

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

Translation provided by the Language Service of the German Bundestag in cooperation with Raymond Kerr.

Stand: Die Übersetzung berücksichtigt die Änderung(en) des Gesetzes durch Artikel 1 des Gesetzes vom 1. Dezember 2009 (BGBl. I S. 3822)

Version information: The translation includes the amendment(s) to the Act by Article 1 of the Act of 1 December 2009 (Federal Law Gazette I p. 3822)

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## **Act on the Exercise by the Bundestag and by the Bundesrat of their Responsibility for Integration in Matters concerning the European Union (Responsibility for Integration Act)**

### **(Gesetz über die Wahrnehmung der Integrationsverantwortung des Bundestages und des Bundesrates in Angelegenheiten der Europäischen Union (Integrationsverantwortungsgesetz – IntVG))**

Act on the Exercise by the Bundestag and by the Bundesrat of their Responsibility for Integration in Matters concerning the European Union (Responsibility for Integration Act) from the Federal Republic of Germany of 22 September 2009 (Federal Law Gazette I, p. 3022), last amended by Article 1 of the Act of 1 December 2009 (Federal Law Gazette I, p. 3822)

#### **Section 1**

##### **Responsibility for integration**

(1) In matters concerning the European Union, the Bundestag and the Bundesrat shall exercise their responsibility for integration primarily on the basis of the following provisions.

(2) The Bundestag and the Bundesrat shall deliberate and take decisions in good time on the proposals referred to in this Act and, in so doing, shall take account of the relevant time limits for the adoption of decisions by the European Union.

#### **Section 2**

##### **Simplified revision procedure for the Treaties**

Approval by the Federal Republic of Germany of a decision of the European Union within the meaning of Article 48(6), second and third subparagraphs, of the Treaty on European Union shall take the form of a law as defined in Article 23(1) of the Basic Law (*Grundgesetz*).

#### **Section 3**

##### **Special revision procedure for the Treaties**

(1) Approval by the Federal Republic of Germany of a decision of the Council within the meaning of the second sentence of Article 218(8), second subparagraph, or within the meaning of Article 311, third paragraph, of the Treaty on the Functioning of the European Union shall take the form of a law as defined in Article 23(1) of the Basic Law.

(2) Paragraph 1 above shall also apply to provisions enacted by the Council under Article 25, second paragraph, Article 223(1), second subparagraph, or Article 262 of the Treaty on the Functioning of the European Union.

(3) The German representative in the European Council may approve a proposal for a decision within the meaning of the second sentence of Article 42(2), first subparagraph, of the Treaty on European Union or abstain from voting on such a proposal only after the Bundestag has taken a decision to that effect. The Federal Government may also table a motion in the Bundestag to that end. In the absence of such a decision by the Bundestag, the German representative in the European Council must reject the proposal for a decision. Once a decision of the European Council within the meaning of the second sentence of Article 42(2), first subparagraph, of the Treaty on European Union has been taken, approval by the Federal Republic of Germany shall take the form of a law as defined in Article 23(1) of the Basic Law.

#### **Section 4 Bridging clauses**

(1) The German representative in the European Council may approve a proposal for a decision within the meaning of Article 48(7), first subparagraph, first sentence, or second subparagraph, of the Treaty on European Union or abstain from voting on such a proposal only after a law to that effect as defined in Article 23(1) of the Basic Law has entered into force. In the absence of such a law, the German representative in the European Council must reject the proposal for a decision.

(2) The German representative in the Council may approve a proposal for a decision within the meaning of Article 81(3), second subparagraph, of the Treaty on the Functioning of the European Union or abstain from voting on such a proposal only after a law to that effect as defined in Article 23(1) of the Basic Law has entered into force. In the absence of such a law, the German representative in the European Council must reject the proposal for a decision.

#### **Section 5 Approval in the European Council in the case of special bridging clauses**

(1) The German representative in the European Council may approve a proposal for a decision within the meaning of Article 31(3) of the Treaty on European Union or Article 312(2), second subparagraph, of the Treaty on the Functioning of the European Union or abstain from voting on such a proposal only after the Bundestag has taken a decision to that effect. The Federal Government may also table a motion in the Bundestag to that end. In the absence of such a decision by the Bundestag, the German representative in the European Council must reject the proposal for a decision.

(2) In addition to the decision of the Bundestag, the Bundesrat must also have taken a corresponding decision if areas of activity are affected

1. for which no federal legislative competence exists,
2. in which the *Länder* are empowered to legislate by virtue of Article 72(2) of the Basic Law,
3. in which the *Länder* may adopt divergent provisions under Article 72(3) or Article 84(1) of the Basic Law, or
4. the regulation of which by means of a federal law requires the consent of the Bundesrat.

#### **Section 6 Approval in the Council in the case of special bridging clauses**

(1) The German representative in the Council may approve a proposal for a decision within the meaning of Article 153(2), fourth subparagraph, Article 192(2), second subparagraph, or

Article 331(1) or (2) of the Treaty on the Functioning of the European Union or abstain from voting on such a proposal only after the Bundestag has taken a decision to that effect. The second and third sentences of section 5(1) of this Act shall apply, *mutatis mutandis*.

(2) Section 5(2) of this Act shall apply, *mutatis mutandis*.

#### **Section 7 Competence clause**

(1) The German representative in the Council may approve a proposal within the meaning of Article 83(1), third subparagraph, or Article 86(4) of the Treaty on the Functioning of the European Union or abstain from voting on such a proposal only after a law to that effect as defined in Article 23(1) of the Basic Law has entered into force. In the absence of such a law, the German representative in the Council must reject the proposal for a decision.

(2) Paragraph 1 above shall apply, *mutatis mutandis*, to amendments to the Statute referred to in Article 308, third paragraph, of the Treaty on the Functioning of the European Union.

#### **Section 8 Flexibility clause**

The German representative in the Council may approve a decision on the adoption of measures within the meaning of Article 352 of the Treaty on the Functioning of the European Union or abstain from voting on such a decision only after a law to that effect as defined in Article 23(1) of the Basic Law has entered into force. In the absence of such a law, the German representative in the Council must reject the proposal for a decision.

#### **Section 9 Emergency brake mechanism**

(1) In the cases referred to in the first sentence of Article 48, second paragraph, in the first sentence of Article 82(3), first subparagraph, and in the first sentence of Article 83(3), first subparagraph, of the Treaty on the Functioning of the European Union, the German representative in the Council must table a motion that the matter be referred to the European Council if the Bundestag has adopted a decision instructing him or her to do so.

(2) If areas of activity within the meaning of section 5(2) of this Act are primarily affected, the German representative in the Council must table a motion in accordance with paragraph 1 above, even if a decision to that effect has already been taken by the Bundesrat.

#### **Section 10 Right of rejection in the case of bridging clauses**

(1) The following provisions shall apply to the rejection of a European Council initiative within the meaning of Article 48(7), third subparagraph, of the Treaty on European Union:

1. If an initiative relates primarily to an area in which exclusive legislative competence lies with the Federation, the Bundestag may decide that the initiative is to be rejected.

2. In all other cases, the Bundestag or the Bundesrat may decide that the initiative is to be rejected.

(2) The President of the Bundestag or the President of the Bundesrat shall notify the Presidents of the competent institutions of the European Union of the rejection of the initiative and shall inform the Federal Government accordingly.

(3) Paragraphs 1 and 2 above shall apply, *mutatis mutandis*, to proposals from the European Commission for a decision of the Council within the meaning of Article 81(3), third subparagraph, of the Treaty on the Functioning of the European Union.

#### **Section 11 Subsidiarity objection**

- (1) In their Rules of Procedure, the Bundestag and the Bundesrat may stipulate how a decision on the delivery of a reasoned opinion in accordance with Article 6 of the Protocol on the application of the principles of subsidiarity and proportionality is to be obtained.
- (2) The President of the Bundestag or the President of the Bundesrat shall transmit the reasoned opinion to the Presidents of the competent institutions of the European Union and shall inform the Federal Government accordingly.

### **Section 12 Subsidiarity action**

- (1) At the request of one quarter of its Members, the Bundestag is required to bring an action under Article 8 of the Protocol on the application of the principles of subsidiarity and proportionality. At the request of one quarter of the Members of the Bundestag who do not support the bringing of the action, their view shall be made clear in the application.
- (2) In its Rules of Procedure, the Bundesrat may stipulate how a decision on the bringing of an action within the meaning of paragraph 1 above is to be obtained.
- (3) The Federal Government shall make the application without delay to the Court of Justice of the European Union on behalf of the institution that has taken the decision to bring an action under paragraph 1 or paragraph 2 above.
- (4) The institution that has decided to bring the action under paragraph 1 or paragraph 2 above shall assume responsibility for conducting the proceedings before the Court of Justice of the European Union.
- (5) If a motion is tabled in the Bundestag or the Bundesrat for the bringing of an action under paragraph 1 or paragraph 2 above, the other institution may deliver an opinion.

### **Section 13 Notification**

- (1) The Federal Government shall notify the Bundestag and the Bundesrat comprehensively, as early as possible, continuously and, as a rule, in writing of matters pertaining to this Act. The foregoing provision is without prejudice to details of the notification obligations arising from 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 ..., from the Act of 12 March 1993 on cooperation between the Federation and the *Länder* in Matters concerning the European Union (Federal Law Gazette I, p. 313), as amended by ..., and from other provisions.
- (2) The Federal Government shall notify the Bundestag and the Bundesrat if a matter is referred to the Council in preparation for an initiative of the European Council under Article 48(7) of the Treaty on European Union. The same shall apply if the European Council has taken such an initiative. The Federal Government shall notify the Bundestag and the Bundesrat of proposals made by the European Commission under Article 81(3), second subparagraph, of the Treaty on the Functioning of the European Union.
- (3) Within two weeks of forwarding initiatives, proposals or decisions relating to the foregoing provisions, the Federal Government shall transmit to the Bundestag and the Bundesrat a comprehensive explanation of their implications for the contractual foundations of the European Union and an assessment of their necessity in terms of integration policy and their impact on such policy. The Federal Government shall also explain:
1. whether a law as defined in the first or second sentence of Article 23(1) of the Basic Law is required for the participation of the Bundestag and the Bundesrat;
  2. whether, in the event of the procedure under section 9 of the present Act being an option:
    - a. draft legislative acts within the meaning of Article 48, first paragraph, of the Treaty on the Functioning of the European Union would affect important aspects

of the German social-security system, including its scope, cost or financial structure, or would affect the financial balance of that system,

b. draft legislative acts under Article 82(2) or Article 83(1) or (2) of the Treaty on the Functioning of the European Union would affect fundamental aspects of the German criminal-justice system.

(4) In the case of urgent proposals, the time limit defined in paragraph 3 above shall be shortened so as to ensure that the Bundestag and the Bundesrat can deal with them in a manner commensurate with their responsibility for integration. If a particularly extensive appraisal is required, the time limit may be lengthened.

(5) The Federal Government shall notify the Bundestag and the Bundesrat in writing without delay of any request made by another Member State in the Council under the first sentence of Article 48, second paragraph, the first sentence of Article 82(3), first subparagraph, or the first sentence of Article 83(3), first subparagraph, of the Treaty on the Functioning of the European Union. This notification shall include the Member State's reasons for its request.

(6) 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. This appraisal shall contain indications regarding the competence of the European Union to adopt the proposed legislative act and its compatibility with the principles of subsidiarity and proportionality.

(7) The Federal Government shall notify the Bundestag and the Bundesrat as early as possible of the conclusion of legislative procedures of the European Union; this notification shall also contain an assessment as to whether the Federal Government considers the legislative act to be compatible with the principles of subsidiarity and proportionality.