



Deutscher Bundestag

**Basic Law**  
for the Federal Republic  
of Germany

### III.

## The Bundestag

## **Article 38**

### **[Elections]**

- (1) Members of the German Bundestag shall be elected in general, direct, free, equal and secret elections. They shall be representatives of the whole people, not bound by orders or instructions and responsible only to their conscience.
- (2) Any person who has attained the age of eighteen shall be entitled to vote; any person who has attained the age of majority may be elected.
- (3) Details shall be regulated by a federal law.

## **Article 39**

### **[Electoral term - Convening]**

- (1) Save the following provisions, the Bundestag shall be elected for four years. Its term shall end when a new Bundestag convenes. New elections shall be held no sooner than forty-six months and no later than forty-eight months after the electoral term begins. If the Bundestag is dissolved, new elections shall be held within sixty days.
- (2) The Bundestag shall convene no later than the thirtieth day after the elections.
- (3) The Bundestag shall determine when its sessions shall be adjourned and resumed. The President of the Bundestag may convene it at an earlier date. He shall be obliged to do so if one third of the Members, the Federal President or the Federal Chancellor so demand.

## **Article 40**

### **[Presidency - Rules of procedure]**

- (1) The Bundestag shall elect its President, Vice-Presidents and secretaries. It shall adopt rules of procedure.
- (2) The President shall exercise proprietary and police powers in the Bundestag building. No search or seizure may take place on the premises of the Bundestag without his permission.

## **Article 41**

### **[Scrutiny of elections]**

- (1) Scrutiny of elections shall be the responsibility of the Bundestag. It shall also decide whether a Member has lost his seat.
- (2) Complaints against such decisions of the Bundestag may be lodged with the Federal Constitutional Court.
- (3) Details shall be regulated by a federal law.

## **Article 42**

### **[Public sittings - Majority decisions]**

- (1) Sittings of the Bundestag shall be public. On the motion of one tenth of its Members, or on the motion of the Federal Government, a decision to exclude the public may be taken by a two-thirds majority. The motion shall be voted upon at a sitting not open to the public.
- (2) Decisions of the Bundestag shall require a majority of the votes cast unless this Basic Law otherwise provides. The rules of procedure may permit exceptions with respect to elections to be conducted by the Bundestag.
- (3) Truthful reports of public sittings of the Bundestag and of its committees shall not give rise to any liability.

## **Article 43**

### **[Right to require presence, right of access and right to be heard]**

- (1) The Bundestag and its committees may require the presence of any member of the Federal Government.
- (2) The members of the Bundesrat and of the Federal Government as well as their representatives may attend all sittings of the Bundestag and meetings of its committees. They shall have the right to be heard at any time.

## **Article 44**

### **[Committees of inquiry]**

- (1) The Bundestag shall have the right, and on the motion of one quarter of its Members the duty, to establish a commit-

tee of inquiry, which shall take the requisite evidence at public hearings. The public may be excluded.

- (2) The rules of criminal procedure shall apply *mutatis mutandis* to the taking of evidence. The privacy of correspondence, posts and telecommunications shall not be affected.
- (3) Courts and administrative authorities shall be required to provide legal and administrative assistance.
- (4) The decisions of committees of inquiry shall not be subject to judicial review. The courts shall be free to evaluate and rule upon the facts that were the subject of the investigation.

### **Article 45**

#### **[Committee on the European Union]**

The Bundestag shall appoint a Committee on the Affairs of the European Union. It may authorise the committee to exercise the rights of the Bundestag under Article 23 *vis-à-vis* the Federal Government. It may also empower it to exercise the rights granted to the Bundestag under the contractual foundations of the European Union.

### **Article 45a**

#### **[Committees on Foreign Affairs and Defence]**

- (1) The Bundestag shall appoint a Committee on Foreign Affairs and a Defence Committee.
- (2) The Defence Committee shall also have the powers of a committee of inquiry. On the motion of one quarter of its members it shall have the duty to make a specific matter the subject of inquiry.
- (3) Paragraph (1) of Article 44 shall not apply to defence matters.

### **Article 45b**

#### **[Parliamentary Commissioner for the Armed Forces]**

A Parliamentary Commissioner for the Armed Forces shall be appointed to safeguard basic rights and to assist the Bundestag in exercising parliamentary oversight. Details shall be regulated by a federal law.

### **Article 45c**

#### **[Petitions Committee]**

- (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 regulated by a federal law.

### **Article 45d**

#### **Parliamentary Oversight Panel**

- (1) The Bundestag shall appoint a panel to oversee the intelligence activities of the Federation.
- (2) Details shall be regulated by a federal law.

### **Article 46**

#### **[Immunities of Members]**

- (1) At no time may a Member be subjected to court proceedings or disciplinary action or otherwise called to account outside the Bundestag for a vote cast or a remark made by him in the Bundestag or in any of its committees. This provision shall not apply to defamatory insults.
- (2) A Member may not be called to account or arrested for a punishable offence without permission of the Bundestag unless he is apprehended while committing the offence or in the course of the following day.
- (3) The permission of the Bundestag shall also be required for any other restriction of a Member's freedom of the person or for the initiation of proceedings against a Member under Article 18.
- (4) Any criminal proceedings or any proceedings under Article 18 against a Member and any detention or other restriction of the freedom of his person shall be suspended at the demand of the Bundestag.

### **Article 47**

#### **[Right of refusal to give evidence]**

Members may refuse to give evidence concerning persons who have confided information to them in their capacity as

Members of the Bundestag or to whom they have confided information in this capacity and to give evidence concerning this information itself. To the extent that this right of refusal to give evidence applies, no seizure of documents shall be permissible.

#### **Article 48**

##### **[Candidature - Protection of membership - Remuneration]**

- (1) Every candidate for election to the Bundestag shall be entitled to the leave necessary for his election campaign.
- (2) No one may be prevented from accepting or exercising the office of Member of the Bundestag. No one may be given notice of dismissal or discharged from employment on this ground.
- (3) Members shall be entitled to remuneration adequate to ensure their independence. They shall be entitled to the free use of all publicly owned means of transport. Details shall be regulated by a federal law.

#### **Article 49 (repealed)**

## IV. The Bundesrat



## **Article 50**

### **[Functions]**

The *Länder* shall participate through the Bundesrat in the legislation and administration of the Federation and in matters concerning the European Union.

## **Article 51**

### **[Composition - Weighted voting]**

- (1) The Bundesrat shall consist of members of the *Land* governments, which appoint and recall them. Other members of those governments may serve as alternates.
- (2) Each *Land* shall have at least three votes; *Länder* with more than two million inhabitants shall have four, *Länder* with more than six million inhabitants five and *Länder* with more than seven million inhabitants six votes.
- (3) Each *Land* may appoint as many members as it has votes. The votes of each *Land* may be cast only as a unit and only by Members present or their alternates.

## **Article 52**

### **[President - Decisions - Rules of procedure]**

- (1) The Bundesrat shall elect its President for one year.
- (2) The President shall convene the Bundesrat. He shall be obliged to do so if the delegates of at least two *Länder* or the Federal Government so demand.
- (3) Decisions of the Bundesrat shall require at least a majority of its votes. It shall adopt rules of procedure. Its meetings shall be open to the public. The public may be excluded.
- (3a) For matters concerning the European Union the Bundesrat may establish a Chamber for European Affairs, whose decisions shall be considered decisions of the Bundesrat; the number of votes to be uniformly cast by the *Länder* shall be determined by paragraph (2) of Article 51.
- (4) Other members or representatives of *Land* governments may serve on committees of the Bundesrat.

## **Article 53**

### **[Attendance of members of the Federal Government]**

The members of the Federal Government shall have the right, and on demand the duty, to participate in meetings of the Bundesrat and of its committees. They shall have the right to be heard at any time. The Bundesrat shall be kept informed by the Federal Government with regard to the conduct of its affairs.