RULES OF PROCEDURE

OF THE

GERMAN BUNDESTAG

AND

RULES OF PROCEDURE

OF THE

MEDIATION COMMITTEE

As at 30 April 2003

Published by the Administration of the German Bundestag
2004

Translated by the Language Service of the German Bundestag

Printed by: Offizin Hildburghausen GmbH

Bundestag Eagle © Prof. Ludwig Gies

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Rules of Procedure of the German Bundestag

as published in the Notification
of 2 July 1980 (Federal Law Gazette I, p. 1237),
and as amended by the Notification
of 12 February 1998
(Federal Law Gazette I, p. 428)

I. ELECTION OF THE PRESIDENT, VICE-PRESIDENTS AND SECRETARIES

Rule 1
Constituent meeting

(1) The first meeting of the newly elected Bundestag shall be convened by the outgoing President and shall be held not later than the thirtieth day after the election (Article 39 of the Basic Law).

(2) At the first meeting of the Bundestag, the Member of the Bundestag who is the most advanced in years, or, should he decline, the next oldest, shall take the Chair until the newly elected President or one of the Vice-Presidents assumes the office.

(3) The President by age shall appoint Members of the Bundestag to act as Secretaries on a provisional basis. The roll of Members of the Bundestag shall then be called.

(4) After the presence of a quorum has been ascertained, the President, Vice-Presidents and Secretaries shall be elected.

Basic Law: Article 39, paragraphs (1) and (2)

(1) The Bundestag shall be elected for four years. Its electoral term shall end with the assembly of a new Bundestag. The new election shall be held forty-five months at the earliest and forty-seven months at the latest after the beginning of the electoral term. Where the Bundestag is dissolved the new election shall be held within sixty days.

(2) The Bundestag shall assemble on the thirtieth day after the election at the latest.

Rule 2
Election of the President and the Vice-Presidents

(1) The Bundestag shall, in secret and separate ballots (Rule 49), elect the President and the Vice-Presidents for the duration of the electoral term. Every parliamentary group in the German Bundestag shall be represented on the Presidium by at least one Vice-President.

(2) The person receiving the votes of the majority of the Members of the Bundestag shall be elected. If a majority is not obtained in the first ballot, new candidates may be proposed for a second ballot. If a majority of the votes of the Members of the Bundestag is still not obtained, the subsequent ballot shall be confined to the two candidates who have received the largest number of votes. In the event of a tie, the President in the Chair shall draw lots to decide which of the two candidates is elected.

Basic Law: Article 40, paragraph (1)

(1) The Bundestag shall elect its President, Vice-Presidents and Secretaries. It shall draw up its rules of procedure.

Basic Law: Article 121

Within the meaning of this Basic Law a majority of the Members of the Bundestag and a majority of the members of the Federal Convention shall be the majority of the statutory number of their members.

Rule 3
Election of Secretaries

The Bundestag shall determine the number of Secretaries. They may be elected collectively upon a proposal of the parliamentary groups. Rule 12 shall be taken into account in determining the number of Secretaries and their distribution among the parliamentary groups.

II. ELECTION OF THE FEDERAL CHANCELLOR

Rule 4
Election of the Federal Chancellor

The Federal Chancellor (Article 63 of the Basic Law) shall be elected by secret ballot (Rule 49). Nominations for the ballots in accordance with Article 63, paragraphs (3) and (4) of the Basic Law must be signed by one quarter of the Members of the Bundestag or a parliamentary group representing at least one quarter of the Members of the Bundestag.

Basic Law: Article 63

(1) The Federal Chancellor shall be elected by the Bundestag without debate upon the proposal of the Federal President.

(2) The candidate obtaining the votes of the majority of the Members of the Bundestag is elected. The person elected shall be appointed by the Federal President.

(3) If the candidate is not elected, the Bundestag may, within fourteen days of the ballot, elect a Federal Chancellor with more than one half of its Members.

(4) If no candidate has been elected within this period, a new ballot shall be held without delay, in which the person gaining most votes is elected. If the elected candidate has obtained the votes of the majority of the Members of the Bundestag, the Federal President must appoint the person elected within seven days of the election. Failing that majority the Federal President shall either appoint the person elected or dissolve the Bundestag within seven days.

Taking of oath: Article 64, paragraph (2) of the Basic Law

Majority of the Members: Article 121 of the Basic Law, reproduced under Rule 2

III. PRESIDENT, PRESIDIUM AND COUNCIL OF ELDERS

Rule 5
Presidium

The President and the Vice-Presidents shall form the Presidium.

Rule 6
Council of Elders

(1) The Council of Elders shall consist of the President, the Vice-Presidents and twenty-three further Members to be appointed by the parliamentary groups pursuant to Rule 12. The President shall be responsible for convening the Council of Elders. He must convene it if a parliamentary group or five per cent of the Members of the Bundestag so demand.

(2) The Council of Elders shall assist the President in the conduct of business. It shall ensure that agreement is reached among the parliamentary groups on the appointment of committee chairpersons and deputy chairpersons and on the Bundestag's work programme. In the exercise of these functions the Council of Elders shall not be a decision-making body.

(3) The Council of Elders shall decide on the internal affairs of the Bundestag insofar as they do not fall within the competence of the President or the Presidium. It shall decide on the use to be made of the premises set aside for the Bundestag. It shall prepare the draft of the Bundestag budget, from which the Budget Committee may only depart after consultation with the Council of Elders.

(4) The Council of Elders shall set up a permanent subcommittee to attend to matters concerning the library, the archives and other documentation services. Members of the Bundestag who are not members of the Council of Elders may belong to this subcommittee.

Rule 7
Duties of the President

(1) The President shall represent the Bundestag and conduct its business. He shall uphold the dignity and rights of the Bundestag, further its work, conduct its debates fairly and impartially, and maintain order in the Bundestag. He may participate in the meetings of any committee without being entitled to vote.

(2) The President shall exercise the proprietary and police powers in all buildings, parts of buildings and land under the administration of the Bundestag. He shall issue internal regulations in agreement with the Committee for the Scrutiny of Elections, Immunity and the Rules of Procedure.

(3) The President shall, in consultation with the Vice-Presidents, conclude those contracts that have considerable importance for the Bundestag Administration. He shall order any expenditure provided for in the Bundestag budget.

(4) All the civil servants of the Bundestag shall be subject to the supreme authority of the President. They shall be appointed and engaged by him in accordance with the statutory and general adminis-trative provisions, and be placed by him on the retired list. Public employees of the Bundestag other than civil servants shall likewise be engaged and dismissed by the President. Measures under sentences (2) and (3) shall be taken by the President, in the case of officials of the higher service or of salaried public employees of an equivalent grade in consultation with the Vice-Presidents and, where senior civil servants (A 16 and above) or salaried public employees of an equivalent grade are engaged, promoted or upgraded, with the consent of the Presidium.

(5) Paragraph (4) shall also apply to the staff assigned to the Parliamentary Commissioner for the Armed Forces. Measures under paragraph (4), fourth sentence shall be taken in consultation with the Parliamentary Commissioner for the Armed Forces. The nomination, appointment, transfer, reassignment and superannuation of the Chief Administrator and Deputy of the Parliamentary Commissioner for the Armed Forces shall be carried out in agreement with the Parliamentary Commissioner. The Parliamentary Commissioner shall be entitled to make proposals concerning all decisions pursuant to paragraph (4).

(6) If the President is unable to discharge his duties, one of the Vice-Presidents from the second largest parliamentary group shall take his place.

Basic Law: Article 40, paragraph (2)

(2) The President shall exercise the proprietary rights and police powers in the Bundestag buildings. No search or seizure may take place on the premises of the Bundestag without the President's permission.

Rule 8
Chair

(1) At sittings of the Bundestag the Chair shall consist of the President and two Secretaries.

(2) The President shall, in agreement with the Vice-Presidents, determine the order in which they are to take the Chair in his place. If neither the President nor any of the Vice-Presidents is able to take the Chair, it shall be taken by the Member of the Bundestag who is the most advanced in years.

(3) If the number of elected Secretaries present at a sitting of the Bundestag is insufficient, the President in the Chair shall appoint other Members of the Bundestag to take their place.

Rule 9
Duties of Secretaries

The Secretaries shall assist the President. They shall read out documents, record the proceedings, draw up the list of speakers, call the roll, collect ballot papers and count votes, supervise the correction of the minutes of plenary proceedings, and attend to other matters concerning the Bundestag in line with the instructions of the President. The President shall be responsible for the distribution of business.

IV. PARLIAMENTARY GROUPS

Rule 10
Formation of parliamentary groups

(1) The parliamentary groups shall be associations of not less than five per cent of the Members of the Bundestag, and their members shall belong to the same party or to parties which, on account of similar political aims, do not compete with each other in any Land. Where Members of the Bundestag form such an association on grounds other than those set out in the first sentence of this paragraph, its recognition as a parliamentary group shall require the consent of the Bundestag.

(2) The formation of a parliamentary group, its designation, and the names of the chairpersons, members and guests shall be communicated to the President in writing.

(3) Parliamentary groups may admit guests who, while not counting towards the strength of the group, shall be taken into account in the distribution of posts (Rule 12).

(4) Members of the Bundestag who wish to form an association but do not reach the prescribed minimum strength for parliamentary group status may be recognized as a grouping. Paragraphs (2) and (3) shall apply to them mutatis mutandis.

(5) Joint technical working parties set up by parliamentary groups shall not affect the number of posts to which the parliamentary groups are entitled in line with their relative strengths.

Rule 11
Order of parliamentary groups

The order of parliamentary groups shall be determined by their relative strengths. If any groups are of equal size, the President shall determine the order by drawing lots at a sitting of the Bundestag. Seats that fall vacant shall, until they are filled, continue to count towards the strength of the parliamentary group to which they had until then belonged.

Rule 12
Distribution of posts among parliamentary groups

The composition of the Council of Elders and of the committees as well as the appointment of the chairpersons of the various committees shall be in proportion to the strengths of the parliamentary groups. The same principle shall apply to elections to be held by the Bundestag.

V. THE MEMBERS OF THE BUNDESTAG

Rule 13
Rights and duties of Members of the Bundestag

(1) As regards their speeches and actions and their participation in votes and elections, Members of the Bundestag shall act in line with their convictions and conscience.

(2) The Members of the Bundestag shall be obliged to take part in the work of the Bundestag. On each sitting day an attendance register shall be displayed, in which the Members of the Bundestag shall enter their names. The consequences for Members who fail to enter their names in the register and to take part in a vote using voting cards bearing Members' names are laid down in the Law on the Legal Status of Members of the German Bundestag.

Basic Law: Article 38, paragraph (1)

(1) The Members of the German Bundestag shall be elected in general, direct, free, equal and secret elections. They shall be representatives of the whole people; they shall not be bound by any instructions, only by their conscience.

Rule 14
Leave

Leave shall be granted by the President. It shall not be granted for an indefinite period.

Rule 15
Contestation and loss of membership

The rights of a Member of the Bundestag whose membership has been contested shall be governed by the provisions of the Law on the Scrutiny of Elections. This Law shall also govern loss of membership.

Rule 16
Inspection and submission of files

(1) Members of the Bundestag shall be entitled to inspect all files in the safekeeping of the Bundestag or of a committee; this shall not be allowed to impede the work of the Bundestag or of its committees, of committee chairpersons or rapporteurs. Personal files and accounts kept by the Bundestag in respect of its Members may be inspected only by the Member concerned. Where other Members of the Bundestag, for example in their capacity as rapporteurs or committee chairpersons, or persons from outside the Bundestag wish to inspect these files, they may do so only with the permission of the President and of the Member of the Bundestag concerned. Members of the Bundestag may at any time inspect Bundestag files that concern them personally.

(2) Files may be handed over for use outside the Bundestag buildings only to the chairpersons or rapporteurs of committees for the performance of their duties.

(3) Exceptions may be approved by the President.

(4) Classified material (Rule 17) shall be handled in accordance with the Rules of the German Bundestag on Document Security.

Rule 17
Rules on Document Security

The Bundestag shall adopt Rules on Document Security, which shall form an integral part of these Rules of Procedure (Annex 3). These Rules shall govern all matters that must be prevented by means of special security measures from coming to the knowledge of unauthorized persons.

Rule 18
Code of Conduct

The Code of Conduct to be adopted by the Bundestag in accordance with Section 44 a of the Law on the Legal Status of the Members of the German Bundestag shall form an integral part of these Rules of Procedure (Annex 1).

VI. AGENDA, CONVENING OF THE BUNDESTAG, CONDUCT OF ITS SITTINGS, AND MEASURES FOR THE MAINTENANCE OF ORDER

Rule 19
Sittings

The sittings of the Bundestag shall be public. The public may be excluded pursuant to Article 42, paragraph (1) of the Basic Law.

Basic Law: Article 42, paragraph (1)

(1) Sittings of the Bundestag shall be public. Upon a motion of one tenth of the Members or upon a motion of the Federal Government the public may be excluded by a two-thirds majority. The vote on the motion shall be taken at a sitting not open to the public.

Rule 20
Agenda

(1) The date and agenda of each sitting of the Bundestag shall be agreed in the Council of Elders, unless the Bundestag has already taken a decision thereon or the President determines them on his own authority pursuant to Rule 21, paragraph (1).

(2) The agenda shall be communicated to the Members of the Bundestag, to the Bundesrat and to the Federal Government. If no objection is raised, it shall be deemed to have been adopted when the first item is called. After the opening of a plenary sitting any Member of the Bundestag may, before the first item on the agenda is called, move an amendment to the agenda, provided his motion was submitted to the President by 18.00 hours on the previous day at the latest.

(3) After the agenda has been adopted other items may be discussed only if no objection is raised by a parliamentary group or five per cent of the Members of the Bundestag present or if these Rules of Procedure permit discussion of matters not included in the agenda. The Bundestag may at any time remove an item from the agenda unless these Rules of Procedure provide otherwise.

(4) Items of business submitted by Members of the Bundestag must, upon the demand of the movers, be placed on the agenda for the next sitting and discussed if at least three weeks have passed since distribution of the relevant printed paper (Rule 123).

(5) Where a sitting has been terminated owing to the lack of a quorum, the President may convene one more sitting for the same day with the same agenda. Within that agenda he may set a time for the repetition of the unsuccessful vote or election or remove that item from the agenda unless a parliamentary group or five per cent of the Members of the Bundestag present object.

Rule 21
Convening of the Bundestag by the President

(1) The President shall on his own authority determine the date and agenda of a sitting if the Bundestag empowers him to do so or is unable, for a reason other than the lack of a quorum, to take a decision.

(2) The President shall be obliged to convene the Bundestag if one third of its Members, the Federal President or the Federal Chancellor so demands (Article 39, paragraph (3) of the Basic Law).

(3) Where in other cases the President has on his own authority determined the date of a sitting or placed additional items on the agenda, he shall obtain the consent of the Bundestag at the beginning of the sitting.

Basic Law: Article 39, paragraph (3)

(3) The Bundestag shall determine when its sittings are to end and be resumed. The President of the Bundestag may convene it earlier. The President shall be obliged to do so if one third of the Members, the Federal President or the Federal Chancellor so demands.

Rule 22
Conduct of sittings

The President shall open, conduct and close sittings. Before the closure of each sitting he shall announce the date of the next sitting as agreed in the Council of Elders or decided by the Bundestag.

Rule 23
Opening of the debate

The President shall open the debate on every item of business placed on the agenda unless such a debate is inadmissible or subject to special conditions.

Rule 24
Joint debate on related items of business

It may at any time be decided to debate similar or factually related items of business jointly.

Rule 25
Adjournment of deliberations or closure of the debate

(1) If all the speakers on the list have taken the floor or if no one requests leave to speak, the President shall declare the debate closed.

(2) The Bundestag may adjourn the deliberations or close the debate if a motion to that effect is moved by a parliamentary group or by five per cent of the Members of the Bundestag present. When a vote is taken, a motion for closure shall take precedence over a motion for adjournment. A motion for closure may be put to the vote only after each parliamentary group has had the floor at least once.

Rule 26
Adjournment of the sitting

A sitting may only be adjourned if the Bundestag so decides upon the proposal of the President or upon the motion of a parliamentary group or five per cent of the Members of the Bundestag present.

Rule 27
Leave to speak and request for leave to speak

(1) Members of the Bundestag may take the floor only if given leave to do so by the President. If the President himself wishes to speak in the debate, he shall vacate the Chair for that purpose. Members of the Bundestag who wish to speak on the subject under debate shall, as a rule, inform the Secretary, who keeps the list of speakers. Members of the Bundestag who wish to raise a point of order or to make a statement may do so by intervention.

(2) If a Member of the Bundestag wishes to put a question to the speaker in the course of his speech or, during the debate, to make remarks on the subject under discussion, he shall use one of the microphones in the Chamber. He may put his question or make his remarks, which must be brief and concise, only if the speaker, following a question to that effect by the President, has consented. Following a contribution to the debate the President may give Members leave to make remarks lasting not more than three minutes; the speaker may reply once.

Rule 28
Order in which speakers are called

(1) The President shall determine the order in which speakers are called. In so doing, he shall be guided by the need to ensure that debates are conducted properly and efficiently, with due regard to the different views of political parties, the arguments for and against the subject under debate, and the relative strengths of the parliamentary groups; in particular, a divergent opinion shall be heard after a speech has been delivered by a member of the Federal Government or a person commissioned by it.

(2) The first speaker in the debate on an item of business submitted by Members of the Bundestag should not belong to the same parliamentary group as the mover of the motion. The mover and the rapporteur may demand leave to speak before the beginning and after the end of the debate. The rapporteur shall have the right to speak at any time.

Rule 29
Points of order

(1) The President shall give precedence to Members requesting leave to speak in order to move a procedural motion. The motion must relate to the subject under debate or to the agenda.

(2) Where procedural motions are moved which must be complied with (demand), the President may decide to grant leave to speak only to the mover or, in the case of other motions, to one speaker from each parliamentary group.

(3) If a Member of the Bundestag raises a point of order without wishing to speak on a procedural motion moved or to move such a motion himself, the President shall grant leave to speak at his discretion.

(4) No Member may speak for longer than five minutes on a point of order.

Rule 30
Statements on the debate

Leave to make a statement on the debate shall be granted after the conclusion, suspension or adjournment of the debate. The President may give precedence to Members requesting leave to speak in order to make a statement in the course of the debate. The Member concerned shall inform him of the reason for his statement when requesting leave to speak. He may deliver a statement on the debate only in order to rebut any remarks that have been made about his person in the course of a debate or to correct observations that he himself has made; the statement may not last more than five minutes.

Rule 31
Explanations of vote

(1) After the conclusion of a debate Members of the Bundestag may make an oral statement on the final vote lasting not more than five minutes or submit a short written statement, which shall be included in the minutes of plenary proceedings. As a rule the President shall give Members leave to make a statement before the vote is taken.

(2) Prior to the vote any Member of the Bundestag may state that he will not participate in the vote.

Rule 32
Statements on matters not included in the agenda

The President may, before calling the first item on the agenda or after the conclusion, suspension or adjournment of the debate, grant leave to a Member to speak on a matter not included in the agenda for the purpose of making a statement of fact or of a personal nature. When requesting leave to speak the Member shall inform him of the reason for his statement. The statement may not last more than five minutes.

Rule 33
Speeches

In principle, speakers shall not read their speeches. They may make use of notes.

Rule 34
Delivery of speeches

Speakers shall use the microphones provided for the purpose or speak from the rostrum.

Rule 35
Speaking time

(1) The form and duration of a debate on a particular item of business shall be determined by the Bundestag on the proposal of the Council of Elders. If no agreement is reached in the Council of Elders in line with the first sentence, or if the Bundestag does not decide otherwise, no speaker may have the floor for more than fifteen minutes. Upon the demand of a parliamentary group, one of its speakers may take the floor for up to forty-five minutes. The President may extend these speaking times if the subject under debate or the progress of the debate make this appear appropriate.

(2) If a member of the Federal Government or of the Bundesrat, or a person commissioned by them, speaks for more than twenty minutes, the parliamentary group wishing to present a divergent view may demand the same speaking time for one of its speakers.

(3) If a Member of the Bundestag exceeds the speaking time allocated to him, the President shall, after warning him once, direct him to discontinue speaking.

Rule 36
Calls for pertinence and calls to order

The President may call upon speakers who digress to keep to the subject under debate. He may name and call to order Members of the Bundestag who commit a breach of order. The call to order and the reason for it may not be referred to by subsequent speakers.

Rule 37
Direction to discontinue speaking

If, during his speech, a speaker is called upon three times to keep to the subject under debate or is called to order three times after having on the second occasion been warned of the consequences of a third reminder to keep to the subject under debate or of a third call to order, the President must direct him to discontinue speaking and may not, during the remainder of the debate, grant him leave to speak on the same subject.

Rule 38
Suspension of Members of the Bundestag

(1) The President may order a Member of the Bundestag who has committed a serious breach of order to leave the Chamber for the remainder of the sitting even if he has not been called to order. Before the sitting is closed the President shall announce for how many sitting days the Member in question will be suspended. A Member of the Bundestag may be suspended for up to thirty sitting days.

(2) The Member concerned shall immediately leave the Chamber. If he refuses to obey the order, the President shall indicate to him that his behaviour will result in a prolongation of his suspension.

(3) The Member concerned shall also be excluded from committee meetings for the duration of his suspension.

(4) If the Member concerned attempts unlawfully to take part in sittings of the Bundestag or meetings of its committees, the second sentence of paragraph (2) shall apply mutatis mutandis.

(5) The Member concerned shall not be deemed to be on leave of absence. He may not enter his name in the attendance register.

Rule 39
Objection to a call to order or to a suspension

The Member concerned may, by the next sitting day, lodge a reasoned objection in writing to the call to order or to his suspension. The objection shall be placed on the agenda of that sitting. The Bundestag shall decide thereon without debate. The objection shall not have a delaying effect.

Rule 40
Suspension of the sitting

If disturbances in the Bundestag threaten to obstruct the business of the House, the President may suspend the sitting for a specified period of time or terminate it. If he cannot make himself heard, he shall leave the Chair; this shall have the effect of suspending the sitting. The President shall reconvene the sitting.

Rule 41
Other measures for the maintenance of order

(1) Persons who are not Members of the Bundestag and take part in the sittings and members of the public shall be subject to the President's power to take measures for the maintenance of order.

(2) Any person in the galleries expressing approval or disapproval or behaving in a disorderly or unseemly manner may be expelled immediately by order of the President. The President may order the galleries to be cleared in the event of disturbances that obstruct the conduct of business.

Rule 42
Summoning of a member of the Federal Government

The Bundestag may, upon the motion of a parliamentary group or of five per cent of the Members of the Bundestag present, decide that a member of the Federal Government be summoned.

Basic Law: Article 43, paragraph (1)

(1) The Bundestag and its committees may demand the presence of any member of the Federal Government.

Rule 43
Right to be heard at any time

The members of the Federal Government and of the Bundesrat, as well as persons commissioned by them, must, upon their demand, be heard at any time in accordance with Article 43, paragraph (2) of the Basic Law.

Basic Law: Article 43, paragraph (2)

(2) The members of the Bundesrat and the Federal Government as well as persons commissioned by them may attend all sittings of the Bundestag and its committees. They shall be heard at any time.

Rule 44
Resumption of the debate

(1) If, after the end of a debate or after the expiry of the overall speaking time set aside for a debate, a member of, or a person commissioned by, the Federal Government or the Bundesrat speaks on the subject under debate, the debate shall be considered reopened.

(2) If, during a debate, a member of, or a person commissioned by, the Federal Government or the Bundesrat is given leave to speak on the subject under debate, the parliamentary groups whose speaking time on that item of business has already expired shall be entitled to a further period of one quarter of the time previously allocated to them.

(3) If a member of, or a person commissioned by, the Federal Government or the Bundesrat speaks on a matter not included in the agenda, a debate on his statement shall be opened if a parliamentary group or five per cent of the Members of the Bundestag present so demand. Substantive motions may not, however, be moved in the course of such a debate.

Rule 45
Ascertaining the presence of a quorum
Consequences of the lack of a quorum

(1) A quorum of the Bundestag shall exist when more than one half of its Members are present in the Chamber.

(2) If, before a vote is taken, doubts are expressed by a parliamentary group or by five per of the Members of the Bundestag present about the presence of a quorum and its presence is not confirmed unanimously by the Chair either, or if doubts are expressed about the presence of a quorum by the Chair in agreement with the parliamentary groups, the presence or lack of a quorum shall, in conjunction with the vote, be ascertained by counting the votes pursuant to Rule 51, in the course of a core-time debate by applying the procedure pursuant to Rule 52. The President may suspend the vote for a brief period.

(3) After the lack of a quorum has been ascertained, the President shall immediately terminate the sitting. Rule 20, paragraph (5) shall apply. Any demand for a vote using voting cards bearing Members' names shall remain in force. When ascertaining whether a quorum is present, abstentions and invalid votes shall also count.

(4) Independently of the procedure pursuant to paragraphs (1) to (3), the President may, during core-time debates, suspend the sitting in agreement with the parliamentary groups, if the Chair expresses doubts about the presence of twenty-five per cent of the Members of the Bundestag. The number of Members present shall be ascertained by applying the procedure pursuant to Rule 52.

Rule 46
Putting questions

The President shall put questions in such a manner that they can be answered with either "Yes" or "No". As a rule, they shall be so worded as to elicit whether approval is given or withheld. Leave may be asked to raise a point of order as regards the form of the question. If an objection is raised to the form proposed, the Bundestag shall decide.

Rule 47
Separation of a question into parts

Any Member of the Bundestag may move that a question be separated into parts. If the admissibility of such separation is doubtful, the decision shall, in the case of a motion by a Member of the Bundestag, be taken by its mover and in other cases by the Bundestag. If so demanded, the question shall be read out immediately before a vote is taken.

Rule 48

Rules on voting

(1) Voting shall be by show of hands or by standing or sitting. The final vote on a bill after the third reading (Rule 86) shall be taken by standing or sitting.

(2) Unless the Basic Law, a federal law or these Rules of Procedure provide otherwise, decisions shall be taken by a simple majority. A tie shall constitute a negative vote.

(3) If, under the provisions of the Basic Law, a federal law, or these Rules of Procedure, a decision or an election requires a specific majority, the President shall expressly state that the approval of the requisite majority exists.

Basic Law: Article 42, paragraph (2)

(2) Decisions of the Bundestag shall require a majority of the votes cast unless this Basic Law provides otherwise. The Rules of Procedure may provide for exceptions in respect of elections to be held by the Bundestag.
Majority of the Members: Article 121 of the Basic Law, reproduced under Rule 2

Other provisions of the Basic Law:

Change in Land boundaries: Article 29, paragraph (7), second sentence

Exclusion of the public: Article 42, paragraph (1) - see also Rule 19 of the Rules of Procedure

Impeachment of the Federal President: Article 61, paragraph (1), third sentence

Election of the Federal Chancellor: Article 63, paragraphs (2) to (4) - see also Rule 4 of the Rules of Procedure

Vote of no confidence: Article 67, paragraph (1) - see also Rule 97 of the Rules of Procedure

Election of a new Federal Chancellor: Article 68, paragraph (1) - see also Rule 98 of the Rules of Procedure

Rejection of an objection lodged by the Bundesrat: Article 77, paragraph (4) - see also Rule 91 of the Rules of Procedure

Amendment of the Basic Law: Article 79, paragraph (2)

Application of legal provisions in a state of tension: Article 80 a, paragraphs (1) and (3)

Establishment of federal authorities at the intermediate and lower levels: Article 87, paragraph (3), second sentence

Determination of a state of defence: Article 115 a, paragraph (1)

Statutory provisions:

Section 5, paragraph (1) of the Law on the Election of Judges

Section 6, paragraph (2) of the Law on the Federal Constitutional Court

Section 13 and Section 15, paragraph (4) of the Law on the Parliamentary Commissioner for the Armed Forces

Section 22, paragraph (1) of the Federal Law on Data Protection

Section 35, paragraph (2) of the Law on the Files of the State Security Service of the Former German Democratic Republic

Provisions of the Rules of Procedure:

Election of the President and the Vice-Presidents of the Bundestag: Rule 2, paragraph (2)

Departures from the Rules of Procedure: Rule 126

Rule 49
Elections by secret ballot

(1) Where a federal law or these Rules of Procedure provide for elections by the Bundestag using official ballot papers, the ballot shall be secret. The ballot papers shall be handed out only before the polling booth is entered (when each Member's name is called). The polling booths to be set up to ensure the secrecy of the ballot shall be used for casting the votes. The marked ballot papers, placed in the envelopes supplied, shall be inserted in the urns provided for the purpose.

(2) Section 56, paragraph (6), subparagraph (4) of the Federal Electoral Code shall apply mutatis mutandis.

Section 56, paragraph (6), subparagraph (4) of the Federal Electoral Code as published in the Notification of 7 December 1989 (1990 Federal Law Gazette I, p. 142) and as amended by the ordinance of 15 December 1993 (Federal Law Gazette I, p. 2094):

(6) The Electoral Board shall reject a voter who ...

(4) has marked his ballot paper or placed it in the envelope before entering the polling booth, or ...

Rule 50
Procedure for selecting the seat of a federal authority

(1) Where, in a bill, a decision has to be taken on the seat of a federal authority and more than two proposals have been made for its seat, the choice shall be made before the final vote.

(2) The Bundestag shall vote by means of ballot papers bearing Members' names on which the place desired shall be entered. The place obtaining the majority of the votes shall be chosen. If no majority is obtained, a second ballot shall be held to decide between the two places that obtained the largest number of votes in the first ballot. The place then obtaining the majority of the votes shall be chosen.

(3) This provision shall apply mutatis mutandis where a decision on the seat of a federal authority is to be made during the deliberations on a motion.

(4) The same procedure shall be followed in determining competencies and taking similar decisions and when more than two divergent motions are tabled.

Rule 51
Counting of votes

(1) If the Chair does not agree on the result of a vote, a check shall be carried out. If, thereafter, the Chair still does not agree, the votes shall be counted. If the Chair so directs, the count shall be carried out in accordance with paragraph (2).

(2) After the Members of the Bundestag have left the Chamber at the request of the President, all but three doors shall be closed. Two Secretaries shall take up position at each of the three doors. At a signal from the President, the Members of the Bundestag shall re-enter the Chamber through the doors marked "Yes", "No" or "Abstention" and shall be counted aloud by the Secretaries. The President shall give a signal to indicate the end of the count. Members of the Bundestag who enter thereafter shall not be included in the count. The President and the Secretaries on duty shall vote publicly. The President shall announce the result of the vote.

Rule 52
Vote using voting cards bearing Members' names

A vote using voting cards bearing Members' names may be demanded by a parliamentary group or five per cent of the Members of the Bundestag present before the vote is declared open. The Secretaries shall collect the voting cards, which shall bear the names of Members and the statement "Yes", "No" or "I abstain", and place them in the urns provided for the purpose. After the voting cards have been collected, the President shall declare the vote closed. The Secretaries shall count the votes. The President shall announce the result.

Rule 53
Inadmissibility of a vote using voting cards bearing Members' names

A vote using voting cards bearing Members' names shall not be taken on

(a) the strength of a committee;
(b) the shortening of a time limit;
(c) the time of a sitting and the agenda;
(d) the adjournment of a sitting;
(e) the adjournment or closure of a debate;
(f) the separation of a question into parts;
(g) the referral of an item of business to a committee.

VII. COMMITTEES

Rule 54
Permanent committees and special committees

(1) The Bundestag shall set up permanent committees for the preparation of its deliberations. It may set up special committees to deal with specific questions.

(2) Insofar as the Basic Law or federal laws prescribe or permit the setting up of committees, their setting up and procedure shall be governed by the provisions of these Rules of Procedure, unless the Basic Law, federal laws, or special rules of procedure provide otherwise.

Committees of inquiry: Article 44 of the Basic Law

Committee for the Scrutiny of Elections: Article 41 of the Basic Law and the Law on the Scrutiny of Elections of 12 March 1951 (Federal Law Gazette I, p. 166), as amended by Article 9 of the Law amending the Federal Electoral Law of 2 August 1993 (Federal Law Gazette I, p. 1442)

Committee on the Affairs of the European Union: Article 45 of the Basic Law

Committee on Foreign Affairs and Defence Committee: Article 45 a of the Basic Law

Petitions Committee: Article 45 c of the Basic Law; Law on the Powers of the Petitions Committee of the German Bundestag (enacted in accordance with Article 45 c of the Basic Law)

Committee for the Election of Judges: Article 95, paragraph (2) of the Basic Law; Law on the Election of Judges

Committee of Delegates: Article 94, paragraph (1), second sentence of the Basic Law; Law on the Federal Constitutional Court as published in the Notification of 11 August 1993 (Federal Law Gazette I, p. 1473)

Mediation Committee: Article 77 of the Basic Law; Rules of Procedure of the Mediation Committee of 19 April 1951 (Federal Law Gazette II, p. 103) as amended in accordance with the Notification of 16 May 1995 (Federal Law Gazette I, p. 742)

Rule 55
Setting up of subcommittees

(1) To prepare its work, each committee may, from among its members, set up subcommittees for specific tasks, unless one third of its members object. In exceptional cases the parliamentary groups may also nominate Members of the Bundestag who are not members of the committee.

(2) In appointing the chairperson of a subcommittee, the committee shall take the relative strengths of the parliamentary groups into account (Rule 12). If the subcommittee is set up for a specific period of time, it may only be dissolved prematurely if one third of the committee members do not object; otherwise the committee may dissolve the subcommittee at any time. The subcommittee shall submit its report to the committee.

(3) Each parliamentary group on the committee must, upon its demand, be represented by at least one member on the subcommittee. In all other respects, the principles laid down in Rule 12 shall be taken into account.

(4) If an item of business has been referred to several committees or if a particular item falls within the terms of reference of several committees, these committees may form a joint subcommittee.

Rule 56
Study commissions

(1) The Bundestag may set up a study commission for the preparation of decisions on wide-ranging and significant issues. It shall be obliged to do so upon a motion of one quarter of its Members. The motion shall specify the commission's terms of reference.

(2) The members of the study commission shall be nominated in line with an agreement reached among the parliamentary groups and be appointed by the President. If no agreement can be reached, the parliamentary groups shall nominate the members in proportion to their respective strengths. Apart from the members of the parliamentary groups referred to in paragraph (3), the study commission should not comprise more than nine members.

(3) Each parliamentary group may delegate one member and, upon a decision of the Bundestag, two or more members to the study commission.

(4) The study commission shall submit its report in time for a debate on it to take place in the Bundestag before the end of the electoral term. If no final report can be presented, it shall submit an interim report, on the basis of which the Bundestag shall decide whether the commission should continue or discontinue its work.

Rule 56 a
Technology assessments

(1) The Committee on Research, Technology and Technology Assessment shall be responsible for commissioning technology assessments and for analysing and evaluating them for the German Bundestag. Technology assessments may be commissioned from institutions outside the Bundestag.

(2) The Committee on Research, Technology and Technology Assessment shall draw up principles governing technology assessments and shall base its decision in individual cases on these principles.

Rule 57
Number of committee members

(1) The Bundestag shall determine the system governing the composition of committees pursuant to Rule 12 as well as the number of members. Every Member of the Bundestag shall in principle serve on a committee.

(2) The parliamentary groups shall appoint committee members and their substitutes. The President shall appoint non-attached Members of the Bundestag as committee members who participate in the deliberations without having the right to vote.

(3) The President shall inform the Bundestag of the names of the members first appointed and of any subsequent changes.

(4) To assist the committee members, one staff member from each parliamentary group may be permitted to attend the committee meetings.

Rule 58
Appointment of chairpersons and deputy chairpersons

The committees shall appoint their chairpersons and deputy chairpersons in accordance with the agreements reached in the Council of Elders.

Rule 59
Rights and duties of the chairperson

(1) The chairperson shall prepare, convene and preside over committee meetings and implement the committee's decisions.

(2) The chairperson shall permit members to speak in the order in which they have requested leave to speak, with due regard to the principle laid down in Rule 28, paragraph (1), second sentence.

(3) Participants in the meeting who are not Members of the Bundestag, as well as any other persons present, shall be subject during the meeting to the chairperson's power to take measures for the maintenance of order.

(4) If the orderly conduct of a meeting is no longer assured, the chairperson may suspend the meeting or terminate it in agreement with the parliamentary groups on the committee.

Rule 60
Convening of committee meetings

(1) The chairperson may convene committee meetings on his own authority within the scope of the timetable drawn up by the Council of Elders, unless the committee decides otherwise in individual instances.

(2) The chairperson shall be obliged to convene a meeting on the next possible date within the timetable if a parliamentary group on the committee or at least one third of the committee members so demand and at the same time inform the chairperson of the proposed agenda.

(3) The chairperson shall only be authorized to convene a meeting outside the timetable or at a place other than the permanent seat of the Bundestag if a parliamentary group or five per cent of the Members of the Bundestag so demand, or if the committee has reached a unanimous decision to that effect and the President has given his permission.

Rule 61
Agenda for committee meetings

(1) The date and the agenda shall be determined by the chairperson unless the committee has taken a prior decision thereon. As a rule, the agenda shall be communicated to the committee members three days before the meeting.

(2) The committee may modify the agenda by a majority of its members; it may, however, place additional items on it only if a parliamentary group or one third of the committee members do not object.

(3) The agenda for every committee meeting together with the venue, date and, to the extent that it has been agreed, the duration of the meeting, shall be communicated to the federal ministries concerned and to the Bundesrat.

Rule 62
Functions of committees

(1) The committees shall be obliged to attend to matters referred to them without delay. As bodies responsible for preparing the decisions of the Bundestag, they shall be under a duty to recommend to the Bundestag definite decisions that may relate only to items of business referred to them or to questions directly connected therewith. They may, however, take up other questions falling within their terms of reference. Broader competencies conferred on individual committees by the Basic Law, federal laws, these Rules of Procedure or by a decision of the Bundestag shall remain unaffected.

(2) Ten weeks of sittings after an item of business has been referred to a committee, a parliamentary group or five per cent of the Members of the Bundestag may demand that the committee, through the chairperson or rapporteur, submit to the Bundestag a report on the progress of its deliberations. If they so demand, the report shall be placed on the agenda of the Bundestag.

Rule 63
The committee responsible

(1) The report to the Bundestag pursuant to Rule 66 may only be submitted by the committee responsible.

(2) If an item of business has been referred to several committees (Rule 80), the committees concerned and the committee responsible shall agree an appropriate time limit for the submission of their comments. If such comments are not made available to the committee responsible within the agreed time limit, or if no agreement on such a time limit can be reached, the committee responsible may report to the Bundestag, but not earlier than the fourth week of sittings after the item of business has been referred to it.

Rule 64
Committee business

(1) The business of a committee shall consist of all items and questions within its terms of reference that have been referred to it (Rule 62, paragraph (1), third sentence).

(2) If several items concerning the same subject have been referred to it, the committee shall decide which item shall serve as the basis for its recommendation to the Bundestag. Other items relating to the same subject may be declared disposed of, even if they have not, or only in part, been considered in the committee deliberations. If a parliamentary group on the committee objects, a vote must be taken on the items concerned. The recommendation that the items be declared disposed of or rejected shall be submitted to the Bundestag.

Rule 65
Nomination of rapporteurs

The chairperson shall nominate one or more rapporteurs for each item of business, unless the committee decides otherwise.

Rule 66
Reports

(1) Committee reports to the Bundestag on items of business shall, as a rule, be made in writing. They may be supplemented orally.

(2) The reports shall contain the recommendations of the committee responsible together with the reasons therefor, the opinion of the minority, and the comments of the committees concerned. If local authority associations have stated their position pursuant to Rule 69, paragraph (5), the main points must be contained in the report; if hearings have been held in accordance with Rule 70, paragraph (1), the main points should be contained in the report.

Rule 67
Committee quorum

A quorum shall exist if the majority of committee members are present. A quorum shall be deemed to exist unless, prior to a vote, a member of the committee demands a count to ascertain the presence of a quorum. The chairperson may, for a specified period of time, postpone the vote prior to which a count to ascertain the presence of a quorum was demanded and, if there is no objection, continue the debate or call another item on the agenda. If, after the lack of a quorum has been ascertained and the meeting has

been suspended for a specified period of time, there is still no quorum after the meeting has been resumed, the third sentence shall apply.

Rule 68
Summoning of a member of the Federal Government to committee meetings

The right of a committee to demand the presence of a member of the Federal Government shall also apply if the person concerned is to be heard at a public meeting. The decision on a motion to that effect shall be taken at a meeting that is not open to the public.

Basic Law: Article 43, paragraph (1), reproduced under Rule 42

Rule 69
Non-public committee meetings

(1) Committee meetings shall in principle not be open to the public. The committee may decide to admit the public during the discussion of a particular item of business or parts thereof. A meeting shall be public if the press and other visitors are, in accordance with the space available, permitted to attend.

(2) Members of the Bundestag not belonging to a committee may attend non-public meetings of that committee without taking part in the deliberations unless the Bundestag, in setting up the committees, decides to restrict access to the meetings of individual committees to titular committee members and their named substitutes. This restriction may be imposed subsequently with regard to the consideration of specific questions within the terms of reference of the committees. The committees may decide to lift such restrictions in individual instances with regard to specific items to be discussed.

(3) If a committee whose proceedings are not confidential discusses items submitted by Members of the Bundestag, the agenda shall be sent to the first-named mover of such item if he is not a member of the committee. He may attend the meeting without having the right to vote, or be represented by one of the other movers. In special cases, the committee shall also invite other Members of the Bundestag to take part in its deliberations without being entitled to vote or permit them to attend.

(4) Subject to statutory restrictions on the right of access, the chairpersons of the parliamentary groups shall be entitled to participate in all meetings of committees and special committees (Rule 54) without having the right to vote. They may instruct a member of their parliamentary group to represent them.

(5) If the committee discusses an item of business referred to it which affects major interests of local authorities, the local authority associations at federal level should be given an opportunity to state their position before a decision is taken in the committee. This applies in particular to bills which have to be implemented in whole or in part by local authorities, directly affect their public finances, or have an impact on their administrative organization. The provision of the first sentence may be disregarded in the case of government bills if the views of the local authority associations are evident from the explanatory memoranda on these bills. The rights of the committees as laid down in Rule 70, paragraph (1) shall remain unaffected.

(6) If participation in committee meetings is restricted to titular members and their named substitutes, one of the movers of a motion who is not a member of the committee may attend the meeting in order to explain the reasons for the motion.
(7) The provisions of the Bundestag Rules on Document Security shall apply to deliberations on material classified CONFIDENTIAL or higher.

(8) Where several committees discuss the same item of business at a joint meeting they shall vote separately.

Rule 69 a
Extended public committee deliberations

(1) In the final deliberations on the items referred to them, the committees shall, in consultation with the Council of Elders and in agreement with the committees asked for an opinion, conduct public debates, in the course of which the recommendation for a resolution and the report of the committee responsible shall be adopted. The chairperson of the committee responsible shall convene the meeting in agreement with the committee asked for an opinion. The agenda shall be communicated to the Members of the Bundestag, the Bundesrat and the Federal Government.

(2) The committee responsible shall determine the form and duration of the debate in agreement with the committees asked for an opinion. The chairperson of the committee responsible shall preside over the meeting. He shall have the rights available to the President for the maintenance of order within the framework of plenary sittings, with the exception of the rights pursuant to Rule 38.

(3) Where it has not been decided otherwise, the chairperson shall grant leave to speak pursuant to Rule 59, paragraph (2). If the chairperson wishes to participate in the debate as a speaker, he shall vacate the Chair during this time. All the Members of the Bundestag shall have the right to speak and the right to move substantive motions. Procedural motions may be moved only by the members of the committee responsible, their substitutes and members who participate in the deliberations of this committee without having the right to vote.

(4) All the titular members of the committee responsible and, where substitutes deputize for Members, the substitutes shall be entitled to vote.

(5) If the committee responsible has decided to conduct extended public committee deliberations, one quarter of its members may demand that the item be discussed by the Bundestag in a general debate instead. An item on which extended public committee deliberations have taken place cannot be the subject of another debate in the plenary without a special agreement to this effect having been reached in the Council of Elders. However, the committee responsible may demand that the item in question be considered again in the plenary, with this consideration being restricted to a report given by a spokesperson from the committee. The spokesperson shall, within five minutes, outline the various positions held in the committee.

Rule 70
Public hearings

(1) For the purpose of obtaining information on a subject under debate, a committee may hold public hearings of experts, representatives of interest groups and other persons who can furnish information. Where an item of business has been referred to it, the committee responsible shall be obliged to hold such hearings if one quarter of its members so demand; where items of business that have not been referred to it are dealt with pursuant to Rule 62, paragraph (1), third sentence, a hearing shall be held upon a decision of the committee to that effect. Such a decision shall be admissible only if a motion to that effect has been placed on the committee's agenda.

(2) Where a hearing is demanded by a minority of the committee members in accordance with paragraph (1), the persons named by that minority must be heard. If the committee decides to limit the number of persons to be heard, the minority may only name a proportion of the total number of persons to be heard which corresponds to its relative strength on the committee.

(3) The committee asked for an opinion may, in agreement with the committee responsible, decide to hold a hearing insofar as the committee responsible does not make use of the possibility afforded by paragraph (1) or restricts its hearing to aspects of the item falling exclusively within its own terms of reference. The committee responsible shall be notified of the venue and date of the hearing as well as of the persons to be heard. During the hearing, members of the committee responsible shall have the right to ask questions; this right may, in agreement with the committee responsible, be restricted to specific committee members.

(4) The committee may enter into a general discussion with the persons furnishing information insofar as this is necessary to clarify the facts. The speaking time shall be limited. The committee may instruct individual members to conduct the hearing; in this connection, every parliamentary group on the committee shall be taken into account.
(5) In preparation for a public hearing, the committee shall advise the persons furnishing information of the questions which they will be asked. It may request them to submit written comments.

(6) The expenses of experts and of persons furnishing information shall be reimbursed only on the basis of formal invitations decided upon by the committee with the prior consent of the President.

(7) Paragraphs (1) to (6) shall also apply to hearings that are not open to the public.

Rule 71
Moving motions in committee
Closure of the debate

(1) A motion may be moved by members of the committee, their substitutes when deputizing for a committee member from their parliamentary group, and members participating in the committee deliberations without having the right to vote. A written motion by an absent member of the committee may only be put to the vote if it is taken over by a member of the committee entitled to vote who is present at the meeting.

(2) Members of the Bundestag who are not members of the committee may submit to the committee responsible motions for amendments to items referred to that committee. In such cases, the movers may, outside the procedure pursuant to Rule 69 a, attend the committee meeting without being entitled to vote.

(3) A motion for closure of the debate may be put to the vote only after every parliamentary group has had an opportunity to speak on the subject under debate and after it has been possible for views differing from those of the relevant parliamentary groups to be heard.

Rule 72
Voting outside a meeting

The committee may unanimously authorize the chairperson in particularly urgent cases to have a written vote taken on specific matters during weeks in which the Bundestag is not sitting. If the committee makes use of this possibility, the chairperson shall communicate to the committee members a draft recommendation on which a vote may be taken within a specified period of time, with the first sentence of Rule 46 applying mutatis mutandis. A written vote shall not be taken if a meeting of the committee takes place in accordance with the provisions of Rule 60, paragraph (2) or (3).

Rule 73
Minutes of committee meetings

(1) Minutes of every committee meeting shall be prepared in writing. They must at least contain all motions and the decisions taken by the committee. The permission of the President shall be required for a stenographic record of committee meetings to be made.

(2) Minutes of committee meetings that are not open to the public (Rule 69, paragraph (1), first sentence) shall in principle not constitute classified material within the meaning of the Bundestag Rules on Document Security (see Rule 2, paragraph (5) of these Rules). Insofar as the minutes are not to be made directly available to the public, they shall bear a note from the committee to that effect; details shall be regulated by the guidelines to be issued pursuant to paragraph (3). Minutes of public meetings (Rule 69, paragraph (1), second sentence, and Rule 70, paragraph (1)) may not bear such a note.

(3) The President shall, in consultation with the Presidium, issue special guidelines for the treatment of minutes.

Rule 74
Applicability of the provisions of the Rules of Procedure

Insofar as the rules governing procedure in committee do not provide otherwise, the provisions of the Rules of Procedure shall, with the exception of Rule 126, apply mutatis mutandis to the committees and study commissions.

VIII. PROCEDURE FOR ITEMS OF BUSINESS

Rule 75
Items of business

(1) The following items of business may be placed on the agenda of the Bundestag as autonomous items:

(a) Bills[1)];

(b) Committee recommendations pursuant to Article 77, paragraph (2) of the Basic Law (Mediation Committee)[2)];

(c) Motions for the rejection of objections lodged by the Bundesrat[3)];

(d) Motions[4)];

(e) Reports and documents for the information of the Bundestag (communications)[5)];

(f) Major interpellations addressed to the Federal Government, and replies[6)];

(g) Election proposals insofar as they have been distributed as printed papers[7)];

(h) Recommendations and reports on matters concerning the scrutiny of elections, immunity and the Rules of Procedure[8)];

(i) Recommendations of the Bundestag and reports on petitions[9)];

(j) Recommendations of the Bundestag and reports of the Committee on Legal Affairs on pro-ceedings before the Federal Constitutional Court[10)];

(k) Recommendations and reports of committees of inquiry;

(l) Interim reports of committees[11)];

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1) Rule 76 of the Rules of Procedure, Article 76, paragraph (1) of the Basic Law
2) Rule 90 of the Rules of Procedure
3) Rule 91 of the Rules of Procedure
4) Rules 39, 56, 89, 94 and Rule 97, paragraph (1) as well as Annex 5 of the Rules of Procedure
5) Rules 77 and 93 of the Rules of Procedure
6) Rules 100 and 101 of the Rules of Procedure
7) Rule 4 of the Rules of Procedure, Section 3, paragraph (2) of the Law on the Scrutiny of Elections
8) Rules 107 and 128 of the Rules of Procedure, Section 11 of the Law on the Scrutiny of Elections
9) Rule 112 of the Rules of Procedure
10) Section 77 of the Law on the Federal Constitutional Court
11) Rule 62, paragraph (2) of the Rules of Procedure

(m) Ordinances insofar as they have to be submitted to the Bundestag in accordance with statutory requirements[12)];

(2) The following shall be non-autonomous items:

(a) Recommendations and reports of committees[13)];

(b) Motions for amendments[14)];

(c) Motions for resolutions on bills, communications, government policy statements, major interpellations, resolutions of the European Parliament, EC items, stability measures, as well as ordinances[15)].

(3) Minor interpellations shall also be considered items within the meaning of Rule 76; they may not be placed on the agenda as autonomous items[16)].

Rule 76
Items of business submitted by Members of the Bundestag

(1) Items of business submitted by Members of the Bundestag (Rule 75) shall be signed by a parliamentary group or five per cent of the Members of the Bundestag, unless the Rules of Procedure prescribe or permit otherwise.

(2) Bills must, motions may, be accompanied by a short explanatory memorandum.

Rule 77
Treatment of items of business

(1) Items of business shall be printed and distributed to the Members of the Bundestag, to the members of the Bundesrat and to the federal ministries.

(2) In respect of items of business pursuant to Rule 75, paragraph (1), subparagraph (e), which serve as information for the Bundestag (reports, memoranda, programmes, expert opinions, etc.), the President may, in consultation with the Council of Elders and insofar as the items in question are not based on statutory provisions or decisions of the Bundestag, dispense, in whole or in part, with having such material printed and distributed. In such cases the President shall, in a Notification for Members, acknowledge receipt of such items and, in agreement with the Council of Elders, of the manner in which they will be dealt with. Such items shall be listed in a printed paper which shall also indicate the rooms in the Bundestag where the items concerned can be studied.

Rule 78
Reading of bills

(1) Bills shall be given three readings; treaties with foreign states and similar agreements which regulate the political relations of the Federation or refer to matters of federal legislation (Article 59, paragraph (2) of the Basic Law) shall in principle be given two readings, and three readings only by decision of the Bundestag; all other items of business shall in principle be given one reading. As far as supplementary budget bills are concerned, Rule 95, paragraph (1), sixth sentence shall apply.

(2) Motions may be referred to a committee without debate. A vote may be taken on them even if they have not been distributed, unless a parliamentary group or five per cent of the Members of the Bundestag

12) Rule 92 of the Rules of Procedure
13) Rule 66 of the Rules of Procedure
14) Rule 82, paragraph (1) and Rule 85, paragraph (1) of the Rules of Procedure
15) Rules 88, 92, 93 and 94 of the Rules of Procedure
16) Rule 104 of the Rules of Procedure

present object. In all other respects, the provisions relating to the reading of bills shall apply mutatis mutandis to motions.

(3) Where items pursuant to paragraph (1) are given two readings, the provision concerning the final vote (Rule 86) shall, in addition to the provisions relating to the second reading (Rules 81, 82, and Rule 83, paragraph (3)), apply mutatis mutandis to the final reading.

(4) If an item of business is given only one reading, Rule 82, paragraph (1), second sentence shall apply to motions for amendments.

(5) Unless the Rules of Procedure prescribe or permit otherwise, the readings shall begin at the earliest on the third day after the printed papers have been distributed (Rule 123).

Basic Law: Article 59, paragraph (2)

(2) Treaties which regulate the political relations of the Federation or relate to matters of federal legislation shall require the approval or participation of the appropriate legislative body in the form of a federal law. In the case of administrative agreements the provisions concerning federal administration shall apply mutatis mutandis.

Rule 79
First reading of bills

During the first reading, a general debate shall be held only upon the recommendation of the Council of Elders or if, before the relevant item on the agenda is called, a parliamentary group or five per cent of the Members of the Bundestag present so demand or if a decision to this effect has been taken pursuant to Rule 80, paragraph (4). Only the basic principles of a bill shall be debated. Substantive motions may not be moved.

Rule 80
Referral to a committee

(1) At the end of the first reading the bill shall be referred to a committee unless a different decision is taken pursuant to paragraph (2); only in special cases may it be referred to several committees simultaneously, one of which shall be made the committee responsible. Other committees may, in consultation with the committee responsible, participate in the discussion of specific aspects of the bill in order to submit an opinion.

(2) Upon a motion of a parliamentary group or five per cent of the Members of the Bundestag, the Bundestag may decide with a two-thirds majority of the Members present to proceed to the second reading without referral to a committee. The time limit for the motion shall be governed by Rule 20, paragraph (2), third sentence. In the case of finance bills, the Budget Committee should be given an opportunity to examine the bill pursuant to Rule 96, paragraph (4) before it is given a second reading. The time limit laid down in Rule 96, paragraph (8), second sentence shall not apply.

(3) The President may, in agreement with the Council of Elders, refer items pursuant to Rule 75, paragraph (1), subparagraph (e) to a committee without placing them on the agenda. A report to the Bundestag shall be made only if the committee wishes to recommend that the Bundestag take a decision going beyond acknowledgement. If the Budget Committee expresses reservations about an EU item (Rule 93), whose funding is not or evidently will not be ensured by the annual amount of own resources set aside by the European Union, being compatible with the current budget or future budgets of the Federation, the committee responsible shall submit a report.

(4) Items which, as agreed in the Council of Elders, are to be dealt with in a simplified procedure, shall be grouped together as a joint item on the agenda. A single vote shall be taken, without debate, on referral of these items. If a motion that a vote be separated into parts (Rule 47) is moved, a separate vote on the proposal for referral shall not be necessary unless the motion of a Member of the Bundestag for amendment of the Council of Elders' proposal for referral is opposed. If a Member of the Bundestag moves that an item to be dealt with in line with the simplified procedure be debated, this motion shall be voted on first. If there is a majority in favour of the motion, the item concerned shall be placed on the agenda of the current week of sittings as an additional item.

Rule 81
Second reading of bills

(1) The second reading shall begin with a general debate if this is recommended by the Council of Elders or demanded by a parliamentary group or five per cent of the Members of the Bundestag present. It shall begin on the second day after the committee recommendation and the committee report have been distributed and earlier only if, upon the motion of a parliamentary group or five per cent of the Members of the Bundestag, two thirds of the Members of the Bundestag present so decide; in the case of bills of the Federal Government which have been declared urgent (Article 81 of the Basic Law), it may be decided by a majority of the Members of the Bundestag to shorten the time limit. The time limit provided for in Rule 20, paragraph (2), third sentence shall apply to such motions.

(2) The second reading shall open and close with a debate on each separate clause in the order in which it appears in the bill; it shall end with a debate on the introduction and title. A vote shall be taken after each clause has been debated.

(3) The Bundestag may decide to change the order in which clauses are debated, to debate two or more clauses jointly, or to debate parts of the same clause or various motions for amendments relating to the same subject separately.

(4) Several or all parts of a bill may be voted on jointly. Treaties with foreign states and similar treaties pursuant to Article 59, paragraph (2) of the Basic Law shall be voted upon as a whole.

Basic Law: Article 59, paragraph (2), reproduced under Rule 78

Basic Law: Article 81, reproduced under Rule 99

Rule 82
Motions for amendments and referral back to committee on second reading

(1) On second reading, amendments to bills may be moved only while the deliberations on the subject to which they relate are still in progress. Such motions shall be signed by at least one Member of the Bundestag and may be accompanied by a short explanatory note; if they have not yet been distributed they shall be read out.

(2) Motions for amendments to treaties with foreign states and similar treaties which regulate the political relations of the Federation or relate to matters of federal legislation (Article 59, paragraph (2) of the Basic Law) shall not be admissible.

(3) As long as the vote on the last clause has not been taken, a bill may in whole or in part be referred back also to a committee other than the original committee; this also applies to those clauses of a bill that have already been debated and voted upon.

Basic Law: Article 59, paragraph (2), reproduced under Rule 78

Rule 83
Grouping together of amendments

(1) The President shall arrange for any amendments adopted on second reading to be grouped together.

(2) The decisions taken on second reading shall form the basis of the third reading.

(3) Where all clauses of a bill have been rejected on second reading, the bill shall have been rejected and no further deliberations shall take place.

Rule 84
Third reading of bills

A bill shall be given a third reading

(a) if no amendments have been adopted on second reading, immediately afterwards;

(b) if amendments have been adopted, on the second day after distribution of the printed papers with the amendments adopted, and earlier only if, upon the motion of a parliamentary group or five per cent of the Members of the Bundestag, two thirds of the Members of the Bundestag present so decide; in the case of bills of the Federal Government which have been declared urgent (Article 81 of the Basic Law) it may be decided by a majority of the Members of the Bundestag to shorten the time limit. The time limit laid down in Rule 20, paragraph (2), third sentence shall apply to such motions.

The third reading shall begin with a general debate only if no such debate has taken place on second reading and if it has been recommended by the Council of Elders or demanded by five per cent of the Members of the Bundestag present.

Basic Law: Article 81, reproduced under Rule 99

Rule 85
Motions for amendments and referral back to committee on third reading

(1) Motions for amendments to bills on third reading shall be signed by a parliamentary group or five per cent of the Members of the Bundestag and may be accompanied by a short explanatory note. They may only relate to those clauses to which amendments have been adopted on second reading. The clause-by-clause debate shall be restricted to those clauses.

(2) Before the final vote is taken, the bill may, in whole or in part, be referred back also to a committee other than the original committee; Rule 80, paragraph (1) shall apply. If the committee proposes amendments to decisions taken by the Bundestag on second reading, its recommendation shall be given another second reading.

Rule 86
Final vote

A vote on the bill shall be taken after the end of the third reading. If the decisions taken on second reading remain unchanged, the final vote shall be taken immediately. Where amendments have been made, the final vote shall be suspended, if a parliamentary group or five per cent of the Members of the Bundestag present so demand, until the decisions have been grouped together and distributed. No separate final vote shall be taken on treaties with foreign states and similar treaties.

Rule 87
Procedure with regard to Article 113 of the Basic Law

(1) If the Federal Government makes use of Article 113, paragraph (1), third sentence of the Basic Law, the vote shall be suspended. The bill may be placed on the agenda at the earliest after receipt of a statement of the position of the Federal Government or six weeks after receipt by the Federal President of the Federal Government's demand.

(2) If the Federal Government demands pursuant to Article 113, paragraph (2) of the Basic Law that the Bundestag vote on the bill again, the bill shall be deemed to have been referred back to the committee responsible and to the Budget Committee.

(3) If the adopted bill has already been transmitted to the Bundesrat pursuant to Rule 122, the President shall inform the Bundesrat of the Federal Government's demand. In this case, transmission shall be deemed not to have taken place.

Basic Law: Article 113, paragraphs (1) and (2)

(1) Bills which increase the budget expenditure proposed by the Federal Government or involve or will give rise to new expenditure shall require the consent of the Federal Government. This shall also apply to bills which involve or will give rise to decreases in revenue. The Federal Government may demand that the Bundestag postpone the vote on such bills. In this case the Federal Government shall transmit a statement of its position to the Bundestag within six weeks.

(2) Within four weeks of the Bundestag adopting such a bill, the Federal Government may demand that it vote on the bill again.

Rule 88
Treatment of motions for resolutions

(1) Votes on motions for resolutions (Rule 75, paragraph (2), subparagraph (c)) shall be taken after the final vote on the subject in question or, if no final vote is possible, after the end of the debate. Votes on motions for resolutions relating to sections of the budget may be taken on third reading.

(2) Motions for resolutions may be referred to a committee only if the movers do not object. If a parliamentary group or five per cent of the Members of the Bundestag present so demand, the vote shall be postponed to the next sitting day.

Rule 89
Convening of the Mediation Committee

Upon the motion of a parliamentary group or five per cent of the Members of the Bundestag, the Bundestag may decide to demand that the Mediation Committee be convened where bills requiring the consent of the Bundesrat are concerned (Article 77, paragraph (2), fourth sentence of the Basic Law; Rule 75, paragraph (1), subparagraph (d) of the Rules of Procedure).

Basic Law: Article 77, paragraph (2), fourth sentence

Where the consent of the Bundesrat is required for a bill to become law, the Bundestag and the Federal Government may likewise demand that this committee be convened.

Rule 90
Deliberations on recommendations of the Mediation Committee

If a compromise proposal of the Mediation Committee involves an amendment to a bill adopted by the Bundestag, the procedure concerning this compromise proposal shall be governed by Rule 10 of the Rules of Procedure of the Mediation Committee.

Rule 10 of the Rules of Procedure of the Mediation Committee:

Rule 10
Procedure in the Bundestag

(1) A compromise proposal on the amendment or repeal of a bill adopted by the Bundestag shall without delay be placed on the agenda of the Bundestag. A member appointed by the committee shall report to the Bundestag and the Bundesrat.

(2) The Bundestag shall vote only on the compromise proposal. Before the vote is taken, statements may be made on the proposal. Another substantive motion shall not be admissible.

(3) If the compromise proposal provides for several amendments to the adopted bill, it shall stipulate whether and to what extent these amendments will be voted on jointly in the Bundestag. If the compromise proposal contains amendments to the Basic Law, each departure from the text of the bill adopted by the Bundestag pursuant to Article 79, paragraph (2) of the Basic Law shall be voted upon separately. If several amendments are voted on separately, a final vote shall be taken on the compromise proposal as a whole.

Rule 91
Objection lodged by the Bundesrat

A motion for rejecting an objection lodged by the Bundesrat to a bill adopted by the Bundestag (Article 77, paragraph (4) of the Basic Law) shall be voted upon without any reasons being stated for the motion and without debate. Before the vote is taken only statements may be made. The vote shall be taken by counting the votes in accordance with Rule 51 unless a vote using voting cards bearing Members' names is demanded (Rule 52).

Basic Law: Article 77, paragraph (4)

(4) If the objection was adopted with a majority of the votes of the Bundesrat, it may be rejected by a decision of the majority of the Members of the Bundestag. If the Bundesrat adopted the objection with a majority of at least two thirds of its votes, its rejection by the Bundestag shall require a majority of two thirds of the votes or at least the majority of the Members of the Bundestag.

Rule 92
Ordinances

Ordinances issued by the Federal Government which require the consent of the Bundestag or the repeal of which it may demand within a specified period of time shall be referred to the appropriate committees direct by the President in consultation with the Council of Elders. In so doing, the President shall set a time limit for the submission of the report to the Bundestag by the committee responsible. The report of the committee shall be placed on the agenda for the next sitting of the Bundestag. If the committee fails to submit the report in time, the ordinance shall, also without the committee report, be placed on the agenda for the next sitting of the Bundestag for it to take a decision.

Rule 93
EU items

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

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

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

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

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

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

Rule 93 a
Committee on the Affairs of the European Union

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

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

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

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

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

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

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

Rule 94
Stability measures

Measures of the Federal Government pursuant to Article 8, paragraph (1) of the Law to Promote Economic Stability and Growth (stability measures) shall be referred by the President to the Budget Committee direct. The Budget Committee shall deliberate on the measure at the latest within the week of sittings following receipt of the statement of the Bundesrat's position. The report of the Budget Committee shall be placed on the agenda at the latest one day before the expiry of four weeks after the measure has been received by the Bundestag. If by this time the Budget Committee has not made any recommendation, the measure shall be placed on the agenda for the next sitting of the Bundestag without a report by the committee. Any motions for amendments to stability measures may only aim at a cut in expenditure (Section 42 of the Federal Budget Code).

Rule 95
Budgetary bills

(1) Budgetary bills shall be the draft budget law and the draft budget, bills to amend these drafts (bills on budgetary amendments), and bills to amend the budget law and the budget (bills on supplementary budgets), as well as other bills relating to the budget. All budgetary bills shall be referred to the Budget Committee; upon their demand, the specialized committees shall be permitted to express their opinion. Rule 63, paragraph (2) shall apply mutatis mutandis. The Budget Committee should report on the comments of the committees concerned. The President shall in principle refer bills on budgetary amendments without a first reading. Bills on supplementary budgets may be referred to the Budget Committee by the President on the proposal of the Council of Elders without a first reading and be dealt with conclusively in one reading.

(2) The second reading of the draft budget law and the draft budget shall not take place earlier than six weeks, and the final reading of bills on supplementary budgets not earlier than three weeks after their submission, unless a statement of the position of the Bundesrat has been received before expiry of the time limit specified in Article 110, paragraph (3) of the Basic Law.

(3) In addition to the provisions relating to the second reading (Rules 81 and 82), the provision relating to the final vote (Rule 86) shall apply mutatis mutandis to the final reading of bills on supplementary budgets.

(4) The Budget Committee shall deliberate on bills on supplementary budgets at the latest within the week of sittings following receipt of the statement of the position of the Bundesrat. The report of the Budget Committee shall be placed on the agenda for the next sitting of the Bundestag. If the Budget Committee has not completed its deliberations within the prescribed time limit, the bill shall be placed on the agenda for the next sitting of the Bundestag without a committee report.

Basic Law: Article 110, paragraph (3):

(3) The bill provided for in the first sentence of paragraph (2) of this Article as well as bills amending the Budget Law and the budget shall be submitted simultaneously to the Bundesrat and the Bundestag; the Bundesrat shall be entitled to state its position on bills within six weeks or, in the case of amending legislation, within three weeks.

Rule 96
Finance bills

(1) Finance bills shall be all bills which, because of their fundamental importance or financial scope, are likely to have a considerable impact on the public finances of the Federation or the Länder and which do not constitute budgetary bills within the meaning of Rule 95. In the event of doubts as to the nature of the bill, the Bundestag shall decide thereon after hearing the Budget Committee.

(2) Finance bills shall, after the first reading, be referred to the Budget Committee and the specialized committee. Where bills become finance bills following the adoption of a motion for an amendment in committee, the committee shall inform the President accordingly. The President shall refer the text adopted by the committee to the Budget Committee; in this connection he may set a time limit.

(3) Finance bills introduced by Members of the Bundestag must set out the financial implications in the explanatory memorandum attached to such bills. The President shall afford the Federal Government an opportunity to state, within a period of four weeks, its position with regard to the implications for the public finances of the Federation and the Länder. The report of the Budget Committee may be placed on the agenda only after receipt of a statement of the position of the Federal Government or after four weeks.

(4) Insofar as the finance bill affects the public finances of the Federation, the Budget Committee shall examine its compatibility with the current budget and future budgets. If this examination shows that the bill affects the current budget, the Budget Committee shall, together with the report, submit to the Bundestag a recommendation for covering decreases in revenue or increases in expenditure; if the bill affects future budgets, the Budget Committee's report shall comment on the possibilities of providing cover in the future. If the Federal Government has stated its position on the recommendation, the Budget Committee shall comment on that position in its report. If the Budget Committee is unable to make a recommendation for the provision of cover, the finance bill shall be submitted to the Bundestag, which, after hearing a mover state the reasons for it, shall only discuss and decide upon the possibility of ensuring such cover. If the Bundestag too considers that such cover cannot be provided, the finance bill shall be deemed to have been disposed of.

(5) Insofar as the finance bill affects the public finances of the Länder, the Budget Committee shall in its report state the nature and extent of those implications.

(6) If the report of the Budget Committee shows that members of, or persons commissioned by, the Federal Government have expressed reservations about the financial implications of the bill, of the decisions of the committee responsible or of the recommendation for providing cover, the President shall afford the Federal Government an opportunity to state its position, if it has not already done so. In that event, the report may be placed on the agenda only after receipt of a statement of the position of the Federal Government or after four weeks. If the Federal Government has stated its position, the Budget Committee should make its views thereon known to the Bundestag.

(7) If, on second reading, amendments having financial implications of fundamental importance or considerable financial scope are adopted, the third reading shall, after prior discussions in the Budget Committee, not take place before the second week after such amendments have been adopted.

(8) Reports of the Budget Committee which contain a recommendation for cover may be deliberated on without complying with the time limit prescribed for the second reading of bills (Rule 81, paragraph (1), second sentence). As regards reports which do not contain a recommendation for cover, the time limit prescribed for the second reading may neither be shortened nor dispensed with unless the Bundestag decides to proceed in accordance with Rule 80, paragraph (2).

Rule 97
Vote of no confidence in the Federal Chancellor

(1) On a motion in accordance with Article 67, paragraph (1) of the Basic Law, the Bundestag may express its lack of confidence in the Federal Chancellor. The motion shall be signed by one quarter of the Members of the Bundestag or a parliamentary group comprising at least one quarter of the Members of the Bundestag and shall be worded in such a way as to propose a successor by name for election by the Bundestag. Motions that do not fulfil these conditions may not be placed on the agenda.

(2) A successor shall be elected in a single secret ballot (Rule 49), even where several candidates have been proposed. He shall be considered elected only if he receives the votes of the majority of the Members of the Bundestag.

(3) The time of the election shall be determined in accordance with Article 67, paragraph (2) of the Basic Law.

Basic Law: Article 67

(1) The Bundestag may express its lack of confidence in the Federal Chancellor only by electing a successor with the majority of its Members and requesting the Federal President to dismiss the incumbent. The Federal President must comply with the request and appoint the person elected.

(2) Forty-eight hours must elapse between the motion and the vote.

Rule 98
Motion of the Federal Chancellor for a vote of confidence

(1) The Federal Chancellor may move a motion for a vote of confidence in accordance with Article 68 of the Basic Law; the time of the vote on the motion shall be determined in accordance with Article 68, paragraph (2) of the Basic Law.

(2) If the motion is not carried by the majority of the Members of the Bundestag, the Bundestag may, pursuant to Rule 97, paragraph (2) and upon a motion of one quarter of its Members, elect another Federal Chancellor within twenty-one days.

Basic Law: Article 68

(1) Where a motion of the Federal Chancellor for a vote of confidence is not carried by the majority of the Members of the Bundestag the Federal President may, upon the proposal of the Federal Chancellor, dissolve the Bundestag within twenty-one days. As soon as the Bundestag elects another Federal Chancellor with the majority of its Members it may no longer be dissolved.

(2) Forty-eight hours must elapse between the motion and the vote.

Majority of the Members: Article 121 of the Basic Law, reproduced under Rule 2

Rule 99
Urgent bills of the Federal Government under Article 81 of the Basic Law

(1) Bills of the Federal Government which it has declared to be urgent under Article 81 of the Basic Law or which have been resubmitted to the Bundestag after a state of legislative emergency has been declared shall be placed on the agenda for the next sitting if the Federal Government so demands. They may be removed from the agenda only once.

(2) A bill shall be deemed to have been rejected also if, on second or third reading, it has, either in respect of an individual clause or as a whole, been put to the vote twice without result owing to the lack of a quorum.

Basic Law: Article 81

(1) Should, in the circumstances provided for in Article 68, the Bundestag not be dissolved, the Federal President may, at the request of the Federal Government and with the consent of the Bundesrat, declare a state of legislative emergency with respect to a bill which is rejected by the Bundestag although the Federal Government has declared it to be urgent. The same shall apply where a bill has been rejected although the Federal Chancellor had combined it with a motion under Article 68.

(2) Where, after a state of legislative emergency has been declared, the Bundestag again rejects the bill or adopts a version unacceptable to the Federal Government, the bill shall be deemed to have become law if it receives the consent of the Bundesrat. The same shall apply where the bill is not passed by the Bundestag within four weeks of its reintroduction.

(3) During the term of office of a Federal Chancellor any other bill rejected by the Bundestag may become law in accordance with paragraphs (1) and (2) of this Article within a period of six months after a state of legislative emergency was first declared. After the expiry of this period no further declaration of a state of legislative emergency may be made during the term of office of the same Federal Chancellor.

(4) This Basic Law may not be amended, repealed or suspended in whole or in part by a law pursuant to paragraph (2) of this Article.

Rule 100
Major interpellations

Major interpellations addressed to the Federal Government (Rule 75, paragraph (1), subparagraph (f)) shall be submitted to the President; they must be brief and succinct and may be accompanied by a short explanatory note. If, in the explanatory note, reference is made to other material, Rule 77, paragraph (2) shall apply mutatis mutandis.

Rule 101
Replies to and debates on major interpellations

The President shall inform the Federal Government of the major interpellation and ask it to state if and when it will answer. On receipt of the reply, the major interpellation shall be placed on the agenda. A debate must be held if a parliamentary group or five per cent of the Members of the Bundestag so demand.

Rule 102
Refusal to reply to a major interpellation

If the Federal Government refuses to reply to a major interpellation or to do so within the next three weeks, the Bundestag may place the major interpellation on the agenda for debate. The debate must take place if a parliamentary group or five per cent of the Members of the Bundestag so demand. Prior to the debate one of the questioners may be given leave to state supplementary reasons for it.

Rule 103
Restriction of debates on major interpellations

If the number of major interpellations is such as to jeopardize the proper conduct of business, the Bundestag may temporarily restrict debates thereon to a particular day in weeks of sittings. In that case too, the Bundestag may decide to debate individual major interpellations on another sitting day.

Rule 104
Minor interpellations

(1) In minor interpellations (Rule 75, paragraph (3)) the Federal Government may be asked to furnish information on specifically designated issues. Questions shall be submitted to the President; they may not contain any subjective statements or evaluations. A brief explanatory note may be attached.

(2) The President shall request the Federal Government to reply to the minor interpellations in writing within two weeks; he may extend this time limit in consultation with the questioner.

Rule 105
Questions submitted by individual Members of the Bundestag

Any Member of the Bundestag shall be entitled to address brief questions to the Federal Government for oral or written reply. The details shall be regulated by guidelines (Annex 4).

Rule 106
Debate on matters of topical interest and questions put to the Federal Government

(1) Debates on clearly defined topics of general current interest conducted in the form of speeches not exceeding five minutes (debate on matters of topical interest) shall be governed by the guidelines (Annex 5) unless these Rules of Procedure provide otherwise.
(2) In weeks of sittings the Members of the Bundestag shall have an opportunity to put to the Federal Government questions of topical interest within its competence, primarily concerning the preceding cabinet meeting, however. The details shall be regulated by guidelines (Annex 7).

Rule 107
Immunity

(1) Requests concerning matters relating to immunity shall be transmitted direct by the President to the Committee for the Scrutiny of Elections, Immunity and the Rules of Procedure.

(2) This committee shall lay down principles on the treatment of requests for the immunity of Members of the Bundestag to be waived (Annex 6) and shall use them as the basis for its recommendations to the Bundestag to be drawn up in each individual case.

(3) No time limit shall apply to the deliberations on a recommendation. They should begin at the earliest on the third day after distribution of the item (Rule 75, paragraph (1), subparagraph (h)). If the recommendation has not yet been distributed, it shall be read out.
(4) If the Committee for the Scrutiny of Elections, Immunity and the Rules of Procedure has not yet constituted itself, the President may submit a recommendation on matters concerning immunity to the Bundestag direct.

Basic Law: Article 46

(1) A Member may at no time be subjected to court proceedings or disciplinary action or otherwise called to account outside the Bundestag for a vote cast or a statement made in the Bundestag or any of its committees. This shall not apply to defamatory insults.

(2) A Member may not be called to account or arrested for a punishable offence except by permission of the Bundestag, unless the person concerned is apprehended in the act of committing the offence or in the course of the following day.

(3) Permission of the Bundestag shall also be necessary for any other restriction of a Member's personal liberty or for the institution of proceedings against a Member under Article 18.

(4) Any criminal proceedings or proceedings under Article 18 against a Member and any detention or other restriction of a Member's personal liberty shall be suspended if the Bundestag so demands.

X. PROCEDURE FOR PETITIONS

Rule 108
Competence of the Petitions Committee

(1) The Petitions Committee to be set up by the Bundestag in accordance with Article 45 c of the Basic Law shall deal with requests and complaints addressed to it pursuant to Article 17 of the Basic Law. The functions and powers of the Parliamentary Commissioner for the Armed Forces shall remain unaffected.

(2) Unless the Law on the Powers of the Petitions Committee of the German Bundestag provides otherwise, petitions shall be dealt with in accordance with the following provisions.

Basic Law: Article 45 c

(1) The Bundestag shall appoint a Petitions Committee to deal with requests and complaints addressed to the Bundestag pursuant to Article 17.

(2) The powers of the Committee to consider complaints shall be the subject of a federal law.

Rule 109
Referral of petitions

(1) The President shall refer petitions to the Petitions Committee. The latter shall request the comments of the specialized committees if the petitions relate to a subject under debate in these committees.

(2) Members of the Bundestag who present a petition shall upon their demand be permitted to participate in the committee deliberations without being entitled to vote.

Rule 110
Rights of the Petitions Committee

(1) The Petitions Committee shall draw up principles governing the treatment of requests and complaints and shall use them as the basis for its decision in each case.

(2) Where requests for the submission of files, information, or access to premises are made direct to authorities of the Federation and to federal corporate bodies, institutions and foundations under public law, the relevant member of the Federal Government shall be informed.

(3) The relevant member of the Federal Government shall be informed in good time of any hearing of the petitioner, witness or expert.

Rule 111
Transfer of powers to individual members of the Petitions Committee

The Petitions Committee shall decide in individual instances whether to transfer to one or more of its members powers granted to it under the Law Enacted pursuant to Article 45 c of the Basic Law. The decision shall specify the nature and extent of the powers thus transferred.

Rule 112
Recommendation and report of the Petitions Committee

(1) The report on the petitions dealt with by the Petitions Committee shall be submitted to the Bundestag in the form of a list together with a recommendation. The report should be submitted monthly. In addition, the Petitions Committee shall submit to the Bundestag an annual written report on its work.

(2) The reports shall be printed, distributed and placed on the agenda within three weeks of sittings after they have been distributed; the rapporteur may give supplementary oral explanations. A debate shall, however, only be held if a parliamentary group or five per cent of the Members of the Bundestag present so demand.

(3) The petitioners shall be informed of the manner in which their petitions have been dealt with. This communication should state the reasons.

X. THE PARLIAMENTARY COMMISSIONER FOR THE ARMED FORCES

Rule 113
Election of the Parliamentary Commissioner for the Armed Forces

The Parliamentary Commissioner for the Armed Forces shall be elected by secret ballot (Rule 49).

Basic Law: Article 45 b

A Parliamentary Commissioner shall be appointed to safeguard the basic rights of members of the Armed Forces and to assist the Bundestag in exercising parliamentary control. Details shall be the subject of a federal law.

Rule 114
Reports of the Parliamentary Commissioner for the Armed Forces

(1) The President shall refer the reports of the Parliamentary Commissioner for the Armed Forces to the Defence Committee unless a parliamentary group or five per cent of the Members of the Bundestag demand that they be placed on the agenda.

(2) The Defence Committee shall report to the Bundestag.

Rule 115
Debates on reports of the Parliamentary Commissioner for the Armed Forces

(1) The President shall grant leave to speak to the Parliamentary Commissioner for the Armed Forces in the debate on reports submitted by him if a parliamentary group or five per cent of the Members of the Bundestag present so demand.

(2) A parliamentary group or five per cent of the Members of the Bundestag present may demand that the Parliamentary Commissioner for the Armed Forces be summoned to sittings of the Bundestag; paragraph (1) shall apply mutatis mutandis.

XI. RECORDING AND IMPLEMENTATION OF DECISIONS OF THE BUNDESTAG

Rule 116
Minutes of plenary proceedings

(1) A stenographic record (minutes of plenary proceedings) shall be made of each plenary sitting.

(2) The minutes of plenary proceedings shall be distributed to the Members of the Bundestag.

(3) All other records of the proceedings of the Bundestag, for example tape recordings, shall be stored in the parliamentary archives.

Rule 117
Checking of the transcript by the speaker

All speakers shall receive a transcript of their speeches for checking. It shall be returned to the Shorthand Writers' Service within two hours. The speeches shall be sent to the printers if the speakers have not returned their copies in time. Transcripts may not be made available to persons other than the President before they have been checked by the speakers, except with the latter's consent.

Rule 118
Correction of transcripts

(1) Corrections made by the speaker shall not alter the meaning of the speech or any part of it. If doubts arise as to the admissibility of a correction and if no agreement can be reached between the speaker and the head of the Shorthand Writers' Service, a decision shall be sought from the President in the Chair.

(2) The President may have recourse to any evidence available.

Rule 119
Record of interjections

(1) An interjection included in the stenographic record shall form an integral part of the minutes of plenary proceedings unless it is deleted with the consent of the President and those concerned.

(2) An interjection which has escaped the notice of the President may still be censured at the next sitting.

Rule 120
Recording of decisions

In addition to the minutes of plenary proceedings, a record of the decisions taken at every sitting (official record) shall be made, which shall be signed by the President. The official record shall be distributed to

the Members of the Bundestag and shall be deemed to have been approved if no objection to it is raised by the sitting day following distribution.

Rule 121
Objections to the official record

If an objection is raised to the official record and is not resolved by the explanation of the Secretaries, the President shall consult the Bundestag. If the objection is considered to be well founded, the new version of the passage objected to shall be annexed to the next official record.

Rule 122
Transmission of adopted bills

(1) The President of the Bundestag shall, without delay, transmit an adopted bill to the Bundesrat (Article 77, paragraph (1), second sentence of the Basic Law).
(2) The President shall transmit a copy of the adopted bill to the Federal Chancellor and to the minister responsible, notifying them of the date on which the adopted bill was transmitted to the Bundesrat pursuant to Article 77, paragraph (1), second sentence of the Basic Law.

(3) Where misprints or other obvious errors in the text of the bill as adopted by the Bundestag in the final vote are discovered before it is transmitted pursuant to paragraph (1), the President may, in agreement with the committee responsible, arrange for a correction to be made. Where the bill has already been transmitted pursuant to paragraph (1), the President shall, after obtaining the consent of the committee responsible, draw the attention of the President of the Bundesrat to the misprints or other obvious errors, asking that they be corrected in the course of the subsequent legislative process. The Federal Chancellor and the minister responsible shall be notified of this request.

Basic Law: Article 77, paragraph (1)

(1) Bills intended to become federal laws shall be adopted by the Bundestag. After their adoption they shall be transmitted to the Bundesrat by the President of the Bundestag without delay.

Rule 123
Calculation of time limits

(1) In calculating time limits, the day on which a printed paper is distributed shall not be taken into account; a printed paper shall be deemed to have been distributed when it has been placed in the pigeonholes of the Members of the Bundestag.

(2) Time limits shall also be deemed to have been observed where, owing to technical difficulties or by accident, individual Members of the Bundestag receive a printed paper only after its general distribution.

Rule 124
Compliance with time limits

In calculating a time limit within which a statement is to be made vis-à-vis the Bundestag or a measure is to be carried out, the day on which the statement is made or the measure carried out shall not be taken into account. Where, in accordance with the time limit, a statement is to be made or a measure carried out on a Saturday or Sunday or on a day recognized at the seat of the Bundestag to be a statutory holiday, the time limit shall be extended to the next working day. The statement shall be made or the measure carried out during normal office hours, at the latest, however, by 18.00 hours.

Rule 125
Unfinished business

At the end of the electoral term of the Bundestag all items of business submitted to it shall be deemed to have been disposed of. This shall not apply to petitions and items of business which do not require a decision.

XII. DEPARTURES FROM AND INTERPRETATION OF THE RULES OF PROCEDURE

Rule 126
Departures from the Rules of Procedure

Departures from the provisions of the Rules of Procedure may be decided upon in individual instances by a two-thirds majority of the Members of the Bundestag present, unless this is incompatible with the provisions of the Basic Law.

Rule 127
Interpretation of the Rules of Procedure

(1) If doubts arise during a sitting of the Bundestag as to the interpretation of the Rules of Procedure, the President shall take a decision on the case in question. Otherwise responsibility for the interpretation of the Rules of Procedure shall lie with the Committee for the Scrutiny of Elections, Immunity and the Rules of Procedure; the President, a committee, a parliamentary group, one quarter of the members of the Committee for the Scrutiny of Elections, Immunity and the Rules of Procedure or five per cent of the Members of the Bundestag may demand that the interpretation of the rule or rules in question be submitted to the Bundestag for a decision.

(2) If no such demand is made pursuant to paragraph (1), second sentence, the Committee for the Scrutiny of Elections, Immunity and the Rules of Procedure shall decide on the manner in which its interpretation is to be made public.

Rule 128
Rights of the Committee for the Scrutiny of Elections, Immunity and the Rules of Procedure

The Committee for the Scrutiny of Elections, Immunity and the Rules of Procedure may discuss matters within its terms of reference and submit recommendations to the Bundestag (Rule 75, paragraph (1), subparagraph (h)).

Annex 1

Code of Conduct for Members of the German Bundestag

Rule 1
Obligation to provide information

(1) A Member of the Bundestag shall be obliged, in respect of the period prior to his membership of the Bundestag, to inform the President in writing of

1. his occupation or, in the event of one or more changes, the occupation last practised;

2. activities as member of a board of management, supervisory board, administrative board, advi-sory board or other body of a company or of an enterprise operated in another legal form;

3. activities as member of a board of management, supervisory board, administrative board, advi-sory board or other body of a corporation or institution under public law;

4. agreements pursuant to which, during or after his membership, a Member of the Bundestag is to be assigned certain activities or granted pecuniary benefits.

(2) Moreover, a Member of the Bundestag shall be obliged to inform the President in writing of the following activities engaged in or taken up during his membership of the Bundestag:

1. his occupation, where the Member in question has not stopped practising it in view of his membership of the Bundestag or where it differs from the notification pursuant to paragraph (1), number 1;

2. activities as member of a board of management, supervisory board, administrative board, advi-sory board or other body of a company or or an enterprise operated in another legal form;

3. activities as member of a board of management, supervisory board, administrative board, advi-sory board or other body of a corporation or institution under public law;

4. activities as member of a board of management or other managerial body of an association or foundation of not exclusively local importance;

5. functions in associations of trade and industry or similar organizations;

6. contracts for consultancy, representation or similar services, where they do not occur in pursuance of an occupation already declared;

7. activities pursued in addition to his occupation and mandate, in particular the delivery of expert opinions, writing and lecturing;

8. the conclusion of agreements pursuant to which, during or after his membership, the Member of the Bundestag is to be assigned certain activities or granted pecuniary benefits;

9. an interest held or acquired in a joint-stock company or partnership, if this results in considerable economic influence on the company.

(3) In respect of activities taken up or contracts concluded during membership of the Bundestag which must be declared pursuant to paragraph (2), numbers 2 to 8, the income derived therefrom shall also be declared if it exceeds a minimum amount specified by the President. In respect of activities pursuant to paragraph (2), numbers 2 to 4 and number 7, taken up by a Member after his nomination as a candidate for election to the Bundestag, the income derived therefrom shall be declared from the beginning of membership of the Bundestag. In respect of activities taken up and contracts concluded prior to

membership of the Bundestag which must be declared pursuant to paragraph (2), numbers 5, 6 and 8, the income derived therefrom shall also be declared from the beginning of membership of the Bundestag. There shall be no obligation to declare the delivery of expert opinions, writing and lecturing pursuant to paragraph (2), number 7, if the remuneration does not exceed a minimum amount specified by the President. The limits of the obligation to declare interests pursuant to paragraph (2), number 9 shall be laid down by the President. The President shall, after notifying the Presidium and the chairpersons of the parliamentary groups, issue or amend the prescribed and any additional implementing provisions on the content and scope of the obligation to provide information.

(4) The obligation to provide information shall not include the notification of facts concerning third parties, in respect of whom the Member can invoke a statutory right to refuse to give evidence or a duty not to disclose confidential information.

Rule 2
Lawyers

(1) Members of the Bundestag who, for a fee, represent the Federal Republic of Germany in court or out of court, shall inform the President of this representation if the fee exceeds a minimum amount specified by the President.

(2) Members of the Bundestag who, for a fee, represent a third party in court or out of court against the Federal Republic of Germany shall inform the President of this representation if the fee exceeds a minimum amount specified by the President.

(3) Paragraphs (1) and (2) shall apply mutatis mutandis in respect of the representation of a party in court or out of court, particularly for or against federal corporate bodies, institutions or foundations under public law.

Rule 3
Publication

The information furnished pursuant to Rule 1, paragraph (1), number 1 and paragraph (2), numbers 1 to 7 and 9 as well as Rule 4, paragraph (3) shall be published in the Official Handbook.

Rule 4
Donations

(1) A Member of the Bundestag shall keep separate account of donations of money and all kinds of gifts of pecuniary value (donations) made available to him for his political activities.

(2) A donation the value of which exceeds €5,000 in one calendar year shall be notified to the President, with the name and address of the donor and the total amount donated being stated.

(3) Donations the value of which individually or, in the case of several donations from the same donor, taken together exceeds €10,000 in one calendar year shall be published by the President, with the amount and origin being stated.

(4) In respect of donations of money to a Member of the Bundestag, Section 25, paragraphs (2) and (4) of the Law on Political Parties shall apply mutatis mutandis.

(5) Gifts of pecuniary value shall be treated in the same way as donations of money pursuant to the following provisions:

a) Gifts of pecuniary value received in connection with interparliamentary or international activities or participation in events to state the viewpoints of the German Bundestag or of its parliamentary groups shall not be deemed to be donations within the meaning of this regulation; however, they shall be declared pursuant to paragraph (2).

b) Gifts of pecuniary value which a Member of the Bundestag receives either as guest or host in connection with his mandate shall be notified and handed to the President; the Member may apply to keep the gift if he pays the Federal Cash Office a sum equivalent to its value. Notification is not required if the material value of the gift does not exceed a sum laid down in the implementing provisions issued by the President (Rule 1, paragraph (3)).

(6) The President shall, in consultation with the Presidium, take a decision in agreement with the Presidium on the use of declared gifts which Members have received as guests or hosts as well as of donations unlawfully accepted.

Rule 5
Reference to membership

In occupational or business matters no reference shall be made to membership of the Bundestag.

Rule 6
Disclosure of interests as a committee member

Every Member of the Bundestag who, in connection with his occupation or for a fee, is concerned with a subject to be debated in a committee of the Bundestag shall, prior to the deliberations, disclose as a member of that committee any link between these interests and the subject to be debated where this is not evident from the information published pursuant to Rule 3.

Rule 7
Request for further information

In case of doubt the Member of the Bundestag shall be obliged to ascertain, by requesting further information from the President, what his duties resulting from this part of the Rules of Procedure are.

Rule 8
Procedure

(1) If there are indications that a Member of the Bundestag has failed to meet his obligations pursuant to Rules 1 to 6, the President shall investigate the matter after hearing the Member concerned. He may demand further information from the Member concerned regarding the information previously provided by him. He may ask the chairperson of the parliamentary group to which the Member concerned belongs to state his or her position.

(2) If the President ascertains that a Member of the Bundestag has failed to meet his obligations pursuant to Rules 1 to 6, he shall inform the Presidium and the chairpersons of the parliamentary groups at a joint, confidential meeting; the chairpersons of the parliamentary groups may be represented by a deputy chairperson of the parliamentary group concerned. If an objection is lodged to the President's statement, he shall continue his investigations. No objection may be lodged to the President's concluding statement.

(3) The President's statement that a Member of the Bundestag has failed to meet his obligations pursuant to Rules 1 to 6 shall be published as a printed paper. The President may publish the statement that no such offence has been committed; he must do so if the Member of the Bundestag concerned so demands.

(4) If there are indications that a member of the Presidium or the chairperson of a parliamentary group has failed to meet his obligations, the Member of the Bundestag concerned shall not attend meetings pursuant to paragraph (1). In place of the chairperson of the parliamentary group concerned his or her deputy shall be heard pursuant to paragraph (1) and informed pursuant to paragraph (2). If there are indications that the President has failed to meet his obligations pursuant to Rules 1 to 6, his deputy shall proceed in accordance with the provisions of paragraphs (1) to (3).

Rule 9
Inadmissible remuneration

(1) A Member of the Bundestag shall not accept any remuneration for the exercise of his office other than that provided for by law or any other pecuniary benefits.

(2) If there are indications that paragraph (1) has not been complied with, Rule 8 shall apply.

Annex 2

Registration of associations and their representatives

(1) The President of the Bundestag shall keep a public list in which all associations of trade and industry representing interests vis-à-vis the Bundestag or the Federal Government shall be entered.

(2) Their representatives shall be heard only if they have entered themselves in this list, furnishing the following information:

name and seat of the association;
composition of the board of management and the board of directors;
sphere of interest of the association;
number of members;
names of the associations' representatives; and
address of its office at the seat of the Bundestag and of the Federal Government.

(3) Passes admitting representatives of such associations to the Bundestag buildings shall be issued only if the information to be furnished under paragraph (2) above has been provided.

(4) Entry in the list shall not entitle an association to obtain a hearing or a pass.

(5) The President shall arrange for the list to be published each year in the Federal Gazette (*Bundesanzeiger*).

Annex 3

Bundestag Rules on Document Security

Rule 1
Scope

(1) These Rules on Document Security shall apply to classified material originating in the Bundestag or transmitted to the Bundestag, its committees or Members of the Bundestag. The provisions applicable to the committees shall apply to other bodies set up by the Bundestag or its committees or established by virtue of a law.

(2) Classified material shall be matters of any kind that must be prevented by means of special security measures from coming to the knowledge of unauthorized persons.

(3) Classified material may cover knowledge and information in whatever form it may be presented. Intermediate material (such as preliminary drafts, tape recordings, shorthand notes, carbon paper, stencils, spoilage and, in certain circumstances, even blotting paper) shall be treated as classified material.

Rule 2
Security classifications

(1) Depending on the degree of protection required, classified material shall be given one of the following security classifications:

	German designation
TOP SECRET	streng geheim (str. geh.)
SECRET	geheim (geh.)
CONFIDENTIAL	VS-vertraulich (VS-Vertr.)
RESTRICTED	VS-Nur für den Dienstgebrauch (VS-NfD.)

(2) Classified material knowledge of which by unauthorized persons would endanger the existence of the Federal Republic of Germany or one of its Länder shall be labelled TOP SECRET.

(3) Classified material knowledge of which by unauthorized persons would endanger the security of the Federal Republic of Germany or one of its Länder, seriously harm their interests or their reputation or be of great advantage to a foreign state shall be labelled SECRET.

(4) Classified material knowledge of which by unauthorized persons could be prejudicial to the interests or the reputation of the Federal Republic of Germany or of one of its Länder or be of advantage to a foreign state shall be labelled CONFIDENTIAL.

(5) Classified material that does not fall within one of the security classifications TOP SECRET, SECRET or CONFIDENTIAL but is not intended for the public shall be given the security classification RESTRICTED. Minutes of committee meetings that are not open to the public (Rule 69, paragraph (1), first sentence of the Rules of Procedure of the Bundestag) shall not in principle constitute classified material within the meaning of the Bundestag Rules on Document Security (Rule 73 of the Rules of Procedure of the Bundestag).

(6) The labelling of classified material shall be carried out in line with the instructions to the federal authorities on the treatment of classified material.

Rule 2 a
Private secrets

(1) Important business or trade secrets, secrets relating to an invention, tax or other private secrets or details belonging to the realm of personal privacy, knowlege of which by unauthorized persons could seriously harm the person concerned, can also be classified as SECRET.

(2) The secrets or details described in paragraph (1), knowledge of which by unauthorized persons could be prejudicial to the interests of the person concerned, can be classified as CONFIDENTIAL.

Rule 3
Choice of and change in security classifications

(1) Security classifications shall be used only to the extent that they are strictly necessary. Classified material shall not be given a security classification higher than its content warrants.

(2) The security classification of such material shall be determined by the issuing agency. The issuing agency shall notify the recipient in writing of any changes in or the cancellation of the security classification.

(3) For classified material originating in the Bundestag the issuing agency within the meaning of paragraph (2) shall be

(a) the President;
(b) the committee chairpersons;
(c) other agencies authorized by the President.

Rule 4
Access to and transmission of classified material

(1) The content of classified material labelled CONFIDENTIAL or higher shall not be communicated more fully or sooner than is strictly necessary for the conduct of parliamentary business.

(2) Within the limits of paragraph (1), a Member of the Bundestag who has been given access to classified material labelled CONFIDENTIAL or higher may inform other Members of the Bundestag thereof.

(3) Staff members of the parliamentary groups and the personal staff of Members of the Bundestag may be given access to classified material labelled CONFIDENTIAL or higher within this context only if the President has authorized them to handle classified material and has formally placed them under an obligation to observe secrecy. The first sentence shall apply mutatis mutandis to persons charged with carrying out investigations and their assistants pursuant to Section 10 of the Law Governing the Legal Framework for Committees of Inquiry.

(4) Other persons may be given access to classified material labelled CONFIDENTIAL or higher only with the consent of the issuing agency and provided that they have been authorized to handle classified material and have been formally placed under an obligation to observe secrecy.

Rule 5
Telephone conversations concerning classified material

Telephone conversations on matters labelled CONFIDENTIAL or higher may be conducted only in exceptional and urgent cases. In such cases conversations shall be conducted with such caution that the facts of the situation are unintelligible to third parties. If there is any uncertainty as to the identity of the other party, a special telephone call shall be made as a check.

Rule 6
Production of copies

The recipient of classified material labelled CONFIDENTIAL or higher may have further copies (transcripts, prints, photocopies, etc.) as well as excerpts produced only by the Secret Records Office; for classified material labelled TOP SECRET the consent of the issuing agency shall also be required. Such copies shall be treated in the same way as the original classified material.

Rule 7
Treatment of classified material in committee

(1) The committees may decide to give a security classification to an item of business or parts thereof (Rule 69, paragraph (7) of the Rules of Procedure of the Bundestag). Where classified material labelled CONFIDENTIAL or higher is under discussion, the chairperson shall ensure that the related decision is, without delay, taken at the same meeting and shall ascertain before the deliberations begin that no unauthorized person is present in the meeting room.

(2) In the case of deliberations on matters labelled TOP SECRET or SECRET, only the decisions may be recorded. The committee may decide to record the content of the deliberations; in that case it shall decide how many copies of the minutes are to be produced and to whom they are to be distributed.

(3) In the case of deliberations on matters labelled CONFIDENTIAL, minutes may be drawn up; the second half of the second sentence of paragraph (2) shall apply mutatis mutandis. However, the committee may decide that only decisions be recorded.

(4) Classified material labelled CONFIDENTIAL or higher which has been transmitted to a committee may be handed out only at the meeting and for not longer than its duration. If the meeting is suspended, such material need not be returned, provided that the meeting room is kept under surveillance by the internal security service. The committee chairperson may decide that classified material labelled SECRET or CONFIDENTIAL be made available to the committee rapporteurs and in special cases to other committee members until the committee has concluded its deliberations on the item of business to which the classified material relates, and that it be stored in the classified-material containers permitted for that purpose.

(5) As regards classified material labelled CONFIDENTIAL, the committee may decide otherwise in cases covered by paragraph (4).

(6) Classified material labelled CONFIDENTIAL or SECRET may, insofar as it originates in the committee, be kept temporarily, with the permission of the committee chairperson and after registration in the Secret Records Office, in the committee's classified-material containers provided for the pur-pose. The material shall be returned to the Secret Records Office as soon as it is no longer needed in the committee.

(7) If it becomes apparent only in the course or at the end of the deliberations that they ought to be treated as CONFIDENTIAL or given a higher security classification, the committee may subsequently decide on the necessary security measures.

Rule 8
Registration and management of classified material

(1) Classified material labelled CONFIDENTIAL or higher that is transmitted to the Bundestag, its committees or Members of the Bundestag shall, where it has not been channelled through the Secret Records Office, in principle be transmitted to the latter for registration and management.

(2) Classified material originating in the Bundestag that is labelled CONFIDENTIAL or higher shall in principle also be transmitted to the Secret Records Office for registration and management.

(3) Receipt of classified material labelled CONFIDENTIAL or higher shall be acknowledged in writing.

(4) Classified material labelled CONFIDENTIAL or higher shall be stored in the Secret Records Office or in the rooms designated for the purpose by the President.

(5) Classified material labelled RESTRICTED shall be kept under lock and key; this shall not be necessary if it is stored in rooms to which outsiders have no access.

Rule 9
Destruction of classified material

Classified material and any intermediate material that originates in the Bundestag shall, when it is no longer needed, be transmitted to the Secret Records Office. To the extent that classified material need not be preserved, it shall be destroyed by the Secret Records Office.

Rule 10
Passing on of classified material

(1) Classified material labelled TOP SECRET or SECRET shall in principle be transmitted within the Bundestag buildings through the Secret Records Office. It shall be passed on only by persons specifically authorized to do so. Where, for reasons of urgency, such material has been passed from hand to hand, the Secret Records Office shall subsequently be notified of the fact.

(2) Classified material labelled CONFIDENTIAL may, subject to notification of the Secret Records Office, be passed on by hand to authorized recipients.
(3) The dispatch of classified material labelled CONFIDENTIAL or higher shall be carried out by the Secret Records Office in accordance with the instructions to the federal authorities on the treatment of classified material.

Rule 11
Removal of classified material

(1) Classified material labelled TOP SECRET or SECRET shall not be removed from the rooms under the administration of the Bundestag. The President may authorize removal where compelling reasons make this necessary. He shall at the same time specify how the classified material is to be transported.

(2) Where classified material labelled CONFIDENTIAL or higher is removed, measures shall be taken to ensure its continuous safekeeping. Where a steel cabinet fitted with a combination and safety lock is not available for classified material labelled TOP SECRET or SECRET, the person who has such material in his possession shall keep it constantly with him. Such classified material shall not be left in motor vehicles, stored in hotel safes or at railway stations, etc. During visits abroad, classified material shall, where possible, be deposited for safekeeping with the missions of the Federal Republic of Germany.

(3) Classified material labelled CONFIDENTIAL or higher shall not be read or discussed in public.

Rule 12
Obligation to report irregularities or losses

Any suspicion, observation or incident from which it may be concluded that tentative approaches are being made by foreign intelligence services or that unauthorized persons have acquired knowledge of the content of classified material, as well as any loss of classified material labelled CONFIDENTIAL or higher, or of security codes, shall be reported without delay to the President or the Document Security Officer of the Bundestag Administration.

Rule 13
Implementing provisions

The President shall be empowered to issue implementing provisions.

Implementing provisions in respect of the Bundestag Rules on Document Security

of 19 September 1975

Pursuant to Rule 13 of the Bundestag Rules on Document Security I issue implementing provisions.

Rule 1

Where exclusively the area of the Bundestag Administration is affected, the provisions of the Safeguarding of Classified Information Regulations for the Federal Authorities shall apply.

Rule 2

(1) Anyone who has been given access to classified material or informed of it shall bear personal responsibility for observing secrecy and for proper treatment and storage in line with the provisions of the Rules on Document Security and the supplementary provisions of the Safeguarding of Classified Information Regulations.

(2) The obligation to observe secrecy shall also apply after the person concerned has left the Bundestag.

(3) In the presence of unauthorized persons the content of classified material shall not be discussed.

(4) Where private individuals must be given access to or informed of sensitive matters, they shall be screened in an appropriate manner beforehand.

(5) Before being handed sensitive matters or when attending meetings or discussions about such matters, the recipient or participant shall be informed how to treat classified material and that a violation of secrecy constitutes a punishable offence, and formally placed under an obligation to observe secrecy and not to disclose any information.

Rule 3

(1) With due regard to the principle laid down in Section 3, paragraph (1) of the Rules on Document Security, the security classification of classified material shall be determined by the content of the part requiring the highest security classification; annexes may be given a lower classification.

(2) Documents which refer to classified material but the content of which is not sensitive to the same degree, such as written reminders, etc., shall be classified according to their content, not according to the classified material referred to.

(3) The issuing agency (Rule 3, paragraph (3) of the Rules on Document Security) may determine that classified material shall be given a lower classification or shall no longer be classified at all from a certain point in time onwards or once a specific event has occurred.

Rule 4

(1) The President shall confer on the Document Security Officer the power to authorize parliamentary group employees and Members' staff as well as other persons to handle classified material and place them under an obligation to observe secrecy. As regards the conditions for authorization, the regulations applicable to the authorization of a member of the public service (e.g. screening) shall apply mutatis mutandis; the same shall also apply to the consequences of authorization (such as travelling restrictions).

(2) The obligation not to disclose any information gained from classified material shall also apply after employment has ended; in this respect the regulations for members of the public service shall apply mutatis mutandis.

(3) In connection with authorization, the duties laid down in paragraphs (1) and (2) shall be expressly pointed out.

(4) In matters concerning the authorization, etc., of parliamentary group employees the Document Security Officer shall cooperate with the Parliamentary Secretary responsible for security matters in the parliamentary group and, in the case of Members' staff, with the Member concerned.

Rule 5

(1) The obligations with respect to long-distance telephone conversations concerning classified material shall apply in particular where long-distance telephone conversations are conducted by radio (e.g. car telephone). The same shall apply in the case of long-distance telephone calls with persons outside the Federal Republic of Germany or in (West) Berlin. The possibility of using speech encoders shall be pointed out.

(2) Telephone conversations shall be exceptional and urgent within the meaning of Rule 5 of the Rules on Document Security only if transmission in writing or in any other secure way would cause an unacceptable delay.

Rule 6

(1) The committees may decide that the hearing of witnesses and experts will be recorded in the minutes also in matters with the security classification TOP SECRET and SECRET (e.g. in the case of committees of inquiry). They must decide how many copies of the minutes are to be produced and to whom they are to be distributed.

(2) If, during a meeting at which classified material labelled TOP SECRET or SECRET is being dealt with, the committee chairperson allows notes to be taken, they shall be handed in to the Secret Records Office at the end of the meeting for safekeeping or destruction.

(3) Classified material labelled TOP SECRET may only be inspected or worked on in the Secret Records Office with the permission of the President or the committee chairperson. Notes may be made only with the consent of the person granting permission pursuant to the first sentence; they shall remain in the Secret Records Office until the committees deal with the relevant topic. They shall be destroyed by the Secret Records Office once the deliberations have been concluded.

(4) The inspection of all classified material in the Secret Records Office shall be confirmed in writing.

Rule 7

(1) Tape recordings shall be erased immediately after the minutes have been drawn up.

(2) Where such tape recordings and other intermediate material supplementing the minutes have been transmitted to the Secret Records Office, they shall be erased or destroyed at the end of the following electoral term at the latest, unless the committees decide otherwise.

Annex 4

Guidelines for Question Time and for written questions

I. Right to put questions

1. In each week of sittings Question Times not exceeding 180 minutes in total shall be conducted.

   Any Member of the Bundestag shall be entitled to address to the Federal Government up to two questions for oral reply during the Question Times of one week of sittings.

   Questions shall be concise and make possible a brief answer. They shall not contain subjective statements or evaluations. Every question may be subdivided into two questions.

   The questions shall be grouped in a printed paper according to the departmental responsibilities of the Federal Government.

   The President shall determine the order in which these departments are called.

2. The questions shall relate to matters for which the Federal Government has direct or indirect responsibility.

   Questions which relate to an item on the agenda of the current week of sittings shall be answered in writing. This shall not apply where an explanatory statement and debate on that item are dispensed with.

   Questions of obviously local significance shall be transmitted by the President to the Federal Government for a written reply. Numbers 15 and 16 shall apply.

3. The questioner shall be entitled to put up to two supplementary questions if the question is answered orally. Number 1, paragraph 3 shall apply mutatis mutandis to such supplementary questions.

4. The President shall permit other Members of the Bundestag to put further supplementary questions, insofar as this does not threaten to upset the proper conduct of Question Time.

5. The President shall reject any supplementary questions not directly connected with the main question.

II. Tabling of questions

6. Questions shall be submitted in quadruplicate to the President (Parliamentary Secretariat).

7. Questions shall only be included in the printed paper for Question Time if they comply with the provisions of number 1, paragraph 3 and number 2, paragraph 1.

8. Oral questions shall be submitted, on the Friday preceding the week of sittings, to the President not later than 10.00 hours and to the Federal Government not later than 12.00 hours.

9. The President should permit questions of obviously urgent public interest (urgent questions) to be put during Question Time if they were submitted not later than 12.00 hours on the previous day. Number 1, paragraphs 2 and 3 shall apply.

III. Conduct of Question Time

10. The President shall call the number of the question and the name of the questioner.

    Urgent questions shall be called at the beginning of Question Time. If questions have already been submitted on the same subject, they too shall be brought forward.

    Questions may be answered only if the questioner is present. If the questioner is absent, his question will only be answered in writing if he asked the President for a written reply before the beginning of Question Time.

11. If the federal minister responsible or his representative is not present, the questioner may demand that his questions be called at the beginning of the Question Time at which the federal minister or his representative is present; his right to put questions may not be restricted thereby.

12. Questions that are not answered in the Question Times of one week for lack of time shall be answered by the Federal Government in writing, unless the questioner informs the Chair before the end of the last Question Time of a week of sittings that he wishes to withdraw his questions. The written answers shall be included in the annex to the minutes of plenary proceedings.

IV. Written Questions

13. Every Member of the Bundestag shall be entitled to submit up to four questions every month to the Federal Government for written reply. As regards the admissibility of the questions, number 1, paragraph 3 and number 2, paragraph 1 shall apply mutatis mutandis.

14. The questions shall be answered by the Federal Government within one week of receipt by the Federal Chancellery.

    The replies received in the course of a week shall be published together with the questions in a printed paper during the following week.

15. If the reply has not been received within one week by the President (Parliamentary Secretariat), the questioner may demand that his question be called for oral reply during the first Question Time in the week of sittings following expiry of the time limit.

    A demand to that effect shall be made to the President (Parliamentary Secretariat) no later than 12.00 hours on the day before Question Time.

    If the question has meanwhile been answered in writing, the questioner may merely ask why the reply was not given within the time limit of one week.

16. Questions pursuant to number 15 shall not count as questions submitted orally for that week of sittings. They shall be called at the beginning of Question Time. Number 10, paragraph 2, second sentence shall apply.

    Only the questioner may put supplementary questions to a question pursuant to number 15.

Annex 5

Guidelines for debates on matters of general topical interest

I. Conditions for a debate on matters of topical interest

1. A debate on matters of topical interest (Rule 106) shall be held if

   (a) it has been agreed in the Council of Elders;

   (b) it is demanded by a parliamentary group or five per cent of the Members of the Bundestag present in connection with the Federal Government's reply to an oral question; or

   (c) it is demanded by a parliamentary group or five per cent of the Members of the Bundestag independently of a question submitted for Question Time.

2. (a) The debate pursuant to I, 1, (b) shall be demanded and held immediately after Question Time.
   (b) The demand for a debate (I, 1, (c)) shall be submitted to the President, stating the subject, no later than 12.00 hours on the previous day. If the agenda has already been distributed, notification of any such supplementary item shall be given by the President.

II. Order of priority of debates on matters of topical interest

3. Only one debate on matters of topical interest may be held on any one day on which the Bundestag is sitting.

4. If a debate has been agreed upon pursuant to I, 1, (a), no further debate on matters of topical interest may be demanded for the same sitting day.

5. A debate on matters of topical interest demanded independently of a question submitted for Question Time (I, 1, (c)) shall be postponed until the next sitting day if, pursuant to I, 1, (b), a debate has been demanded on a reply by the Federal Government to an oral question. The postponed debate shall then have priority over the other possibilities of arranging a debate on matters of topical interest.

III. Duration of the debate and speaking arrangements

6. (1) The debate shall last not more than one hour. If fewer members of a parliamentary group speak than the number to which the parliamentary group is entitled, the duration of the debate shall be reduced by the speaking time to which they are entitled.

   (2) This shall exclude speaking time taken up by members of, or persons commissioned by, the Federal Government or the Bundesrat. If the speaking time taken up by members of, or persons commissioned by, the Federal Government or the Bundesrat exceeds thirty minutes, the duration of the debate shall be extended by thirty minutes.

   (3) If a member of, or a person commissioned by, the Federal Government or the Bundesrat takes the floor after expiry of the time limit prescribed for debates on matters of topical interest, or takes the floor so late in the debate that a five-minute reply is no longer possible, one speaker from each parliamentary group shall be permitted to take the floor once more, if a parliamentary group or five per cent of the Members of the Bundestag present so demand. In the event of a debate on matters of topical interest pursuant to I, 1, (b) and (c), the first speaker shall be one of the Members of the Bundestag having demanded the debate.

7. (1) No one may speak for more than five minutes. If a speaker speaks for less than five minutes, the duration of the debate shall be reduced by the speaking time not used.

   (2) If a member of, or a person commissioned by, the Federal Government or the Bundesrat speaks for longer than ten minutes, Rule 44, paragraph (3) shall apply.

8. The speaking arrangements shall be governed by Rule 28 with the proviso that the debate be opened by one of the Members having demanded it.

9. Substantive motions shall not be admissible.

Annex 6

Decision of the Bundestag relating to the waiver of immunity of Members of the Bundestag[1)]

1. The Bundestag shall grant permission, up to the end of this electoral term, for preliminary investigations to be conducted against Members of the Bundestag for criminal offences, with the exception of insulting statements of a political nature (Sections 185, 186, 187 a, paragraph (1) and 188, paragraph (1) of the Penal Code).

   Before preliminary investigations are initiated, the President of the Bundestag and, insofar as this does not impede the process of ascertaining the truth, the Member of the Bundestag concerned shall be informed; if the Member of the Bundestag is not informed, the President shall likewise be advised of the fact and of the reasons therefor. The right of the Bundestag to demand the suspension of proceedings (Article 46, paragraph (4) of the Basic Law) shall remain unaffected.

   In such cases preliminary investigations may be initiated at the earliest 48 hours after receipt of the notification by the President of the German Bundestag. In calculating the time limit, Sundays, public holidays and Saturdays shall not be taken into account. The President of the German Bundestag can, in agreement with the chairperson of the Committee for the Scrutiny of Elections, Immunity and the Rules of Procedure, provide for an appropriate extension of the time limit.

2. This permission shall not cover

   (a) the institution of criminal proceedings for a criminal offence and the request for the issue of an order of summary penalty;

   (b) in proceedings pursuant to the Regulatory Offences Law, the statement by the court that a decision on the offence may also be taken on the basis of a penal law (Section 81, paragraph (1), second sentence of the Regulatory Offences Law);

   (c) measures taken in the course of a preliminary investigation and involving deprivation or restriction of liberty.

   (d) the continuation of preliminary investigations the suspension of which the Bundestag demanded in the previous electoral term pursuant to Article 46, paragraph (4) of the Basic Law.

3. To simplify procedure, the Committee for the Scrutiny of Elections, Immunity and the Rules of Procedure shall be instructed to take a preliminary decision on permission in the cases specified in number 2 relating to traffic offences.

   The same shall apply to criminal offences which, in the opinion of the Committee for the Scrutiny of Elections, Immunity and the Rules of Procedure, are to be regarded as petty offences.

   Authorization to prosecute under Section 90 b of the Penal Code in cases of anti-constitutional disparagement of the German Bundestag and Section 194, paragraph (4) of the Penal Code in cases of insulting statements about the German Bundestag may be granted by way of a preliminary decision.

   If, at the beginning of an electoral term, criminal proceedings are to be continued against a Member of the Bundestag against whom the Bundestag already permitted criminal proceedings to be conducted in the previous electoral term, the necessary permission may be granted by way of a preliminary decision.

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1) This decision is adopted as it stands by the German Bundestag at the beginning of each electoral term.

4. The enforcement of a sentence of imprisonment or of coercive detention (Sections 96 and 97 of the Regulatory Offences Law) shall require the permission of the German Bundestag. To simplify procedure, the Committee for the Scrutiny of Elections, Immunity and the Rules of Procedure shall be instructed to take a preliminary decision on the permission required; in the case of sentences of imprisonment, this shall, however, apply only where a sentence not exceeding three months has been imposed, or, in the case of accumulation of sentences (Sections 53 to 55 of the Penal Code, as well as Section 460 of the Code of Criminal Procedure), where none of the individual sentences imposed exceeds three months.

5. If permission has been granted for the execution of a search or seizure ordered in respect of a Member of the Bundestag, the President shall make this permission conditional on another Member of the Bundestag being present when the coercive measure is executed and - if it is to be executed on the premises of the Bundestag - on an additional representative of the President being present; the Member of the Bundestag shall be appointed by the President in consultation with the chairperson of the parliamentary group of the Member of the Bundestag in respect of whom permission for the execution of coercive measures has been granted.

6. The Committee for the Scrutiny of Elections, Immunity and the Rules of Procedure may, by way of a preliminary decision, demand that proceedings be suspended pursuant to Article 46, paragraph (4) of the Basic Law.

7. As regards preliminary decisions, the decisions taken by the Committee for the Scrutiny of Elections, Immunity and the Rules of Procedure shall be notified in writing to the Bundestag by the President, without being placed on the agenda. They shall be deemed to be decisions of the German Bundestag, unless an objection is lodged in writing with the President within seven days of notification.

Principles governing matters relating to immunity and to cases of permission granted under Section 50, paragraph (3) of the Code of Criminal Procedure and Section 382, paragraph (3) of the Code of Civil Procedure as well as authorizations under Section 90 b, paragraph (2) and Section 194, paragraph (4) of the Penal Code[1)]

A. Principles governing matters relating to immunity

1. Right to request a waiver of immunity

The following shall be entitled to request that immunity be waived:

(a) public prosecutors' offices, courts, professional disciplinary courts under public law, as well as professional associations exercising supervision by virtue of a law;

(b) the court in those cases in which private individuals may institute criminal proceedings, before it opens the main trial pursuant to Section 383 of the Code of Criminal Procedure;

(c) the creditor in executory proceedings insofar as the court cannot take action without his request;

(d) the Committee for the Scrutiny of Elections, Immunity and the Rules of Procedure.

2. Notifying the President of the Bundestag and filing requests

(a) Where the Bundestag has granted permission, for the duration of an electoral term, for preliminary investigations to be conducted against Members of the Bundestag for criminal offences, the President of the Bundestag and, insofar as this does not impede the process of ascertaining the truth, the Member of the Bundestag concerned, shall be informed before preliminary investigations are initiated; if the Member of the Bundestag is not informed, the President shall likewise be advised of the fact and of the reasons therefor. The right of the Bundestag to demand the suspension of proceedings (Article 46, paragraph (4) of the Basic Law) shall remain unaffected.

(b) The requests of the public prosecutors' offices or courts shall be communicated through the proper channels to the Federal Minister of Justice, who shall submit them to the President of the Bundestag, requesting a decision on whether permission will be granted to prosecute a Member of the Bundestag, restrict his personal liberty or take any other measures envisaged.

(c) The creditor referred to in number 1, paragraph (c) may address his request to the Bundestag direct.

3. Position of the Members of the Bundestag concerned

In matters relating to immunity, the Member of the Bundestag concerned should in principle not be given leave to speak on the merits of the case in the Bundestag; requests by him for his immunity to be waived shall not be considered. The Committee for the Scrutiny of Elections, Immunity and the Rules of Procedure can, upon the request of a parliamentary group on the Committee, give the Member concerned the opportunity to speak.

4. Decisions in matters relating to immunity

The privilege of immunity is primarily intended to safeguard the Bundestag's ability to work and function; the individual Member is entitled to a decision uninfluenced by extraneous, arbitrary motives. The decision to waive immunity is taken by the Bundestag on its own responsibility, weighing the interests of Parliament and those of other public authorities and taking into consideration the interests of the Member concerned. The evidence is not considered; the decision contains no ascertainment of right or wrong, guilt or innocence.

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1) The principles pursuant to Rule 107, paragraph (2) of the Rules of Procedure of the Bundestag are adopted by the Committee for the Scrutiny of Elections, Immunity and the Rules of Procedure at the beginning of each electoral term.

5. Insults of a political nature

Insults of a political nature shall, as a rule, not lead to a waiver of immunity.

In preparation for a decision on whether a request shall be made for permission to initiate criminal proceedings, the public prosecutors' office may inform the Member of the Bundestag of the charge and leave it to him to express his views thereon. The findings of the public prosecutors' office as to the character of the person filing a charge, and any other circumstances having an important bearing on assessing the seriousness of a charge, do not imply a "calling to account" within the meaning of Article 46, paragraph (2) of the Basic Law.

Article 46, paragraph (1) of the Basic Law stipulates that a Member of the Bundestag may not at any time be prosecuted in the courts or subjected to disciplinary action or otherwise called to account outside the Bundestag for a vote cast or a statement made by him in the Bundestag or any of its committees, with the exception of defamatory insults (indemnity). Criminal proceedings may therefore not be initiated against him on account, for example, of a non-defamatory insulting statement in Parliament. From this the principle is deduced that where a non-defamatory insulting statement is made outside the Bundestag, immunity shall not be waived either insofar as the insult is of a political nature. An insulting statement which a Member of the Bundestag has made as a witness before a committee of inquiry shall also be deemed to have occurred "outside the Bundestag", since a Member of the Bundestag has the same status in this respect as any other citizen called as a witness.

6. Apprehension of a Member of the Bundestag in the act of committing an offence

Where a Member of the Bundestag is apprehended in the act of committing an offence or in the course of the following day, the initiation of criminal proceedings against him or his arrest shall not require the permission of the Bundestag provided that such arrest is made "in the course of the following day" at the latest (Article 46, paragraph (2) of the Basic Law).

In the event of previous release or failure to deal with the matter on the day after the offence was committed, a new warrant for the Member's appearance in court or for his arrest shall again require the permission of the Bundestag; otherwise this would amount to a restriction of personal liberty (Article 46, paragraph (2) of the Basic Law), which is in no way connected with arrest "in the act of committing an offence".

7. Arrest of a Member of the Bundestag

(a) The permission, granted for the duration of an electoral term, to conduct preliminary investiga-tions against Members of the Bundestag for criminal offences as well as the permission to institute proceedings for a criminal offence shall not include permission to make an arrest (Article 46, paragraph (2) of the Basic Law) or to issue compulsory attendance orders for their appearance in court.

(b) Arrest (Article 46, paragraph (2) of the Basic Law) shall only mean detention while awaiting trial; arrest for the purpose of enforcing a sentence shall again require special permission.

(c) Permission to make an arrest shall imply permission to issue a compulsory attendance order.

(d) Permission to issue a compulsory attendance order shall not imply permission to make an arrest.

8. Enforcement of sentences of imprisonment or of coercive detention (Sections 96 and 97 of the Regulatory Offences Law)

Permission to institute criminal proceedings on account of a criminal offence shall not imply the right to enforce a sentence of imprisonment.

The enforcement of sentences of imprisonment or of coercive detention (Sections 96 and 97 of the Regulatory Offences Law) shall require the permission of the Bundestag. To simplify procedure, the Committee for the Scrutiny of Elections, Immunity and the Rules of Procedure shall be instructed to take a preliminary decision on the permission required; in the case of sentences of imprisonment, this shall, however, apply only where a sentence not exceeding three months has been imposed or, in the case of accumulation of sentences (Sections 53 to 55 of the Penal Code, as well as Section 460 of the Code of Criminal Procedure), where none of the individual sentences imposed exceeds three months.

9. Disciplinary proceedings

The waiver of immunity for the purpose of conducting disciplinary proceedings shall not apply to criminal proceedings conducted by the public prosecutors' office in the same case. Conversely, the waiver of immunity for the purpose of conducting criminal proceedings shall not apply to disciplinary proceedings.

No further permission shall be required from the Bundestag for the enforcement of disciplinary measures.

10. Proceedings before professional disciplinary courts

Proceedings before professional disciplinary courts under public law may be conducted only after immunity has been waived.

11. Procedure in respect of traffic offences

Permission shall be granted without exception in the case of traffic offences. To simplify procedure, the Committee for the Scrutiny of Elections, Immunity and the Rules of Procedure shall be instructed to take a preliminary decision in all such cases.

12. Procedure in respect of petty offences

In the case of requests which, in the opinion of the Committee for the Scrutiny of Elections, Immunity and the Rules of Procedure, relate to a petty offence, the Committee shall be instructed to take a preliminary decision (number 13).

13. Simplified procedure (preliminary decisions)

Where, by virtue of authorizations granted to it (numbers 8, 11, 12, as well as B and C), the Committee for the Scrutiny of Elections, Immunity and the Rules of Procedure has taken a preliminary decision, the decision taken shall be notified to the Bundestag in writing by the President, without being placed on the agenda. It shall be deemed to be a decision of the Bundestag, unless an objection is lodged within seven days of notification.

14. Need for permission in special cases

The permission of the Bundestag shall be required for:

(a) The execution of non-criminal detention imposed with a view to enforcing forbearance or suffer-ance (Section 890 of the Code of Civil Procedure).

Where a judgment or an injunction to enforce forbearance or sufferance provide for a penalty in the event of contravention, this shall constitute a penalty norm. Examining whether this norm, aimed at ensuring that the debtor fulfils his future obligation in respect of forbearance, is violated therefore implies a "calling to account" within the meaning of Article 46, paragraph (2) of the Basic Law in respect of a "punishable offence". In this connection it is immaterial whether the pro-ceedings are aimed at imposing non-criminal detention or a fine.

(b) The enforcement of detention imposed with a view to securing an affidavit from the debtor for the disclosure of assets (Section 901 of the Code of Civil Procedure).

Since it is only the enforcement of a warrant of arrest which constitutes a restriction of personal liberty within the meaning of Article 46, paragraph (2) of the Basic Law, for which the permission of the Bundestag is consequently required, the Committee for the Scrutiny of Elections, Immunity and the Rules of Procedure holds the view that the execution of proceedings aimed at securing an affidavit for the disclosure of assets from a Member of the Bundestag as debtor, as well as the issuance, by the court, of a warrant for his arrest to secure such an affidavit, do not yet imply a "calling to account" and therefore do not require the permission of the Bundestag.

(c) The enforcement of non-criminal detention or a compulsory attendance order on account of failure to appear as a witness (Section 51 of the Code of Criminal Procedure, and Section 380 of the Code of Civil Procedure).

(d) The enforcement of non-criminal detention for unjustified refusal to testify (Section 70 of the Code of Criminal Procedure, and Section 390 of the Code of Civil Procedure).

(e) The enforcement of coercive detention aimed at bringing about acts which may not be performed by a third party as representative (Section 888 of the Code of Civil Procedure).

(f) The enforcement of detention or any other measure involving a restriction of liberty imposed upon the debtor as security for the claims against him (Section 933 of the Code of Civil Procedure).

(g) The enforcement of non-criminal detention for contempt of court (Section 178 of the Law on the Organization of Courts).

(h) The enforcement of a compulsory attendance order in respect of the debtor, and of detention in insolvency proceedings (Section 21, subsection 3 and Section 98, subsection 2 of the Insolvency Statute).

(i) Confinement, for a limited period of time, in a mental institution or psychiatric nursing home (Section 126 a of the Code of Criminal Procedure).

(j) Measures of corrective training and control measures involving deprivation of liberty (Sections 61 et seq. of the Penal Code).

(k) The enforcement of a compulsory attendance order pursuant to Sections 134, 230, 236, 329 and 387 of the Code of Criminal Procedure.

(l) The execution of a warrant of arrest pursuant to Sections 114, 125, 230, 236 or 329 of the Code of Criminal Procedure.

15. Protective measures under the Protection against Infection Act

Protective measures under the Protection against Infection Act are similar in nature to emergency measures. Measures under Sections 29 et seq. of this act therefore do not require the waiver of immunity, irrespective of whether they are taken to protect others from a Member of the Bundestag or to protect a Member of the Bundestag from others.

However, the competent authorities shall be required to inform the President of the Bundestag immediately of the measures ordered against a Member of the Bundestag. The Committee for the Scrutiny of Elections, Immunity and the Rules of Procedure shall be entitled to check, or to have checked, whether the measures ordered are justified under the Protection against Infection Act. If the Committee considers these measures to be unnecessary, or no longer necessary, it may, by way of a preliminary decision, demand that they be suspended.

If the Committee is unable to meet within two days of receiving a communication from the competent authorities, the President of the Bundestag may in that respect exercise the rights of the Committee. He shall immediately inform the Committee of his decision.

16. Pending criminal proceedings

When a Member of the Bundestag assumes his parliamentary mandate, all criminal proceedings pending as well as any detention ordered, enforcement of a sentence of imprisonment or other measure involving a deprivation of liberty (see number 14) shall be suspended ex officio.

Where criminal proceedings are to be continued, a decision shall be obtained from the Bundestag beforehand, unless permission has already been granted for preliminary investigations into a criminal offence to be conducted.

17. Treatment of amnesty cases

The Committee for the Scrutiny of Elections, Immunity and the Rules of Procedure shall, in all cases where, owing to an amnesty already granted, criminal proceedings against a Member of the Bundestag would not be carried out, be authorized to ensure that the proceedings are discontinued because of the amnesty by stating that the Bundestag would not object to the application of the relevant Law on Amnesty. It shall not be necessary to bring such cases before the plenary of the Bundestag.

B. Authorization to institute criminal proceedings under Section 90 b, paragraph (2) and Section 194, paragraph (4) of the Penal Code

An authorization to institute criminal proceedings under Section 90 b, paragraph (2) of the Penal Code - anticonstitutional disparagement of the Bundestag - as well as under Section 194, paragraph (4) of the Penal Code - insulting the Bundestag - may be issued by way of a preliminary decision pursuant to number 13 of the principles governing matters relating to immunity. The requests of the public prosecutors' offices drawn up in accordance with the guidelines for criminal proceedings and the guidelines for regulatory fine proceedings shall be addressed to the Federal Minister of Justice, who shall, in turn, submit them with the request that a decision be taken on whether the authorization to institute criminal proceedings pursuant to Section 90 b (2) or Section 194 (4) of the Penal Code should be given.

C. Permission to hear witnesses in accordance with Section 50, paragraph (3) of the Code of Criminal Procedure and Section 382, paragraph (3) of the Code of Civil Procedure

Permission to depart from Section 50, paragraph (1) of the Code of Criminal Procedure and from Section 382, paragraph (2) of the Code of Civil Procedure, under which Members of the Bundestag must be interrogated at the seat of the assembly, may be granted by way of a preliminary decision pursuant to number 13 of the principles governing matters relating to immunity. The public prosecutors' offices and courts shall transmit their requests to the President of the Bundestag direct. No permission shall be needed if the date for the interrogation lies outside the weeks in which the Bundestag is sitting.

Annex 7

Question-and-answer session

1. Questions shall be put to the Federal Government at 13.00 hours on Wednesdays in weeks of sittings.

2. The Members of the Bundestag may put to the Federal Government questions of topical interest within its competence, primarily concerning the preceding cabinet meeting. The questions may be introduced by remarks. They must be brief and permit brief replies.

3. The President shall give leave to speak, with due regard to the provisions of Rule 28, paragraph (1) of the Rules of Procedure of the Bundestag.

4. The questions put to the Federal Government shall in general last 30 minutes.

5. At the beginning of the question-and-answer session, one member of the Federal Government shall be given leave to speak for up to five minutes, if he so demands.

6. The President may extend the duration of the question-and-answer session beyond 30 minutes. In this case, the duration of the subsequent Question Time shall be reduced correspondingly.

7. In principle, the members of the Federal Government to whom the question has been put shall answer; the right of the relevant member of the Federal Government to speak shall remain unaffected.

Appendix 1

Internal regulations of the German Bundestag

of 11 July 1975
as last amended on 7 August 2002

On the basis of Article 40 of the Basic Law in conjunction with Rule 7, paragraph (2) of the Rules of Procedure of the German Bundestag, I have, in agreement with the Committee for the Scrutiny of Elections, Immunity and the Rules of Procedure, amended the internal regulations of 11 July 1975, as published on 18 June 1998 (Federal Law Gazette I, p.2184), and hereby give notice of the amended internal regulations as at 7 August 2002:

Rule 1
Scope

The buildings of the German Bundestag (= buildings, parts of buildings and land which are permanently or temporarily under the administration of the German Bundestag, Rule 7, paragraph (2) of the Rules of Procedure) shall be used for parliamentary work. In them, the President of the German Bundestag shall exercise the proprietary and police powers. These internal regulations shall apply.

Rule 2
Right of admission

(1) The following persons may enter the buildings of the German Bundestag which are not open to the public:

1. a) the Members of the Bundestag;

   b) the members of the Federal Government and the Bundesrat, as well as persons commissioned by them;

   c) the Parliamentary Commissioner for the Armed Forces;

2. upon production of a member's pass:

   a) the Members of the European Parliament;

   b) the Members of the German Land parliaments;

   c) expert members of the Study Commissions;

   d) former Members of the Bundestag and former German Members of the European Parliament, upon production of a Former Member's pass;

3. upon production of a service pass:

   the employees of the Administration of the German Bundestag and the Bundesrat;

4. upon production of a Bundestag pass:

   a) the staff of the parliamentary groups;

   b) the staff of the Members of the Bundestag and the German Members of the European Parliament;

   c) the staff of the Interparliamentary Working Group.

(2) Admission for legitimate reasons shall also be granted to holders of a:

a) service pass of a supreme federal or Land authority;

b) diplomatic passport;

c) press or Bundestag pass of the Administration of the German Bundestag;

d) service pass of the Secretariat of the European Parliament or the European Commission.

(3) Groups of visitors shall only be admitted if accompanied by a Member of the Bundestag or his or her agent or by an employee of the Administration of the German Bundestag responsible for the group. The guidelines on registration, invitations and the payment of grants for groups of visitors shall remain unaffected.

(4) Other visitors shall have the right of admission upon production of:

a) an entry card;

b) a visitor pass, which is issued by the doorkeepers in exchange for an identity card or passport and permits one-off access for a limited period of time to certain parts of buildings.

(5) The right of admission under paragraphs (2) to (4) shall only apply to the extent necessary for the purpose of the visit.

(6) When requested by security personnel, all persons present in the buildings of the German Bundestag must prove that they are entitled to be there and, if they have been admitted under paragraphs (2) to (4), state the purpose of their presence.

(7) In some areas, the public may be granted greater access.

(8) Persons who refuse to comply with the required security measures shall not be admitted.

Rule 3
Plenary chamber

(1) The plenary chamber of the German Bundestag may be entered during sittings by:

1. a) the Members of the Bundestag;

   b) the members of the Federal Government, the Bundesrat, and persons commissioned by them;

   c) the Parliamentary Commissioner for the Armed Forces;

2. the employees of the Administration of the German Bundestag assigned to work in the plenary chamber;

3. staff of members of the Government or the Bundesrat, upon production of an entry card for the Government or Bundesrat benches.

(2) Where sections of the galleries are reserved for certain persons or groups (the press, diplomats, foreign delegations and guests of the German Bundestag), they shall be available primarily to these persons or the members of these groups.

Additionally, preferential admission shall be granted to:

a) Members and former Members of the Bundestag, the European Parliament and the Land parliaments;

b) holders of an entry pass issued by the parliamentary groups or the Visitors' Service of the Administration of the German Bundestag;

c) groups of visitors and individual visitors who have been invited or admitted by the Visitors' Service.

(3) When parliament is not sitting, the plenary chamber may be viewed from the visitors' galleries, with a guide providing explanations. Children under the age of ten may only participate if accompanied by an adult.

(4) As regards admission to the East Lobby during sittings, paragraph (1) shall be applied mutatis mutandis. Staff of the Members and parliamentary groups of the German Bundestag may also enter, as may employees of the German Bundestag assigned to work in the East Lobby.

Rule 4
Conduct in buildings

(1) Peace and order must be maintained in the buildings of the German Bundestag. Visitors must respect the dignity of the Bundestag and show consideration for the work carried out. In particular, they must refrain from all actions likely to disturb the activities of the German Bundestag, its bodies, organs and institutions.

(2) It is not permitted to unfurl banners or to display or distribute information materials unless their distribution has been approved.

(3) It is forbidden to advertise or sell goods, organize collective orders or hold collections in the buildings of the German Bundestag. This shall not apply to the sale of goods in the tenant companies, from approved vending machines, or to sales arranged by the responsible agencies on the occasion of international conferences .

(4) It is not permitted to bring animals into the buildings, with the exception of guide dogs for the blind.

(5) In the underground access system, the car parks and other traffic spaces, the provisions of the Road Traffic Regulations shall apply mutatis mutandis. All signs giving orders, both positive and prohibitive, must be obeyed. Parking is only allowed under the terms of the permit issued.

Rule 5
Special code of conduct for visitors attending sittings of the German Bundestag and its bodies

(1) Before entering, individual visitors and visitors who are part of a group must leave in the cloakrooms all coats, umbrellas, suitcases and bags, as well as equipment to record, transmit, broadcast or reproduce images and sounds, binoculars and similar objects. This shall not apply to handbags if they have been inspected beforehand. On days when parliament is not sitting, exceptions may be made.

(2) Visitors attending sittings must take the seats assigned to them.

(3) During the sittings, manifestations of approval or disapproval, interjections, disorderly or indecent conduct, as well as actions likely to disturb the course of the sittings, are prohibited.

Rule 6
Audio and visual recordings, the media

(1) Equipment to record, transmit, broadcast or reproduce images and sounds may only be used with the consent of the President of the German Bundestag and under the terms of the regulations on media reporting issued by the President in the exercise of his proprietary powers. It is forbidden to produce legible copies of personal files without authorization.

(2) Audio and visual recordings of public sittings of the German Bundestag and its bodies may only be made from the places reserved for that purpose.

(3) Audio and visual recordings for commercial purposes, particularly advertising, are prohibited; they are permissible for private purposes, provided that the business of parliament and the right to privacy of those present in the building are not adversely affected; as regards conference and meeting rooms, this shall apply only when parliament is not sitting. The rights of third parties shall remain unaffected.

Rule 7
Instructions of security personnel, the use of coercive force, ban on entering Bundestag buildings

(1) The responsible employees shall carry out the tasks designed to ensure order and security and needed to protect the work of parliament; their instructions must be followed.

(2) To maintain security and order, coercive force may be used as set out in the Federal Act on the Use of Coercive Force by Federal Police Officers Exercising Public Authority.

(3) Any person who contravenes the provisions of these internal regulations may be ordered to leave the buildings of the German Bundestag.

(4) In the case of a violation of these internal regulations, the President of the German Bundestag may impose a ban on entering the buildings of the German Bundestag.

Rule 8
Special events, tenant companies

(1) The President of the German Bundestag shall take decisions on whether to make rooms of the German Bundestag available for events held by agencies, organizations or other bodies. The procedure regarding the allocation and use of rooms of the parliamentary groups shall remain unaffected.

(2) If rooms in the buildings of the German Bundestag are made available for events, the German Bundestag can require that the organizers admit only those in possession of an entry card issued by them.

(3) The internal regulations shall apply mutatis mutandis to events under paragraph (1). They shall also apply to special events of the German Bundestag.

(4) Where premises are made available to third parties pursuant to lease or rental agreements, the corresponding contractual agreements shall apply.

Rule 9
Library, archives, special facilities

With regard to the use of the library, the archives and other special facilities, the corresponding regulations of use shall apply.

Rule 10
Final provisions

(1) The President of the German Bundestag may, on exceptional grounds, restrict or withdraw the right of admission of visitors or groups of visitors. He shall take decisions on exceptions to the provisions of these internal regulations.

(2) The President of the German Bundestag may, in exercising his proprietary powers, issue supplementary regulations.

Appendix to the internal regulations

Section 112 of the Regulatory Offences Law

"**Section 112** Violation of the internal regulations of a legislative body

(1) Any person who violates regulations issued either generally or in a particular case by a legislative body of the Federation or a Land or its President relating to admission to the building of the legislative body or its appurtenant grounds or relating to his or her presence there or to security and order in the building or grounds, shall be deemed to have committed a regulatory offence.

(2) The regulatory offence may be punished with a fine of up to five thousand euros.

(3) Paragraphs (1) and (2) shall apply, in the case of regulations of a legislative body of the Federation or its President, neither to Members of the Bundestag nor to members of the Bundesrat and the Federal Government, nor to persons commissioned by them, and in the case of regulations of a Land or its President, neither to members of the legislative bodies of the Land in question nor to members of the Land government or persons commissioned by it."

Section 106b of the Penal Code

"**Section 106b** Disturbing the Activity of a Legislative Body

(1) Any person who violates regulations issued either generally or in a particular case by a legislative body of the Federation or a Land or its President relating to security and order in the building of the legislative body or its appurtenant grounds and thereby hinders or disturbs the activity of the legislative body, shall be punished with imprisonment for not more than one year or a fine.

(2) The penal provision of subsection (1) shall apply, in the case of regulations of a legislative body of the Federation or its President, neither to Members of the Bundestag nor to members of the Bundesrat and the Federal Government, nor to persons commissioned by them, and in the case of regulations of a Land or its President, neither to members of the legislative bodies of the Land in question, nor to members of the Land government or persons commissioned by it."

Appendix 2

Guidelines for the Treatment of the Minutes of Committee Meetings under Rule 73, paragraph (3) of the Rules of Procedure of the German Bundestag

of 16 September 1975, amended by the Presidium's decision of 7 September 1987

I. Minutes of non-public committee meetings which do not constitute classified material may be inspected in the rooms under the administration of the Bundestag by any person who demonstrates a legitimate interest. The following special regulations shall apply:

1. Minutes of non-public committee meetings may be inspected only after the promulgation of the law concerned or the end of the electoral term.

2. The committee must ensure that minutes which are not to be made directly available to the public even after the promulgation of the law or the end of the electoral term – number 1 of these Guidelines – bear the note "Restricted" (German designation "Nur zur dienstlichen Verwendung") (Rule 73, paragraph (2), second sentence of the Rules of Procedure of the Bundestag).

   This note shall become invalid at the latest after the expiration of the following electoral term, unless the committee decided at the same time to make the minutes available at an earlier time. If the note is only to apply to parts of the minutes, these parts, too, shall be labelled to that effect and attached separately to the minutes.

3. If a tape recording is made of a non-public committee meeting, a written transcript may only be made, copied and distributed to members of the committee if this has been agreed beforehand. One week after the distribution of the minutes or the written transcript of the committee meeting, the recording shall be erased unless the committee has decided otherwise.

4. The President shall decide whether a legitimate interest exists, and may impose conditions on the inspection.

II. Until an alternative regulation is issued on the treatment of minutes of the meetings of committees of inquiry, insofar as they are not subject to the Rules on Document Security, the following shall apply:

1. Until the end of the committee of inquiry's mandate or the dissolution of the committee, minutes may only be handed over if requested as administrative assistance (Article 35, paragraph (1) of the Basic Law).

   Minutes of public meetings may be inspected by any person who demonstrates a legitimate interest.

   The committee shall take decisions on exceptions.

2. Before the end of its mandate, the committee of inquiry shall make recommendations about the subsequent treatment of its minutes; following the dissolution of the committee of inquiry, decisions on departures from these recommendations shall be taken by the President.

III. These Guidelines shall apply mutatis mutandis to committee printed papers and comparable documents. Submissions containing personal data shall be excluded from inspection.

Joint Rules of Procedure of the Bundestag and Bundesrat for the Committee under Article 77 of the Basic Law (Mediation Committee)

of 5 May 1951 (Federal Law Gazette, Part II, p. 103),
last amended by the Notification of 30 April 2003 (Federal Law Gazette, Part I, p. 677)

For the implementation of Article 77 of the Basic Law, the Bundestag has adopted the following Rules of Procedure for the Mediation Committee with the consent of the Bundesrat:

Rule 1
Permanent members

The Bundestag and Bundesrat shall each send 16 of their members, who shall form the Mediation Committee.

Rule 2
Chair

The committee shall elect one Member of the Bundestag and one member of the Bundesrat who shall alternate as chairperson every three months and deputize for each other.

Rule 3
Substitutes

A substitute shall be appointed for each member. The substitutes must also be members of the sending institution. They may only attend meetings when deputizing for a member.

Rule 4
Change of members and substitutes

The members and their substitutes may be recalled; however, members and substitutes may be recalled only four times within the same electoral term.

Rule 5
Federal Government

The members of the Federal Government shall have the right and, upon the decision of the committee, the obligation to attend meetings.

Rule 6
Attendance of other persons

Other persons may be permitted to attend meetings only by decision of the committee.

Rule 7
Quorum

(1) A quorum of the committee shall exist when the members have been notified and have received the agenda no fewer than five days beforehand, and no fewer than twelve members are present.

(2) The period of notice shall begin when the notification is delivered to the mail sorting offices in the Bundestag and Bundesrat.

(3) A compromise proposal may only be adopted when no fewer than seven Members of the Bundestag and seven members of the Bundesrat are present.

Rule 8
Majority

The committee shall take its decisions with a majority of the votes of the members present.

Rule 9
Subcommittees

The committee may set up subcommittees.

Rule 10
Procedure in the Bundestag

(1) A compromise proposal on the amendment or withdrawal of a bill adopted by the Bundestag shall without delay be placed on the agenda of the Bundestag. A member appointed by the committee shall report to the Bundestag and the Bundesrat.

(2) The Bundestag shall vote only on the compromise proposal. Before the vote is taken, statements may be made on the proposal. Another substantive motion shall not be admissible.

(3) If the compromise proposal provides for several amendments to the adopted bill, it shall stipulate whether and to what extent these amendments will be voted on jointly in the Bundestag. If the compromise proposal contains amendments to the Basic Law, every departure from the text of the bill adopted by the Bundestag pursuant to Article 79, paragraph (2) of the Basic Law shall be voted upon separately. If several amendments are voted on separately, a final vote shall be taken on the compromise proposal as a whole.

Rule 11
Procedure in the case of a compromise proposal confirming the adopted bill

If the compromise proposal provides for confirmation of the bill adopted by the Bundestag, no further decision by the Bundestag shall be required. The committee chairperson shall without delay inform the Presidents of the Bundestag and the Bundesrat of the proposal.

Rule 12
Conclusion of the procedure

(1) If no compromise proposal is adopted in the second meeting convened on the same subject, any member may move that the procedure be concluded.

(2) The procedure shall be concluded if there is no majority in favour of a compromise proposal at the following meeting.

(3) The procedure may not be concluded in any other way without a compromise proposal.

(4) The chairperson shall declare that the procedure is concluded and inform without delay the Presidents of the Bundestag and Bundesrat.

Rule 13
Expiry

If the Bundestag or Bundesrat take a decision to abrogate these Rules of Procedure, they shall cease to be in force six months after the decision is taken, unless the Bundestag adopts an amendment beforehand with the consent of the Bundesrat.