

Policy Brief

Time to unlock the potential of bi-parliamentarism

The Franco-German model

Thu Nguyen, Policy Fellow

Henriette Heimbach, Project Manager

20 October 2020

[#FrancoGermanDialogue](#)

[#Parliamentarization](#)

[#AachenTreaty](#)

The inception of the Franco-German Parliamentary Assembly in January 2019 marked an important step towards the institutionalization of Franco-German relations on a parliamentary level. The Assembly provides a forum for binational debate and democratic scrutiny, and has the potential to strengthen Franco-German cooperation and leadership at EU level by fostering practical compromises and solutions bilaterally before they are being brought to Brussels. The Assembly nevertheless falls short of its potential. In their policy brief, Henriette Heimbach and Thu Nguyen assess the Assembly's shortcomings and provide suggestions for improvement. Apart from enhancing the transparency of its work, the Assembly should focus on addressing concrete bilateral problems and channeling them into concrete demands. At the same time, the Assembly should act as coordination forum for Franco-German positions at EU level to foster common positions. The authors conclude that despite its shortcomings, the Franco-German Parliamentary Assembly can serve as a role model for other member states to establish and institutionalize similar forms of bi-parliamentarism.

France and Germany took a fresh step towards closer cooperation and deeper relations on 22 January 2019 when they signed the Treaty of Aachen. This deepening of the Franco-German friendship – first sealed by the Treaty of Elysée in 1963 – was given a parliamentary dimension when the new Franco-German Parliamentary Assembly (“the Assembly”) followed two months later.

The Assembly brings a greater democratization of Franco-German relations. So far, at the political level, these were mainly shaped by the respective governments, with inputs from active civil societies. With the Assembly, parliamentary deputies in both countries have stepped out of the shadows and taken an active role in shaping Franco-German relations. At a bilateral level, the Assembly can thus contribute to strengthening the voices of citizens in Europe's key political tandem by providing a more formal chamber for debate and resolutions on mutual concerns. Previously, parliamentary exchanges took place by and large in an informal, irregular, and ad hoc setting. The few regular meetings were organized within the Franco-German Friendship Group and between the two commissions for European affairs. The Assembly, despite its promising nature and start, requires improvement if it is to be a genuine binational parliamentary space.

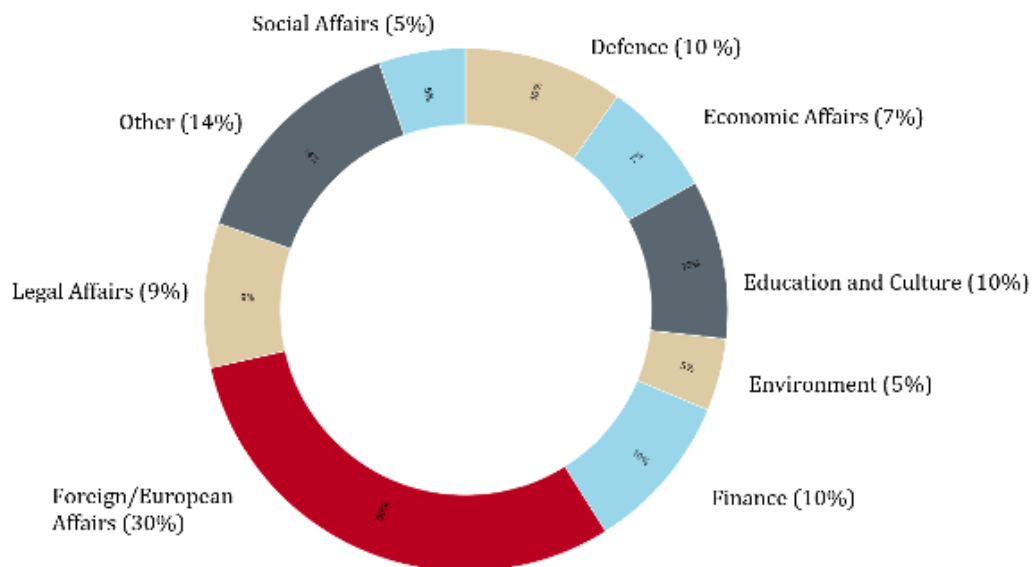
Where do we stand?

In March 2019, the German Bundestag and the French National Assembly adopted the [Franco-German Parliamentary Treaty](#). This unique agreement between the two parliaments – adopted between the two parliaments without governmental input¹ – provides for even closer Franco-German relations. At the heart of this cooperation lies the Franco-German Parliamentary Assembly, which is made up of 100 representatives: 50 from each parliament. The presidents of the national parliaments chair sessions that occur at least twice a year.

The Assembly's prime goals are to oversee the Franco-German Council of Ministers and monitor implementation of the [Aachen Treaty](#) and the [Elysée Treaty](#). Its work focusses on international and European matters of common interest, especially foreign, security and defence policy issues. Its composition, as shown in the graph below, underlines that around a third of members emanate from the Foreign and European Affairs Committees of their home parliaments. Another Assembly objective is to ensure the joint transposition of EU directives by France and Germany into national law. The Assembly can take resolutions (*Beschlüsse*) and [can propose](#) joint national resolutions to the Bundestag and National Assembly, albeit these are not legally binding. Each year the Assembly's executive board prepares a report on Franco-German cooperation to be presented in plenum.

30 % of the Assembly's members belong to Foreign/European Affairs Committees

An overview of the national committees represented



Source: Own calculations based on information from www.bundestag.de and www.assemblee-nationale.fr

An active parliamentary watchdog

The Assembly places a strong focus on governmental hearings, underlining its will to perform parliamentary control in a bilateral format as well. In each session so far, it has organised hearings of French and German ministers summoned to explain governmental action. One tangible result of such hearings was seen in May 2020, when the French and German interior ministers were questioned on border controls during the Coronavirus pandemic.

Before and during the hearing, both French and German Assembly members had publicly

[advocated](#) the lifting of border controls - in some cases against their own governing party. They thereby raised awareness of the negative consequences of such controls for cross-border regions and the need for cross-border cooperation in health.

¹ In France the power to conclude international treaties is vested in the President (Article 52 French Constitution). In Germany treaty-making powers lie with the Federal President and government (Article 59(1) German Basic Law.

Broad consensus despite differing party lines in France and Germany

Since its creation, the Assembly has often formed grand coalitions as in the European Parliament. Resolutions are often proposed and adopted by a large majority of parliamentary groups, namely by the French and German governing parliamentary groups together with the German Greens and Liberals (FDP) as well as the French MoDem and UDI. It suggests that party divisions count for little within the Assembly. On the contrary, there seems to be a political will for a broader consensus amongst governing and most opposition parliamentary groups. The *Alternative für Deutschland, die Linke* (Left Party) and *La France Insoumise* are excluded, most likely by mutual agreement.

Another reason is the fact that the party landscape in both delegations is very different. The Assembly counts members of eleven French parliamentary groups and six German parliamentary groups. The high number of French parliamentary groups as well as the relatively new governing party *La République en Marche* (LREM) that cuts across the traditional French dichotomy of left/right makes it difficult to identify sister parties across borders. For example, *LREM* is seen as potential sister party by the German Christian Democrats (CDU/CSU), Social Democrats (SPD), the Greens and by the FDP. With the latter, *LREM* forms a group (Renew) in the European Parliament. The same party landscape in both delegations would contribute to a stronger politicization of the Assembly across national boundaries. The twinning of parties facilitates work on common proposals as the example of [sister parties La France Insoumise and the German Left Party](#) show. Although they are in the opposition and most of their proposals are rejected, they are very active in the Assembly.

Parliamentary groups represented in the Assembly (indicating the number of parliamentarians and of national governing or opposition parties):

France	Germany
<ul style="list-style-type: none"> • La République En Marche (25) governing party • The Republicans (10) opposition • Democratic Movement and affiliated (4) confidence and supply • Socialists and associated (3) opposition • UDI and Independents (2) opposition • Liberties and Territories (1) opposition • Act Together (1) confidence and supply • Ecology Democracy Solidarity (2) neutral • La France Insoumise (1) opposition • Democratic and Republican Left (1) opposition 	<ul style="list-style-type: none"> • Christian Democrats (17) governing party • Social Democrats (11) governing • Alternative for Germany (6) opposition • Free Democratic Party (6) opposition • Left Party (5) opposition • Alliance 90/The Greens (5) opposition

Assessing the Assembly's peculiarities and feeble points

While the Assembly institutionalizes relations between France and Germany at parliamentary level and acts as a forum for binational debate and democratic scrutiny, it cannot replace the two national parliaments nor bind/scrutinize either government. But even with its shrunken powers, there is still room for improvement.

Different conceptions of relations with the executive

The National Assembly is historically a weaker parliament than its German counterpart, especially in its relationship with government. France operates on the basis of a semi-presidential system, whereby the President, who is directly elected, and the Prime Minister, who is appointed by the

President, share executive powers. The National Assembly has no powers over the President and no say in the Premier's appointment, although it can dismiss the latter through a motion of censure. What's more, when it comes to legislative procedures, the National Assembly commands relatively weak competences, to the benefit of the executive, which has many tools at its disposal to steer the process of law-making in the direction it desires. In contrast, the Bundestag has much greater power within the German parliamentary system. The Chancellor and her government must be voted into office by it with an absolute majority and there are no similar restrictions on parliament's legislative powers as in France.

Unsurprisingly, then, French and German members have different views over what the Assembly should be: a forum that can bind the respective national governments or a debating forum that should limit itself to general recommendations. Members of the French delegation thus adopt a much more deferential approach on this issue. Within the current framework, the Assembly may only take non-binding resolution (Beschlüsse) and propose to the National Assembly and the Bundestag to adopt joint resolutions.

The difference in parliament-government relations is also reflected in the way the [Joint Resolution of the Assemblée Nationale and German Bundestag of 22 January 2018](#) was drafted: The German version consistently refers to the word "*auffordern*" ("*fordert die Regierungen auf*" - calls upon the governments). In contrast, the French version alternatively uses the terms "*inviter*" ("*invite les gouvernements*" - invites the government); "*appeller*" ("*appelle les gouvernements*" - calls upon the governments); and "*demander*" ("*demande aux gouvernements*" - urges the governments), whereby *inviter* is used more than half of the times.

Asymmetry in available resources

There is also a notable difference in resources between the two parliaments. The 709 members of the Bundestag are supported in their daily work by around 3000 officials. This administrative back-up embraces an in-house language service, which provides translations and arranges for interpreters where necessary. The 577 members of the French National Assembly, meanwhile, can call upon a maximum 1349 *fonctionnaires*, or less than half the size of the Bundestag administration. This asymmetry of resources may have longer-term implications for the smooth running of the Assembly, for example when it comes to preparing hearings – even something as simple as translating documents might become an issue.

Too few concrete initiatives

At the time of writing, the Assembly has met six times in 18 months. Two were extraordinary virtual meetings organised in May and June 2020 to address urgent questions regarding border controls during the pandemic and the Franco-German initiative for a European recovery fund. Despite this activity, the Assembly has adopted just three resolutions (all in its most recent session in September 2020) and a single proposition for a joint resolution of the two national parliaments. The latter requests in very general terms the implementation of the Aachen Treaty. Similarly, the resolution on "[Franco-German impetus for economic and monetary union](#)" simply scratches the surface. While two resolutions are characterized by concrete demands to the government - for example, to [establish a direct high-speed railway connection](#) between Paris and Berlin -, the risk is that the Assembly focusses on too general topics and fails to exploit its potential to address concrete bilateral problems.

Little progress on the common transposition of EU directives

An explicit objective of the Assembly is to promote the identical transposition of EU directives into national law. None of the working groups or resolutions of the Assembly has, however, addressed this task. Neither has it been discussed or listed as an explicit agenda item in any of the six meetings. One reason may be that transposition of directives is a rather technical issue, hard to communicate to the public. And second, that this requires a degree of coordination with governments, which would have to first draft a legislative proposal for the identical implementation of an EU directive.

A lack of transparency

There is a lack of clarity and transparency regarding the Assembly's activities both internally and externally. Although its sessions are mainly public and recordings are available online, it is difficult

even for Assembly members to get a comprehensive overview of the number of working groups, resolution proposals etc. The Assembly set up five working groups: on 1) artificial intelligence, 2) bilateral harmonization of commercial and insolvency law, 3) the European Green Deal, 4) migration, asylum, and integration, and 5) foreign and defence policy. But no information on their activity is available.

Time to unlock the potential of bi-parliamentarism

The Assembly is intended to deepen Franco-German relations beyond the government-to-government level with a parliamentary dimension, one thereby closer to citizens. This includes the timely discussion and solution of problems pre-occupying both populations. Here the Assembly could also act as a catalyst for more Franco-German cooperation and leadership at EU-level by fostering practical compromises and solutions bi-laterally before being brought to Brussels. To have any impact on issues of common concern for France and Germany, the Assembly should adopt four improvements:

- 1. Bear in mind institutional differences:** Generally, Assembly members may bear in mind the institutional, cultural, and linguistic differences of their French and German counterparts but the emphasis should be put on finding the common denominator between French and German positions, rather than on their differences. At the same time, institutional differences can also serve as a basis for an exchange of best practices. For example, the National Assembly has in [2018](#) and [2019](#) been considerably more active in its dialogue with the Commission than the Bundestag: while the National Assembly in both years taken together sent in 17 opinions on legislative files under the political dialogue procedure and one reasoned opinion under the subsidiarity control mechanism, the Bundestag in the same years only sent in two opinions and two reasoned opinions. The Assembly could hence serve as a forum to discuss the underlying reasons for these differences in numbers and streamline processes in both national parliaments.
- 2. Focus on concrete problems and results:** The work of the Assembly should (continue to) focus on concrete binational issues as opposed to general themes, acting as a forum where issues of concern to people in both countries can be channeled into concrete demands on the two governments. This also means close involvement with the respective parliaments at home in order to ensure that resolutions of the Assembly are really discussed and integrated into the debates in the capitals, as well as carried over onto the European agenda. One example where this worked well was the re-opening of borders between France and Germany during the Coronavirus crisis; it could be expanded to issues such as rights and rules of posted workers, health cooperation in the border regions or common rules for arms exports. This also includes the continued strong exercise of the right to question the governments and adopt concrete resolutions, but also the exchange of mutually relevant information between the two delegations.
- 3. Deepen coordination on EU decision-making:** The Assembly should function as a coordination forum for Franco-German positions at EU level. The Assembly should, first, place more emphasis in practice on the common transposition of EU directives at national level. While this is part of its objectives in the Treaties, the Assembly has so far yet to take action. Second, it should also foster common positions between the two countries for presentation at EU level by their governments. Similarly, the Assembly delegations should work [closely together when it comes to the subsidiarity mechanism](#) under Protocol 2 of the EU Treaties, under which national parliaments may send reasoned opinions to the Commission where they find a legislative proposal breaches the principle of subsidiarity. As this procedure requires a certain number of national parliamentary chambers to have submitted such a reasoned opinion to trigger Commission intervention, coordination between national parliaments is crucial.
- 4. Ensure more transparency as precondition for democratizing bilateral relations:** Related to the last point above, the Assembly should ensure more transparency in its functioning and procedures. Little information is available on its day-to-day work, its committee structure or how it follows up on adopted resolutions. If it wishes to become a genuine binational parliamentary space, such information must not only be easily accessible to its members but also the public at large.

Conclusion

The Franco-German Parliamentary Assembly, as a parliamentary forum of the two biggest EU member states, is a big step towards the institutionalization and formalization of bi-parliamentarism in the EU. While the [Benelux States](#) and the [Baltic States](#) also have their own multi-parliamentary fora, the Assembly is the first binational one in the EU. The Assembly can hence, despite some shortcomings, serve as a [role model for other member states](#) to establish and institutionalize similar forms of bi-parliamentarism. At the same time, it could also serve to strengthen Franco-German leadership within the EU by fostering practicable solutions and compromises within its working that can then be brought to the negotiating table in Brussels. It could thereby reinforce and give a democratic dimension to a dynamic that has won fresh momentum during the coronavirus crisis when the Franco-German proposal for a European recovery plan paved the way for the Commission proposal currently under negotiations in Brussels.

Hertie School gGmbH • Chairman of the Supervisory Board: Bernd Knobloch • Chairman of the Board of Trustees: Frank Mattern • Academic Director: Prof. Dr. Henrik Enderlein • Managing Director: Dr. Axel Baisch
• Registered Office: Berlin • Trade Register: Local Court, Berlin-Charlottenburg HRB 97018 B •
Hertie School – founded and supported by the non-profit Hertie Foundation