



Fachbereich WD 4

Budgetary autonomy of the German Bundestag regarding its own budget (individual budget 02)

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1. Research Question

This paper examines the extent to which the German Bundestag has budgetary autonomy regarding its own budget (individual budget 02).

2. Budgetary autonomy of the German Bundestag regarding its own budget

The budget of the German Bundestag (individual budget 02) is part of the general budget, which is determined annually by the Budget Act.

The executive branch (federal government and federal administration) is responsible for **drawing up the draft budget**. At this stage, the federal bodies send their respective estimates for their individual budgets to the Federal Ministry of Finance (BMF). These are documents for financial planning and for drafting the budget.¹

The budget estimates are drawn up by the Budget Officer.² In the case of the highest federal authorities, this is the head of the budget department.³ The German Bundestag administration has a budget department which draws up the estimates for individual budget 02 on the administrative side. However, the budget of the German Bundestag is formally drawn up by its Council of Elders.⁴ The Council of Elders consists of the President of the German Bundestag, his deputies and twenty-three other members to be appointed by the parliamentary groups.⁵ The estimates are then forwarded to the Federal Ministry of Finance.

The Federal Ministry of Finance may deviate from the estimates provided by the federal administration. However, special provisions apply to certain federal bodies in this regard. For example, the BMF must notify the Federal Government of any deviations from the estimates of the German Bundestag (as well as deviations from the estimates of the Federal President, the Bundesrat, the Federal Constitutional Court, the Federal Audit Office or the Federal Commissioner for Data Protection and Freedom of Information), unless the aforementioned bodies have agreed to the changes.⁶ The reason for this notification requirement on the part of the BMF is that these bodies are not represented in the Cabinet and are therefore unable to express their views on the draft budget law and the budget plan.⁷ The notification is intended to enable the Federal Government

1 Section 9(2) sentence 1 of the Federal Budget Code.

2 Section 9(2) sentence 1 of the Federal Budget Code.

3 Section 1.1 of the administrative provisions relating to Section 9 of the Federal Budget Code, available at: https://www.verwaltungsvorschriften-im-internet.de/bsvwvbund_14032001_DokNr20110981762.htm, last accessed on 20 October 2025.

4 Section 6(3) sentence 3 of the Rules of Procedure of the German Bundestag, available at: https://www.gesetze-im-internet.de/btgo_1980/BJNR012380980.html, last accessed on 20 October 2025.

5 Section 6(1) sentence 1 of the Rules of Procedure of the German Bundestag.

6 Section 28(3) of the Federal Budget Code.

7 Nebel, in: Piduch, Bundeshaushaltsrecht, 51st edition, February 2018, Section 28 BHO, margin note 3.

to deal separately with the aforementioned deviations during the subsequent deliberations on the draft budget plan.⁸

The draft budget law is adopted by the Federal Government together with the draft budget.⁹ If the draft budget deviates from the estimates of the German Bundestag (or from the estimates of other federal bodies not represented in the Cabinet) and the aforementioned bodies have not agreed to the changes, the parts of the respective estimates on which no agreement has been reached shall be attached to the draft budget unchanged.¹⁰ In this way, the German Bundestag is informed of any deviations in the parts of the estimates that have been amended without consent.¹¹

When drawing up the draft budget, the above-mentioned information requirements regarding deviations from the estimate of the German Bundestag's budget (individual budget 02) therefore apply. However, the German Bundestag does not have the authority to make final decisions when drawing up the draft budget.

The distribution of powers is different when it comes to the **adoption of the budget**: the German Bundestag passes the budget law and the budget plan approved therein (including individual budget 02). It therefore also decides on its own budget.

The Budget Committee plays an important role in this process. It is a standing committee of the German Bundestag. Its composition reflects the balance of power between the parliamentary groups in parliament. The Budget Committee can influence the draft budget, as it has the right to "adopt amendments that are usually supported by a majority in parliament".¹² As the Budget Committee is the lead committee for the budget bill, only it can submit a corresponding recommendation for a decision to the German Bundestag.¹³ However, the Budget Committee may only deviate from the estimate for individual budget 02, in which the budget of the German Bundestag is estimated, in consultation with the Council of Elders.¹⁴

The Bundesrat is involved in the budgetary legislative process. However, it cannot unilaterally amend the decision of the German Bundestag. It can only (after a mediation procedure has been

8 Gröpl, in: Gröpl, Bundeshaushaltsordnung/Landeshaushaltsordnungen, 2nd edition 2019, Section 28 BHO, margin note 12.

9 Section 29(1) of the Federal Budget Code.

10 Section 29(3) of the Federal Budget Code.

11 Nebel, in: Piduch, Bundeshaushaltsrecht, 51st edition, February 2018, Section 29 BHO, margin note 4.

12 Reus/Mühlhausen, Haushaltsrecht in Bund und Ländern, 2014, margin note 622 (own translation).

13 Ritzel/Bücker/Schreiner, Handbuch für die Parlamentarische Praxis, 2018, Section 95 Rules of Procedure of the German Bundestag, point 2.

14 Section 6(3) Rules of Procedure of the German Bundestag.

unsuccessful) lodge an objection to the decision of the German Bundestag. However, the objection can be overruled by the German Bundestag if a corresponding majority is reached.¹⁵

Against this background, the German Bundestag enjoys extensive budgetary autonomy with regard to the adoption of the budget by means of the Budget Act, which also applies to its own budget (individual budget 02).

The **execution of the budget**, on the other hand, is the responsibility of the federal administration. The latter is bound by the expenditure authorisations of the budget previously adopted by the German Bundestag. In this phase, therefore (unlike in the case of the adoption of the budget), Parliament has no decision-making powers of its own.

3. Legal basis

The most important legal bases can be summarised as follows:

- Article 110(2) of the Basic Law: Adoption of the budget by the budget law passed by the German Bundestag.¹⁶
- Article 77 of the Basic Law: Possibility for the Bundesrat to raise objections to the budget law (paragraph 3) and possibility for the German Bundestag to reject the objection if a legally defined majority is reached (paragraph 4).
- Section 28(3) of the Federal Budget Code: Notification obligations of the BMF to the Federal Government in the event of deviations from the German Bundestag's estimates in the context of the preparation of the draft budget.¹⁷
- Section 29 (3) of the Federal Budget Code: Obligation of the Federal Government to attach those parts of the German Bundestag's estimates on which no agreement has been reached to the draft budget without change.¹⁸

15 Article 77(3) and (4) of the Basic Law.

16 The Basic Law is available in German and English at: <https://www.gesetze-im-internet.de/gg/>, last accessed on 20 October 2025.

17 Section 28 of the Federal Budget Code is available in German at: https://www.gesetze-im-internet.de/bho/_28.html, last accessed on 16 October 2025.

18 Section 29 of the Federal Budget Code is available in German at: https://www.gesetze-im-internet.de/bho/_29.html, last accessed on 16 October 2025.