budget - the "power of the purse". The Bundestag has set up a special panel to exercise parliamentary control over the intelligence services and to monitor any restrictions on the privacy of posts and telecommunications.

3. The Bundestag as a forum for public debate

The Bundestag also sees itself as the "forum of the nation" where public discussion of political issues takes place. Plenary debates play a major role here and largely determine the public image of Parliament. For this reason, so-called

core-time debates were introduced in 1995. They are held every Thursday and deal with important issues of topical interest. The subjects of these debates are agreed on between the majority and the opposition in the Council of Elders. Alongside the plenary debates, the public hearings held by the committees are also meeting with increasing media interest.

4. Structure of debates and voting in the plenary

A set structure of debates in the plenary has evolved over the years. As a rule, the time set aside for a plenary debate is fixed on the basis of the so-called "Bonn hour", a time unit according to which speaking time is divided among the parliamentary groups in line with their relative strengths. Also included are members of the Federal Government and the Bundesrat who in accordance with the constitution have an unrestricted right to speak at any time in the Bundestag and its committees. Formal policy statements by the government, however, are delivered before the debate and are not deducted from the speaking time allotted to the parliamentary groups which make up the governing majority in Parliament. In calling upon speakers, the President in the Chair ensures that speakers from the governing majority and the opposition are given the floor alternately and in line with the relative strengths of their parliamentary groups. Outside this set sequence of speakers, Members have the possibility of addressing questions to speakers and, following a speech, to state an opinion in the form of a brief intervention. Members may also make personal statements on the debate and on their reasons for voting in a particular way. Votes are generally held after the debates. Normally, the Bundestag votes by show of hands. In the case of final votes on legislation, Members vote by sitting or standing. If requested by a parliamentary group, votes are held using voting cards bearing Members' names which Members place in ballot boxes located in the plenary chamber. In specific cases a special voting procedure is applied under which Members leave the chamber and re-enter through one of the three doors marked "Yes", "No", "Abstention". They are counted by the Secretaries as they pass through the doors. The Bundestag does not have an electronic voting system.

IV. Legislation

One of the Bundestag's main functions is of course to pass federal legislation. Much of its work in the plenary and in committee is therefore concerned with the considering and passing bills. The passage of legislation and the involvement of the Bundesrat will now be explained in greater detail by the Secretary-General of the Bundesrat."

Mr Georg Berndt OSCHATZ, Director of the Bundesrat, made the following presentation:

"1. Composition and functions of the Bundesrat

In accordance with the Basic Law of the Federal Republic of Germany, "the Länder shall participate through the Bundesrat in the legislative process and administration of the Federation and in matters concerning the European Union." The federal structure of Germany is expressed even in the name of the country, "the Federal Republic of Germany". The Federal Republic of Germany consists of 16 federal states, or Länder. These states are not provinces or regions, but regard themselves as states with their own state authority. They have their own constitutions which must correspond to the principles of republican, democratic and social statehood under the rule of law within the meaning of the Basic Law. In other respects the states are broadly free to shape the substance of their own respective constitutions. Unlike the senate system of federal states such as that of the USA or Switzerland, the Bundesrat is not made up of elected representatives. Instead, the members of the Bundesrat are appointed by the state governments. In practice, all government members at state level belong to the Bundesrat, whether as members or as deputy members, a distinction which makes no significant difference in practice. In the event of their leaving the government of their federal state, their membership of the Bundesrat automatically lapses. By this means the Bundesrat, from the perspective of constitutional law, is a "permanent body"; it is continually renewed following each election or new formation of a government at state level, and is not restricted to fixed periods of office.

Votes in the Bundesrat are not allocated to individual members, but to the federal states. When the constitution was drawn up, a compromise was reached on the number of votes that each state has in the Bundesrat. The chosen solution is a blend of the senate principle and the traditional Bundesrat principle used in the past. The senate principle would have entailed the federal states all having the same number of votes (USA), while the traditional Bundesrat solution called for votes to be very closely matched to the size of the respective populations. This led to there being significant differences in the number of votes. By contrast, the modified Bundesrat solution finally adopted also focuses on the size of the population, but the number of votes that a state has only varies between three for states with less than 2 million residents and six for states with 7 million and more residents. This distribution of votes heavily favours the small states. The largest state, North Rhine-Westphalia, with 17 million residents, is about 24 times the size of Bremen, but has only 6 votes in the Bundesrat vis-a-vis the 3 votes controlled by Bremen.

Had the German Democratic Republic joined the Federal Republic of Germany as a single entity, it would have had 6 votes in the Bundesrat; however, because it had always been divided up into 5 states, the territory of the former GDR today accounts for 19 of the total of 69 votes in the Bundesrat. The purpose of this arrangement is to prevent a small number of populous states gaining a dominant majority. This was always a very real danger in the Bundesrat of the German Empire.

The votes of each state must be cast en bloc. Each state government must reach agreement on the issue at hand before voting takes place. In voting, the members of the Bundesrat are consequently bound by the decisions taken by their state governments. They do not have the position of independent members of parliament. For this reason it is also enough for each state to be represented in the plenary assembly by one voting member.

In the Bundesrat the interests of the federal state always come before party interests; voting can produce results which differ from those which the relative strengths of the political parties might suggest. This is a sign of active federalism. The Federal Government cannot always rely on state governments to toe the same line, not even those formed by the same party. Each state also defends its particular regional interests in the Bundesrat, and may attempt to enter into alliances with other states which are striving for the same objective, irrespective of which party forms the government in that particular state. This leads to shifting majorities. Compromises then need to be reached whenever the parties which make up the Federal Government do not have a majority in the Bundesrat. This was the situation during the last years of the Kohl government, which was not able or willing to push through many of its proposals due to resistance in the Bundesrat. Heated and lengthy discussions followed, focusing on whether or not the Bundesrat had acquired too much power. This led to a debate on the future structure of the federal system itself, which is probably the central constitutional issue in Germany at the present time. A further problem inherent in the structure of the Bundesrat results from the fact that there are numerous coalition governments at state level. Some of these are made up of the parties which form the government and opposition at federal level. In the event of there being differences of opinion within these governments with respect to how the state should vote in the Bundesrat, which of course is no rare occurrence, then the coalition agreements frequently require the state to abstain. This can cripple the Bundesrat itself, since an absolute majority, i.e. 35 votes, is always required for it to take a decision. Abstentions can thus have the same effect as actual no-votes.

2. Organs and institutions of the Bundesrat

a) President and Presidium

Every year the Bundesrat elects the Minister-President of a different state to the office of Bundesrat President, following a fixed rotation. The President of the Bundesrat assumes the powers of the Federal President should the latter be unable to exercise these himself. As a result of this arrangement, the Bundesrat likes to consider its President the second-most senior representative of the state - and thus finds itself in a position of noble rivalry with the Bundestag. In addition to the President, the Presidium of the Bundesrat comprises three vice-presidents. In practical terms, the Presidium does not play a major role; one reason is because its membership, due to the agreed rotation, is too random for all the states to feel themselves adequately represented.

b) Permanent Committee

For this reason the Presidium has the so-called Permanent Committee, made up of 16 authorised representatives of the states at federal level. Comparable to the council of elders of other parliaments, this body advises the President and the Presidium. Above all, it has important notifying and co-ordinating functions. It is the most important point of contact for the Secretary-General. Regularly, on Wednesdays following cabinet meetings, the Permanent Committee is informed by a representative of the Federal Government of the decisions taken by the Federal Government.

c) Plenary sittings

The plenary is composed of the members and deputy members of the Bundesrat who meet regularly on Fridays at 9.30 a.m., usually at intervals of three weeks, in the plenary chamber of the Bundesrat. In the plenary chamber, members are seated in 16 groups, arranged by state in alphabetical order. There is no party-political seating order. The agenda generally covers between 50 and 80 items, with the meeting focusing on two or three, which are debated at length. With respect to the remaining items, speakers may issue statements explaining and justifying the decisions taken by their governments. Often, these decisions are entered in the minutes without any oral declaration. In order to keep the number of individual votes down to reasonable levels, votes are cast wherever possible on several items at a time. Often, the President is able to declare the sessions closed after only three or four hours.

d) Committees

As is the case with the majority of legislative bodies, the actual work of the Bunderrat is not performed during plenary sittings, but in the committees. The Bunderrat currently has 16 permanent committees, in which each state is represented by one member. Each state has only one vote in the respective committees. In practice, the members of the Bunderrat frequently call upon specialist officials from the responsible ministries in their states to represent them. By this means, the specialist expertise of the federal ministries is augmented by the specialist expertise of the states. It is important to stress that this is one of the strengths of the Bunderrat procedure. As I will shortly explain, the states have considerable experience in the execution of laws and ordinances. The participation of specialist officials from the states in deliberations on federal legislation in the Bunderrat's committees contributes significantly to the political utility of federal law, and thus - mostly without involving high-profile political disputes - helps to ensure the quality of legislation.

e) Mediation Committee

The Mediation Committee operates as an interface in the legislative process between the Bundestag and the Bunderrat. It consists of 16 members from both the Bundestag and the Bunderrat. The seats filled by members of the Bundestag are distributed in accordance with the strengths of the individual parties. For the Bunderrat, each of the states sends one cabinet member to the Mediation Committee. The members of the Mediation Committee are not bound by instructions. I will provide further details of the responsibilities of the Mediation Committee when dealing with the legislative procedure.

f) Secretariat

The administration of the Bunderrat, the so-called secretariat, is headed by the Secretary-General of the Bunderrat, and employs a staff of about 170. Its primary task is to assist in the preparation and conduct of the plenary and committee meetings. This purpose is served in particular by the committee offices which help the chairmen of the committees to prepare and chair their meetings. The offices produce the written minutes of committee meetings, and compile committee decisions in the form of printed recommendations which are then forwarded to the Bunderrat plenary. In addition to the committee offices, the administration also encompasses ten working departments, e.g. a parliamentary service, press office and short-hand writers' service. The responsibilities of the Secretary-General include advising the President in the conduct of his

official business. As the President of the Bundesrat is simultaneously the Minister-President of a state, the Secretary-General has numerous other responsibilities in addition to the administration of the "House": he deals with the presidential correspondence, keeps the President informed about the state of all issues concerning the Bundesrat, works together with the staff of the secretariat to prepare the plenary meetings, and maintains contacts with the other constitutional bodies.

3. The federal system

Federalism is one of Germany's inviolable constitutional principles. The federal system in Germany has a long constitutional tradition, interrupted only by the one-party state of the National Socialists between 1933 and 1945. The German system is a classic example of federal statehood. In short: federalism has proven its effectiveness in Germany; it makes it possible to deal much more fairly with regional particularities and problems than centralized governmental authority would allow.

As is the case for example in the USA or Switzerland, German federalism combines outward unity with inward diversity. The preservation of regional diversity is the traditional task of federalism. Today this function is acquiring greater importance in response to regional needs such as the protection of historical monuments, the conservation of urban architectural traditions and the promotion of regional cultures.

The main purpose of federalism is to safeguard freedom. The distribution of responsibilities between the Federation and the states is a key element in the separation of powers and the system of checks and balances. This also encompasses the participation of the states in political decision-making at the federal level, which they exercise through the Bundesrat.

Federalism also strengthens the democratic principle. It enables citizens to be politically involved in their immediate local or regional environment. Democracy is more vigorous when citizens take part in the political process through elections and referenda in the familiar context of their federal states.

The federal system offers further advantages, e.g. the opportunity to conduct experiments on a regional or local scale, and for the states to compete with one another. In practice, this means that an individual state - in the education field, for example - can test new ideas and provide useful models for nationwide reforms.

Furthermore, federalism makes it easier to cope with regional differences in the political majorities. Parties in opposition at the federal level can hold majorities, and thus assume governmental responsibility, in the states. As I have

already indicated, this can pose significant problems. However, it is also certainly true that the fact that each of the major parties is in government somewhere has helped to prevent the formation of a genuinely fundamental opposition at federal level. This may be one of the reasons for Germany's relatively stable political and social climate.

The Basic Law defines the legislative responsibilities of the Federation according to whether the rules in question have to be applied uniformly to all states, or whether it is desirable for the states to have scope for independent policy-making. This is reflected in the way the responsibilities of the Federation are divided into exclusive, concurrent and framework legislation. Legislation for which the Federation has exclusive responsibility includes, e.g. foreign affairs, defence, currency, financial and monetary policy, air traffic and certain aspects of tax law.

In the case of concurrent legislation, the states have the right to legislate only to the extent that the Federation does not do so. In turn, the Federation may only legislate to the extent that there is a particular need for uniform federal regulation. Concurrent legislation applies *inter alia* to civil and criminal law, commercial and atomic law, employment and property law, and law relating to aliens, residential property, shipping, road traffic, refuse disposal, air cleanliness and noise abatement as well as the remaining aspects of tax law. Constitutional reality has shown that these topics need uniform regulation. For this reason, the states now have practically no competences in these areas.

With regard to framework legislation, certain legislative areas remain the responsibility of the states. These include, for example, the tertiary education system, nature and landscape conservation, spatial planning and water management. Today, the Federation and the states are responsible for the joint planning, regulation and financing of a range of other supra-regional and long-term tasks not originally set out in the Basic Law. These were incorporated into the Basic Law in 1969 as "joint responsibilities", and relate to the building and extension of colleges and universities and the improvement of regional economic structures, agricultural structures and coastline protection.

Generally speaking, in the field of legislation the states are responsible for the areas either not covered by the Federation or not assigned to the Federation by the Basic Law. As a result, the states today bear responsibility for most of the education system and cultural policy as an expression of their "cultural sovereignty". They are also responsible for municipal law and the police.

All in all, the division of legislative authority is such that only a few areas remain outside the responsibility of the Federation. The erosion of the legislative authority of the states remains one of the problems of our federal system.

Direct federal administration, on the other hand, is essentially limited to the foreign service, employment, customs, the federal border guard and the army. The majority of administrative tasks are performed by the states themselves. The judicial authority of the Federation is essentially restricted to the Federal Constitutional Court and the highest courts of law. These courts ensure the uniform application of the law. The other courts are regional courts.

This means that the real strength of the states lies in administration and in their participation in the legislative process of the Federation through the Bundesrat. The states are responsible for their own administrative affairs. At the same time, their government departments are also responsible for implementing the majority of federal laws and regulations. The state administrations have a threefold task: they perform the tasks for which the states alone are responsible (e.g. schools, policing, state planning); they implement federal law on their own responsibility and as their own affair (e.g. planning law, industrial law, environmental protection law); and finally they implement federal law on behalf of the Federation (e.g. the construction of federal highways, the promotion of vocational training).

The constitutional development of the Federal Republic of Germany has thus led to the formation of a predominantly centralised state in the field of legislation and a predominantly federal state in the field of administration.

4. Participation in the affairs of the European Union

The right of the Bundesrat to participate in the affairs of the European Union has been continually expanded since 1957. This now goes far beyond the usual degree of participation. The Bundesrat's rights of participation, meanwhile enshrined in the Basic Law itself, broadly correspond to the division of competence in relation to domestic legislation. If European legislation affects areas which fall under the Federation's domestic jurisdiction, the Federal Government must take the comments of the Bundesrat into account. If such legislation primarily affects the legislative jurisdiction of the states, then the Federal Government must align its position to that of the Bundesrat. In other words: in such cases the Bundesrat essentially has the final say in determining the German position within the European Council of Ministers. In cases in which the issues to be decided fall within the exclusive competence of the states, the Bundesrat may entrust the conduct of the direct negotiations to a state minister who then heads the German delegation within the European Council of Ministers.

5. Legislative procedures

Bills can be submitted to the Bundestag by the Federal Government, by a group of Members of the Bundestag (at least 5 % of Members) or by the Bundesrat. This is known as the right of initiative.

Bundesrat bills are conveyed to the Bundestag via the Federal Government together with the latter's comments.

Legislation initiated by the Federal Government is initially reviewed and discussed by the Bundesrat (first reading). The Bundesrat has 6 weeks within which to comment on the draft legislation, and it nearly always makes use of this right. The decision taken by the Bundesrat is prepared by 16 committees, which essentially correspond to the departmental responsibilities of the ministries of the Federal Government. In the event of the President or the Secretary-General forwarding a bill to several committees, one of these is named as the committee responsible. However, in contrast to the situation in the Bundestag, all the committees taking part in the consultation process are as equally entitled as the committee responsible to present recommendations to the plenary. The committee responsible has the task of drawing up a printed list showing all the recommendations and indicating how they interrelate. Votes are then taken on the individual recommendations according to their place on the list. As the committees are made up of specialists from the individual states, all the open questions concerning the bill are clarified at the committee stage. For this reason, the plenary debates are restricted to important political issues. Once the Bundesrat has taken a decision, the Federal Government is once again given an opportunity to state its opinion.

The bill is then submitted to the Bundestag where it is given three readings. After the first reading, the bill is generally forwarded to the competent specialist committees. The second vote on the draft bill is usually followed shortly after by the third reading with the final vote.

All the laws passed by the Bundestag are conveyed to the Bundesrat (second reading). A distinction is made between two types of law: laws which require the consent of the Bundesrat and laws to which the Bundesrat may merely lodge an objection. This distinction also determines the Bundesrat's rights of participation. As a rule, laws are objection laws. Consent laws include "only" all those laws which have a direct bearing on the interests of the states. In practice, however, over half of all laws require the consent of the Bundesrat, that is to say they cannot become law without or against the will of the Bundesrat. Laws which require Bundesrat consent are in particular those which touch upon the key affairs of the states, for instance those affecting their finances or administrative sovereignty. Every law that would change the federal constitution requires the consent of the Bundesrat with a two-thirds majority. It appears that the Parliamentary Council, when it met in 1949, assumed that some 10 per cent of federal laws would require Bundesrat consent. The actual proportion has swung between 42 per cent and 60 per cent. These figures also show how the emphasis has shifted in the federal system relative to the original expectations.

If the Bundestag and the Bundesrat fail to reach agreement on the passing of a law, then a request can be made to convene the Mediation Committee. This then has the task of finding a compromise. The Mediation Committee is made up of 16 members of the Bundesrat and 16 Members of the Bundestag.

The Mediation Committee can be convened by the Bundesrat and - if the Bundesrat fails to approve a bill which requires its consent - by the Bundestag or the Federal Government. If these do not request the Committee to convene, then the law has been defeated.

If the Mediation Committee recommends that a law be amended, it is referred back to the Bundestag for a renewed decision. The Bundesrat must then to review this renewed decision. If the Mediation Committee recommends that the law should not be amended, then it is forwarded only to the Bundesrat.

The Bundesrat must then decide, depending on the kind of law in question, whether

- to express its approval or to lodge an objection,
- to give or to refuse its consent.

An objection lodged by the Bundesrat can be overridden by the Bundestag with an absolute majority of its Members. In the event of an objection being passed by the Bundesrat with a two-thirds majority, then the Bundestag also needs to obtain a corresponding majority to override this.

A law which requires the consent of the Bundesrat fails if the Bundesrat refuses to give its consent - even following one or several mediation procedures; an objection law fails if the Bundestag does not override the objection of the Bundesrat.

The law, if adopted, is then countersigned by the Federal Chancellor and the responsible minister. Finally, it is forwarded to the Federal President for signing. It is promulgated in the Federal Law Gazette and enters into force."

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Mr DAVIES thanked the two German Secretaries General for their excellent, full and detailed presentations on the German parliamentary system and invited members of the Association to ask questions. He wished himself to ask three. He first of all wondered if the current situation of a distance of several kilometers between the two Assemblies did not create difficulties in the functioning of Parliament. He added that even if, in contrast to Westminster, many parliaments did not share the same buildings, in the German case the distance

between Bonn and Berlin was really very significant. In addition he asked Dr EICKENBOOM which body, Parliament or Government, paid for the reconstruction of the Reichstag and which authority had the responsibility of dealing with the architect, Sir Norman Foster, in particular in resolving certain legal disputes which had emerged between the German side and the architect. He finally asked the reason for the difference in the number of staff between the two Assemblies, 2,500 for the Bundestag and only 170 for the Bundesrat, a difference which appeared to him to be considerable.

Dr EICKENBOOM agreed that the distance between the two Chambers at present posed real problems. The Bundesrat had taken the decision to transfer to Berlin after the Bundestag and thus whilst the Bundestag was already installed in Berlin, the Bundesrat would make its move during the year 2000 once the work on the reconstruction of their building was complete. The renovation of the building had not yet been completed but it was due to be finished eighteen months from now. Although the distance did not pose an obstacle to political activity, these two federal bodies had to be ultimately in the same city. The Bundesrat had in fact become a very powerful body which despite its limited influence on legislation played an important role from a political point of view. However, it was necessary to know that currently even in the Bundestag the administration was also found in two different places. In fact one thousand Bundestag staff were still in Bonn, whilst a thousand others had already moved to Berlin.

With regard to the staff of the Bundestag, if the total number appeared to be somewhat large, one had to consider that half of them were of quite a low rank (policemen, security personnel ...). Between 350 and 400 staff were at a high level and had responsibility for the taking of decisions. A reduction in the number of Bundestag staff was in hand but it was difficult to achieve this whilst at the same time responding to the various new requirements, for example the increasing number of visitors. The renovation of the Bundestag came within the responsibility of the Parliament but it was a company created for the construction of the new parliamentary building in Berlin which dealt with Sir Norman Foster. At the next Board of Directors' meeting of this company the legal disputes currently in train would be arbitrated and that would allow the small financial problem alluded to by Mr DAVIES to be resolved.

Mr OSCHATZ said to Mr DAVIES that it was indispensable that the two parliamentary institutions be found in the same city. When the Bundestag had taken the decision to go to Berlin, the Bundesrat knew that they would have to follow suit. He, for his part, had proposed that the Bundesrat move at the same time as the Bundestag but that had been rejected. He added that those who had rejected this proposal had later regretted it. Happily, before the end of the year

2000, the Bundesrat would also be established in Berlin and all problems would be sorted out. Currently many officials had to go backwards and forwards between Bonn and Berlin.

Concerning the number of staff in the Bundesrat, one had to note that in the committees dialogue took place directly with between the Federal and Länder Governments, thus the activity of the Secretariat was limited to the organisation of legislative work. That was why the Bundesrat did not, for example, have need of a department of research and analysis, these functions being directly provided by officials from the Governments of the Länder. In 1998 the Bundesrat had cut thirty official posts in order to make economies. He ended by hoping that the post of Secretary General would not in its turn be the object of a cut either of the post itself or in salary!

Mr HAHN (Israel), having congratulated Dr EICKENBOOM and Mr OSCHATZ for their quality of their communications, asked them what they meant by a department for research and analysis. In particular he wished to know how the budgetary research and analysis was organised and if this was done by assistants to members of parliament or by the departments of the Bundestag which all parliamentarians could use.

Dr EICKENBOOM said that the members of the Bundestag could ask for information from three types of body: the departments of Parliament itself, which employed specialists for this purpose, the Library, which contained more than a million works, and the departments of the different ministries. He added that the assistants to members of parliament were remunerated through a lump sum grant amounting to DM12,000 a month, the parliamentary groups receiving in addition a grant to pay their own assistants, the assistants to the groups, who were experts in their particular areas.

The permanent committees had their own secretariats. In each committee two staff of a senior rank were generally at the disposal of the members of parliament. The *ad hoc* study committees were composed half of experts and half of members of parliament. The chairman could have five supplementary experts and staff to provide him with a secretariat. The funds dedicated to these committees came to DM 120 million. The annual grant provided to the parliamentary groups for the remuneration of experts came to DM 100 million. A sum equivalent to that provided for the administration. The Bundestag had tried to put in place its own autonomous research services which whilst being effective were, however, not to be compared with those of the American Congress. It had, however, to be recognised that the Bundestag did not exercise as significant powers as those of the American Congress.

M^{me} PONCEAU (France) again congratulated the German Secretaries General for their exposition and said she wished to ask two questions. Having asked how many parliamentary secretaries sat on the Council of Elders, she wished to know if this latter body, which directed the internal affairs of the Bundestag, was also competent to supervise the implementation of the budget of the Bundestag. In the second place she wished to know the reasons why there was not electronic voting in the Bundestag.

Dr EICKENBOOM said that the Council of Elders was a consultative body of the President/Speaker and of the parliamentary groups. Its task was to give rulings on the work of the Bundestag. It consisted of the President/Speaker, the two Vice-Presidents of the Bundestag and twenty-three other members nominated by the parliamentary groups in proportion to their numbers and amongst whom there were secretaries of parliamentary groups. In total the Council of Elders consisted of twenty-nine members. It was the main directing body of the Parliament in the fixing of the Orders of the Day of the Plenary Assembly as well as for the administrative functioning of Parliament. It was only with a failure to agree within the Council of Elders, which happened very rarely, that the Plenary Assembly decided on a majority basis its Orders of the Day.

The Council of Elders was also the authority on the administrative functioning of Parliament and ruled on the internal affairs of the Bundestag to the extent that they did not come within the competence of the President/Speaker or the Bureau. It decided on the drafting of the budget and on the level of the parliamentary salary. It came to a view according to the principle of majority vote. There was, however, a parallel body, the Presidium, which was the equivalent of the Bureau. That body was competent in the area of staff matters, in particular the appointment of staff at a senior level but the essential body remained the Council of Elders which made decisions in most areas. The budget of the Bundestag was drawn up in the form of budget estimates by the Council of Elders. The Government generally approved the budget which was then submitted to Parliament, first to the Budget Committee, then discussed in the Plenary Assembly. The same procedure was followed for the Bundesrat. The Budget Committee and the Council of Elders had to come to an agreement in case where there was a difference of view on the budget of the Bundestag. The Bundestag came within the supervision of the Federal Auditor's Department. If this latter body found things to criticise during the auditing of accounts, this was transmitted to the Plenary Session, the criticisms also being made public through the medium of the 1,200 parliamentary press correspondents.

In response to the question on electronic voting, Dr EICKENBOOM said that certain people had not wished that members of parliament be observed when they voted, which would be what would happen if they voted through an electronic voting method.

Mrs VASSILOUNI (Greece) thanked the German Secretaries General for their communications. She said she was amazed at the fact that the number of permanent committees could vary, and that the chairs of these committees could belong to the Opposition in application of a rule on the balanced sharing out of the various chairs. She said that in Greece, by contrast, the number of committees was fixed at six. Furthermore, these committees were presided over by members of the majority party. She wanted to ask a second question on the role of the Bundestag in European matters. It seemed to her that the Bundesrat played a much more important role than the Bundestag. She wondered if this power was similar to that of the Danish Folketing.

Dr EICKENBOOM said that certain committees had a mandatory existence such as the Defence Committee and the Foreign Affairs Committee, whereas certain others depended on the number of departments created by the Chancellor within the Government. The Bundestag endeavoured to maintain a certain parallelism between governmental organisation and that of committees. The chairs of committees related to the political balance. The majority of committees were chaired by members of the majority coalition but in committees that also exercised responsibilities of supervision and scrutiny it was logical that certain of them be presided over by the opposition party. He added that the agendas of committees were determined through a process of consensus.

Mr OSCHATZ said that the Bundesrat did not, any more than the Bundestag, have a fixed number of committees. There were in general sixteen committees, each Land being able to chair one of them. The European Chamber of the Bundesrat resembled a committee because it could take decisions on European matters. There was in fact a difference of influence between the Bundestag and the Bundesrat in European matters which related to tradition. From the word go, understanding that they would have less power as a result of the supplementary layer of decision-making which had been created, the Länder had decided to strengthen their scrutiny so as to mitigate this loss of influence. In recent years the Länder had increased their scrutiny of measures taken at European level through the work of the Bundesrat. This was all the more important given the fact that such measures were then put into effect at the level of the Länder. It had also to be noted, however, that at the current time, the Bundestag was also strengthening its scrutiny of European questions, in particular since the creation of the Committee on European Union Affairs, in the context of the ratification of the Maastricht Treaty at the end of 1992.

Mr SALIM (Nigeria) asked Dr EICKENBOOM about the budgetary process and in particular for details on the importance of the role played by the Council of Elders and the Bureau in budgetary matters. He also wished to know if the relations between the two Chambers were always cordial and if

the members of one of the Chambers were more important than those of the other.

Dr EICKENBOOM said that just as with the federal budget, the budget of the Bundestag contained a number of budgetary lines which controlled the allocation and distribution of credits. The scrutiny of the budget was undertaken by the Federal Audit Office which was based in Frankfurt, thus at any moment the Audit Office could send judges to the Bundestag to examine its funds. The relationship between the two Chambers was very harmonious. Strong relations had been developed as a result of common experience which had been positive over the period of the last fifty years. He underlined, however, that it was the Bundestag which was the sole Chamber elected on the basis of direct suffrage.

Mr OSCHATZ added that he could only agree with what Dr EICKENBOOM had said. If there were sometimes a certain political friction, this was alleviated by the fact that political careers proceeded in a somewhat flexible way and that there was a coming and going of membership between the two Chambers in Germany. Relations between the two bodies therefore had to work well.

Mr MYTTENAERE (Belgium), having congratulated the German Secretaries General on the quality of their communication, asked Dr EICKENBOOM for details of the functioning of the plenary session and on the participation, immediately after a meeting of the Cabinet, of the Government in the plenary session. He also wished to know about petitions, their number, the recommendations which they contained, and their consideration. Furthermore, he wished to obtain supplementary information on the European Committee of the Chamber which could in cases of urgency substitute itself for the plenary session. He then asked Mr OSCHATZ what took place in the event of differences of opinion between the Bundesrat and the Bundestag and if, in particular when the Bundesrat came to a negative decision, the Bundestag had to come to a decision on the same two-thirds majority as the Bundesrat for the text to be adopted.

With regard to the Orders of the Day, Dr EICKENBOOM said the Cabinet met on a Wednesday and that there was an agreement by which the Government chose a topical subject which was then debated in the Bundestag. The plenary session could, however, bring up another subject. There was therefore a sort of race between those debates announced in the press and those tabled in Parliament.

In response to the second question he said that the Bundestag asked many questions of the federal departments. The number of petitions, which amounted to twenty-three thousand per year, was considerable. After re-unification, the number of petitions had greatly increased. It had to be noted that forty officials were allocated to the consideration of petitions. If a petition was considered

well-founded by the Parliament, the Parliament could make a recommendation to the Government. There was therefore a dialogue between Parliament and Government through the Committee on Petitions. The enlarged Committee competent in the matter of European questions was an attempt at re-organisation to put an end to certain routine tasks. The structure was rather burdensome, every committee possibly being involved. On the basis of this experience it was no longer possible to say if the plenary would have less work in the future, members of parliament wanting, in fact, to be able to continue to make interventions in the plenary session.

Mr OSCHATZ said to Mr MYTTENAERE that a decision rejected by the Bundesrat had to be adopted by the same majority in the Bundestag and that when the Bundesrat had a majority of two-thirds, that was a critical point for the Government. This requirement of a qualified majority meant that the elections to the Bundesrat were almost as important as those to the Bundestag.

Mr DAVIES again thanked the German Secretaries General for the quality of their intervention and said how much he looked forward to the visit on Wednesday which would allow them to have a look both at the Bundestag and at the building being prepared for the Bundesrat.