

# The law-making process in Germany

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# Bicameral law-making

- Bicameralism: constitutional design in which the legislature is split into two chambers.
- Representation based on:
  - unitary or federal state
  - direct / indirect election
  - class-based system
- Asymmetrical bicameralism (Cambodia and Germany)
  - law-making powers concentrated in Lower House.
  - Upper House: suspensive veto (Germany: absolute veto in some cases).

# Germany: Parliament

**Bundestag (Lower House)**



**Bundesrat (Upper House)**



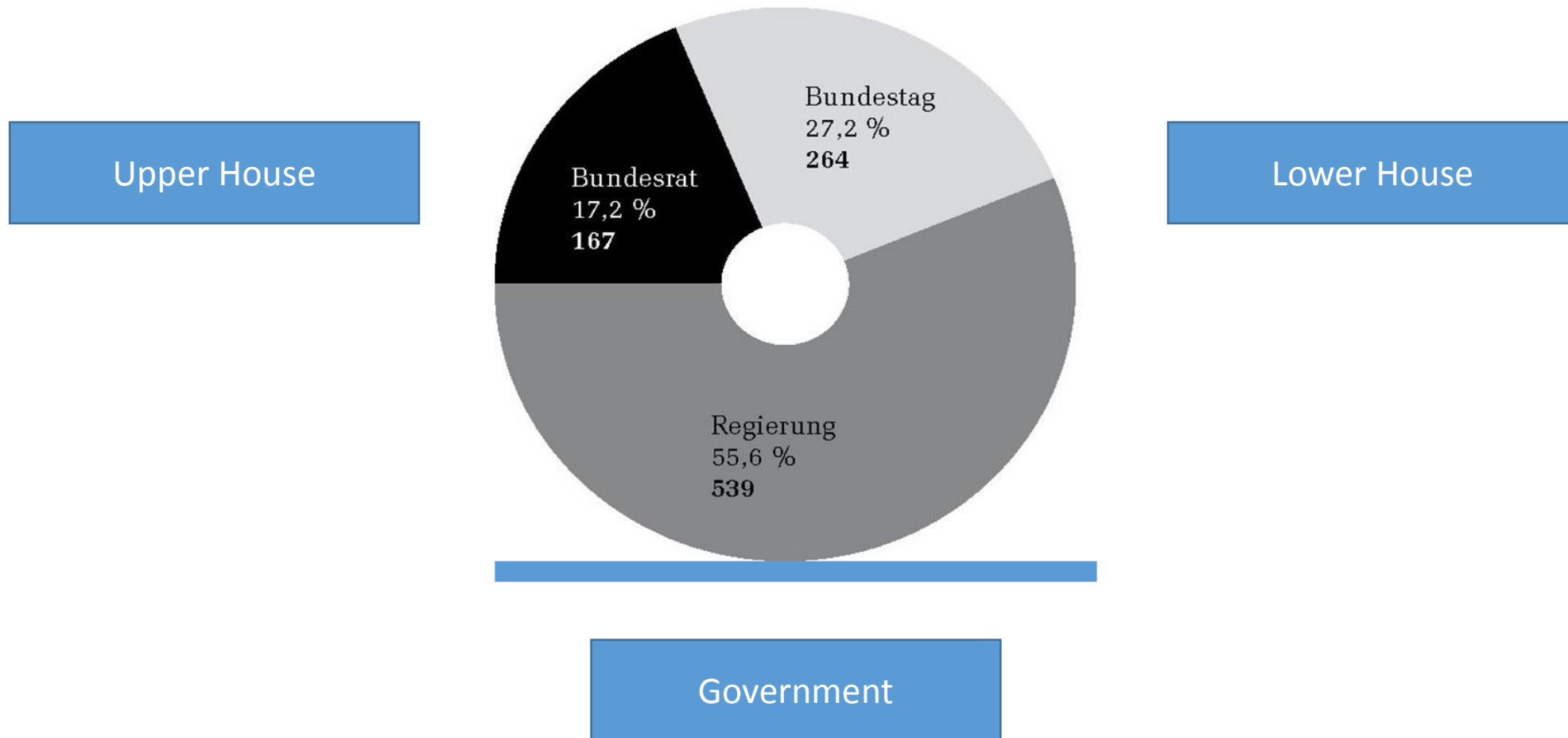
# Germany: Characteristics of the Chambers

- **Bundestag:**
  - principal legislative chamber
  - All legislation must be approved by the Bundestag
  - Directly elected every 4 years
- **Bundesrat:**
  - Legislative authority is subordinate to that of the Bundestag.
  - Representation of the federal states
    - members appointed by state governments (representatives of state governments, usually prime minister and other ministers).
  - States have to cast votes en bloc – without vote splitting
    - Coalitions are common, States oftentimes abstain from voting if their state-coalition cannot agree on a position.
    - If members from one state cast different votes -> the entire vote is invalid.

# Legal Initiative

- Government
- Bundestag (Lower House):
  - 5% of members -> no single member bill
- Bundesrat (Upper House)
  - Only as a whole -> no single member / federal state bill
- Draft bills issued by the Government:
  - Upper House has the right to express itself on the drafts before and after the Lower House.

# Germany: Draft Laws 2005 - 2009



# Germany: Law-making

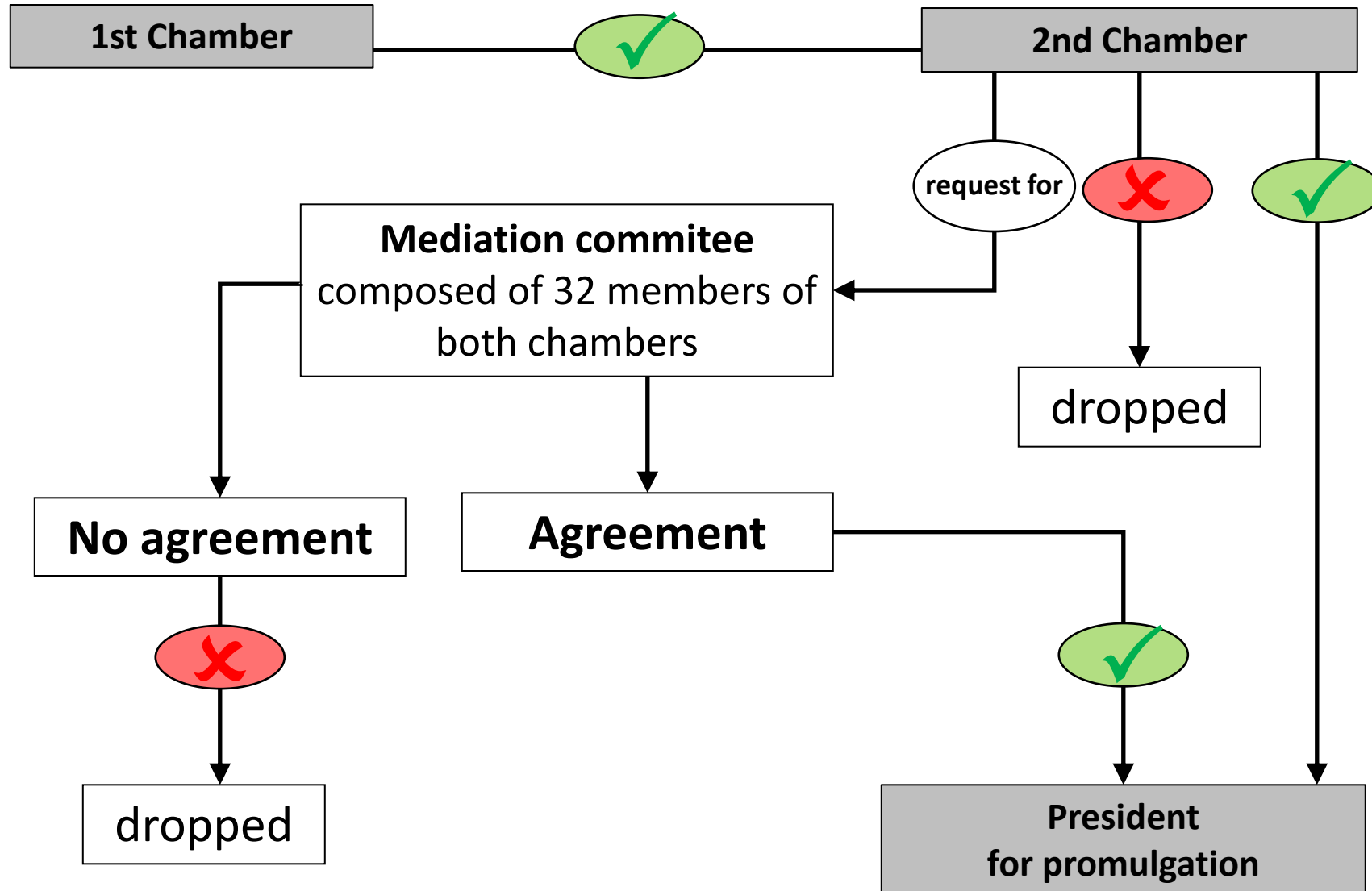
- Upper House has absolute veto in the legislative process when legislation affects interests of the federal states (Länder).
- Upper House has suspensive veto in all other legislation.
  - can be overridden by the Bundestag.
- Mediation Committee to negotiate a compromise if veto is used.

# Germany: Interaction between houses

- Consent Bill (absolute veto):
  - Bills amending the Constitution
  - Bills affecting finances of federal states (“Länder”)
  - Bills questioning the organizational and administrative autonomy of federal states
  - Bills leading to transfer of sovereignty to the European Union
- Objection Bill (suspensive veto):
  - All other legislation
- Upper House cannot modify draft laws:
  - No possibility to amend draft bills
  - Call for convening Mediation Committee



# Germany: Consent Bill



# Germany: Objection Bill

