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Statement for Session 2

"The co-ordination between the office in charge of intergovernmental relations and other federal departments"

by

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Concertation between the federation and the Länder in Germany shall be effected in a spirit of "co-operative federalism". The legal relations between the federation and the Länder, and the Länder among each other, include the obligation of the federation and its constituent states to show a sense of commitment to the partners in the federation, which is called "federal loyalty". From this results, inter alia, the duty to co-operate through information and concertation.

Co-ordination between the federation and the Länder in an more informal way is effected at three levels in particular:

1. between the Federal Chancellor's Office and the Bundesrat.

For many years, a Minister of State having the rank of a Parliamentary State Secretary has been in charge of this task at the Federal Chancellor's Office. His contact on the part of the Bundesrat is the Advisory Board to the Bundesrat which is composed of the 16 representatives of the Länder at the federation. As a rule, this body meets once a week with the Minister of State in the Federal Chancellor's Office. The consultations primarily focus on the preparation of the Bundesrat meetings. Moreover, all other issues to be harmonised and co-ordinated between the federation and the Länder are discussed here on a confidential basis.

2. at the Conferences of the Minister Presidents of the Länder which are held at least twice a year and which are attended by the Federal Chancellor, as well as the Conferences of the Departmental Ministers of the federation and the Länder, which also take place at least twice a year. The Conferences of Minister Presidents are prepared by the heads of the chancelleries of the individual states and the senates of the city states and the head of the Federal Chancellor's Office, which normally meet one week before the actual conference. The same holds true for the Conferences of Departmental Ministers. To prepare these, the state secretaries of all ministries involved, both federal and Länder ministries, meet one week before. The Conference of Minister Presidents as well as the Conferences of Departmental Ministers are of considerable practical importance, because decisions are taken at these conferences, which are politically binding upon all those involved, and

because such decisions may on principle only be taken unanimously.

3. The individual Länder parliamentary groups of the German Bundestag play a political role that should not be underestimated. In separate meetings, they prepare the consultations of the working groups as well as the meetings of the parliamentary groups and thus ensure that the views and the weight of the individual Länder parliamentary groups and the Land governments are duly taken into consideration in the discussions and decisions of a parliament.

The participation of the Länder in the legislative process of the federation is subject to detailed regulations in the Basic Law and the rules of procedure of the Bundestag, the Bundesrat and the federal government. The Bundesrat, in its capacity as the second chamber, represents the interests of the Länder; its participation in all planned legislation is mandatory. Through the Bundesrat, the Länder have the right to introduce bills for federal legislation on the one hand, and to exert influence on the contents of the federal laws through their right of objection and consent on the other. In order to allow solutions in cases of conflict, the Basic Law and the rules of procedure provide for a mediation procedure between the Bundestag and the Bundesrat in the so-called Mediation Committee, which is laid down in detail, and effective and successful indeed in the political practice.

Furthermore, draft legislation is already discussed comprehensively between the federation and the Länder before it is actually introduced in parliament. The Land governments shall already be called in when bills are drafted. In this way they already exert influence in a decisive way at the pre-parliamentary stage.
