

FAQs on the Bavarian Representation in Brussels

(Status 22.01.2015)

A. About the Representation itself

1. How long does the Representation exist:

The Representation was created in December 1987 as an information office of the Free State of Bavaria. In the context of the implementation of the Maastricht-Treaty from 1992 and the establishment of the Committee of the Regions in 1994, the office was upgraded in its status and became thus the Representation of the Free State of Bavaria to the EU.

2. When did we move into our premises:

In 2004 after an extensive renovation, respecting the rules on the protection of historical monuments of the former "Institut Pasteur"

3. How much is the total budget?

Regarding the budget for 2014, the budget amounts to approx. 1.5 Mio. € per year without personnel costs. Due to cost-cutting measures of 15 %, there are effectively only approx. 1.4 Mio € at our disposal.

4. How many staff members?

Altogether 30 employees, including the Head of Units, who are seconded from the Bavarian State Ministries to Brussels. In addition, there are up to 10 interns

5. What is the status of the Representation?

The Representation is a department of the Bavarian state chancellery and is attached to the State Minister for European Affairs and International Relations. In Belgium, the Representation is registered as a public entity.

It has to be stressed that regional representations are not so-called „lobbyists“. Firstly, the regions are an integral part of the institutional structure of the EU via the Committee of the Regions (Art. 305 ff. TEU). Secondly, they are a constitutional element of the respective Member States, in particular in federally constituted states like the Federal Republic of Germany. As such, they are carrier of the common good, directly democratically legitimized and part of the European administrative structure through their responsibilities to implement European legislation. This strong institutional position is also being demonstrated by the fact

that in areas of exclusive competencies of the German Länder, a Länder Minister accompanies the federal Minister to the negotiations in the Council of Ministers in Brussels. The same applies also to other federally structured states like the Kingdom of Belgium, where the Länder Ministers even represent Belgium on their own. As a consequence, the European Commission in its communication of 21.03.2007 as well as the European Parliament in its report of 08.05.2008 explicitly excluded the regional representations from the the definition as “lobbyists”.

B. Main tasks of the Representation

1. Providing information to the Bavarian State Government on the development in the European Union, in particular with regard to the European Commission, the European Parliament and the Committee of the Regions;
2. Providing information to the services of the European Commission and the Members of the European Parliament on the policies of the Bavarian State Government;
3. Support of the Bavarian Members in the Committee of the Regions;
4. Advising and supporting the Bavarian business community in their contact with the EU services;
5. Contact point for public and private institutions in Bavaria;
6. Preparation of visits by the Members of the Bavarian State Government and the Bavarian Parliament to Brussels;
7. Public Relations.

C. Ways of influencing European decision making by the Free State of Bavaria

1. Subsidiarity principle

The Lisbon Treaty provides a more precise definition on the division of competencies between the EU and the Member States. Furthermore, the control of the subsidiarity principle has been strengthened through the introduction of an early warning system and of the possibility to bring a law suit instigated by the CoR and/or the national parliaments, that includes in Germany also the Bundesrat acting as a Länderkammer, to the ECJ (see protocol 2 of the TEU). The Länder and regions in the EU are the guardian of the subsidiarity principle. This concerns two aspects: content as well as implementation of EU law:

Content: According to the Art. 5 paragraph 3 TEU” the Union shall act in areas which do not fall within its exclusive competence only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States, either at central level or at regional and local level”. With that the so-called services of the precaution for existence like local water supply, sewage treatment, garbage disposal, passenger transportation, sports facilities construction etc. but also questions like the recent discussion on the Soil Protection Directive **fall outside** the competence of the EU.

Implementation of EU law: The actual implementation of European legislation is generally in Germany and many other Member States the task of the administrations in the regions and municipalities. While drafting European legislation, the impact on the implementation has therefore to be taken into consideration.

2. Consultation of the Bundesrat on European matters according to Art. 23 GG

According to this article in the German constitution the Bundesrat has to be consulted on all proposals of the European Commission. In areas of the exclusive competence of the German Länder this statement has to be significantly taken in consideration by the federal government while negotiating in the Council of Ministers. Furthermore, in these cases a representative of the Länder sits next to the representative of the Federal Government at the negotiating table. Examples are the education and higher education policy or homeland security.

3. Early information system and impact assessment

The task of the Bavarian Representation starts with the monitoring of and provision of information on legislative and other initiatives in the Commission as the only institution with the right of initiatives at the earliest stage possible. Next, position papers need to be developed in co-operation with the Bavarian Ministries and to be fed into the decision making process within the Commission with the objective to influence the process. This is facilitated by the commitment of the Commission to conduct an thorough impact assessment on each an every legislative initiative. Part of this impact assessment is also the examination of the subsidiarity principle and the impact on the administrative implementation, where the Länder can provide their expertise.

4. Co-operation with the European Parliament

The European Parliament developed itself with the Treaties of Maastricht, Amsterdam and Nizza within the co-decision procedure to an adequate co-lawmaker. This position has been reinforced again by the Lisbon Treaty: 90 % of the legislation must now be decided with the

full inclusion of the EP. From the Bavarian point of view especially the new added co-decision competences for the EU-budget, the regional policy and the common agricultural policy are to be mentioned. Therefore, the cooperation with the Members of the EP, in particular the 15 MEPs from Bavaria, is also of great importance.

D. Working on the Brussels level

1. What are the main relevant institutions in Brussels?

In accordance with the going on of the legislation, especially of the co-decision procedure under Art. 294 TEU, the Bavarian Representation follows attentively the work of the Commission, the European Parliament and the Council of Ministers. Furthermore, Bavaria collaborates actively on the preparation of statements of the CoR. Otherwise there is a close collaboration with the Permanent Representation of the Federal Republic of Germany and the other German representations. In certain matters, there is also collaboration with the regional representations of the other nearly 300 represented regions.

2. What are the greatest successes of the Bavarian Representation in Brussels?

In principle it is to add that the Bavarian Representation works in a more-level-system of a network of local, regional, national and European levels and makes use of an extensive network of contacts in the European Institutions. In particular, the collaboration with the Bavarian MEP is very close. So there is a current exchange of a multitude of information, which has led to changes in the European legislation. Achieved successes have to be seen as total result of this more-level-network. The Bavarian Representation functions mainly as early information system, coordinator and mediator.

As great successes, which were born on Bavarian initiatives, have to be mentioned the enforcement of the subsidiary principle in the Lisbon-Treaty, the maintenance of the right of local governance, especially in the field of the so-called services of the precaution for existence, as well as the observance of the competences of the German Länder in the fields of education policy, media policy, but also in justice, domestic, migration and asylum policy. Regarding the European promotional funds, an initiative for a special promotion of the frontier regions in the field of structural funds for the promotion period 2007 – 2013 amounting to 75 Mio. €, supporting of fundraising of research funds for Bavarian universities as well as the participation in the European Satellite Navigation Project GALILEO was successful. Bavaria also works hard for the interests of its farmers.

To implement Bavarian interests, the Bavarian Representation organises a large number of events regarding current subjects of the European policy. As a rule the Representation collaborates with the concerned institutions, associations and enterprises from Bavaria and a member of the Bavarian government participates. Altogether approx. 600 events take place a year. Beyond that we welcome approx. 12,000 visitors from Bavaria a year who we inform within lectures about the tasks of the Bavarian Representation and current developments of the European policy.

3. What Bavarian interests are concerned by the European legislation?

60 – 80 % of the legislation, which is put into practice in Germany, comes in the mean time from Europe. Therefore, European policy is domestic policy. Nearly all areas of life are concerned. For the citizens this is noticeable through the already mentioned services of precaution for existence as well as through the decrease of roaming charges, compensation arrangements in holiday traffic, food regulation and protection rules at work. The Bavarian economy, which is deeply rooted in the internal market, is through harmonisation and standardisation in the free movements of good, regulations for the trade in services, environmental regulations like emission limits for factories or CO₂-reduction for cars as well as through social regulations like the anti-discrimination policy concerned. Economic development policy, agricultural policy, research policy, industrial policy like GALILEO or transport and energy policy benefit from the European promotional funds.

You will find further information here:

<http://www.bayern.de/staatsregierung/bayern-in-europa/>