

# Scrutiny of documents coming from the European Union and monitoring compliance with the principle of subsidiarity

## German Bundestag

Responsibility	Description of the procedure
Transmission to the Bundestag by the Commission or Council and/or by the Federal Government	<p>Direct forwarding of consultation documents, pursuant to Article 1 of Protocol No. 1 of the Treaty on the Functioning of the EU (TFEU).</p> <p>Direct forwarding of European legislative proposals, pursuant to Article 2 of Protocol No. 1 TFEU.</p> <p>Direct forwarding of European legislative proposals by the Commission or the Council, pursuant to Article 4 of Protocol No. 2 TFEU, with a letter of referral.</p> <p>Formal forwarding of EU affairs documents by the Federal Government, pursuant to Section 6 (1) of the Act on Cooperation between the Federal Government and the German Bundestag in Matters concerning the European Union (EUZBBG), with a forwarding letter.</p>
Directorate on European Affairs (PE) of the Bundestag Administration	<p>Categorisation and transmission of the documents to the internal EuDoX database.</p> <p>Administrative pre-scrutiny: Listing of each document with a proposal for committees to be involved (committee responsible/committees asked for opinions).</p> <p>Drafting of a proposal for prioritisation (assessment of relevance for deliberations including subsidiarity check).</p>
Committees	Consultation and feedback to the above list.
Directorate on European Affairs (PE)	<p>Drafting a proposal for referral in line with Rule 93 of the Rules of Procedure of the German Bundestag with suggestions regarding what priority should be given to each item. The proposal for referral is divided into section A (referral to one or more committees) and section B (EU affairs documents not proposed for referral to a committee).</p> <p>Referral to one or more committees is always proposed in the case of draft legislative acts forwarded to the Bundestag pursuant to Article 4 of</p>

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	Protocol No. 2 TFEU. The Committee on the Affairs of the European Union is always asked for an opinion on such documents.
Chairperson of the Committee on the Affairs of the European Union	The proposal for referral, including participating committees and relevance for deliberations, is signed by the chairperson of EU Affairs Committee and forwarded to the President of the German Bundestag and the parliamentary groups.
President of the German Bundestag in consultation with the parliamentary groups	Agreement of all parliamentary groups on proposal for referral.  The titles of the EU documents referred are recorded in a list pursuant to Rule 93 of the German Bundestag's Rules of Procedure.
Committee/s	Referral of the EU documents to the committee/s.  Deliberation of the referred documents in the respective committee/s. Monitoring adherence to the principles of subsidiarity and proportionality.  Possibility to recommend a decision on the delivery of an opinion to the German Federal Government under Article 23 (2) or (3) of the Basic Law.  Possibility to recommend a decision on the delivery of an opinion to the organs of the EU including documents connected to the Political Dialogue with the Commission.
Lead committee / Committee on the Affairs of the European Union	If the lead committee plans to file an objection of non-compliance with the principles of subsidiarity and proportionality, the Committee on the Affairs of the European Union is asked to state an opinion. (The decision about a subsidiarity objection has to be made within the eight-week deadline according to Article 6 of Protocol No. 2 TFEU.)  If the filing of a subsidiarity objection is planned, a motion for a reasoned opinion is submitted to the plenary for a decision in the form of a recommendation for a decision.

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Plenary	<p>Decision by the plenary on the opinion of the lead committee about the content of a consultation/information document or a legislative proposal.</p> <p>The parliamentary groups can, independently of the committee deliberations, table motions for resolutions in the plenary under Rule 88 of the Rules of Procedure.</p> <p>Decision by the plenary on the opinion of the lead committee about a subsidiarity objection in line with Rule 93c of the Rules of Procedure.</p>
President of the German Bundestag	Transmission of the subsidiarity objection to the Presidents of the EU institutions together with a notification letter.
Directorate on European Affairs (PE)	Uploading of the reasoned opinion on IPEX.

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