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## **Association of Secretaries General of Parliaments**

### **CONTRIBUTION**

from

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on

**Adaptations to the exercise of constitutional duties by Parliaments**

**Zoom Session**  
**February 2021**

## **Notes for the Secretary-General on the meeting of the Association of Secretaries General of Parliaments on 25 February 2021**

### **- Amendment of the Rules of Procedure and of the conduct of plenary proceedings after the start of the COVID-19 pandemic**

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#### **1. Amendment of the Rules of Procedure**

To maintain its ability to function and to contain COVID-19, the Bundestag, at its sitting of 25 March 2020, supplemented its Rules of Procedure by adopting a new Rule 126a. Initially, the provision was only intended to apply until 30 September 2020, but it has since been extended three times, most recently until 30 June 2021.

The following is a summary of the provisions of Rule 126a of the Bundestag Rules of Procedure:

- Under Rule 45(1) of the Rules of Procedure, a quorum of the Bundestag had hitherto existed when more than 50% of its Members were present in the Chamber; this requirement was reduced to more than 25% by Rule 126a(1). The Bundestag is thus quorate if more than a quarter of its Members are in attendance.
- The quorum for committees, which, under the first sentence of Rule 67, had hitherto existed when a majority of committee members were present, was lowered to more than a quarter of the committee members; a quorum still exists if some of those members are using electronic communication media to take part in the meeting (Rule 126a(2)).  
It also follows from this provision that virtual committee meetings may be conducted.
- In addition, under the second clause of Rule 126a(3), decisions may be taken by circulation procedure, and electronic communication media may be used for this purpose too.
- Particularly in order to avoid undue risks of infection resulting from the presence of large numbers of people in a meeting room, public committee deliberations and public hearing sessions may be conducted in such a way that the public are granted access by means of electronic transmission media only (Rule 126a(4)).

The question whether plenary sittings should likewise be conducted in the form of virtual or partly virtual (hybrid) proceedings has repeatedly been explored. No decisions on that question have yet been taken on the political side, however.

#### **2. Amendment of the Bundestag decision on the right of immunity**

The Bundestag has also given its general authorisation for any protective measures ordered against its Members under the Protection against Infection Act (*Infektionsschutzgesetz*) that affect Members' immunity under Article 46(2) and (3) of the Basic Law. The President of the Bundestag must, however, be notified of any such measure. The Committee for the Scrutiny of Elections, Immunity and the Rules of Procedure or, if that Committee is unable to convene within two days, the President of the Bundestag is entitled to verify whether the measure in question is justified under the Protection against Infection Act and whether it unduly impairs the operational capability of the Bundestag. If protective measures are considered to be unreasonable or no longer reasonable in these respects, their suspension may be demanded (for the exact wording, see Bundestag printed paper 19/18126, p. 3).

### **3. Shortening of sitting and reading periods**

At the start of the pandemic, a regular scheduled sitting week with three sitting days was shortened by means of a cross-party agreement to one sitting day; it was decided to omit questions put to the Federal Government, question time and one debate on a matter of topical interest. Among other things, various urgent bills, which were largely about responding to the COVID-19 crisis, were adopted by the Bundestag after three readings in a single sitting day. To this end the bills were referred to committees for initial examination (first reading) in the morning; the plenary sitting was then suspended to allow the relevant committee meetings to take place. The plenary sitting was resumed in the early afternoon, and the second reading and final vote on the bills took place – with all parliamentary groups agreeing to waive the normal time limits – on the basis of the recommendations for a decision submitted by the lead committees.

Since then the Bundestag has reverted to its regular sitting and reading times. In only one sitting week in December 2020 and one sitting week in January 2021 was a sitting day (Friday) dropped, leaving only two sitting days instead of three in those weeks.

### **4. Special infection avoidance measures in plenary proceedings**

So that infection of Members and staff during plenary sittings could be avoided as far as possible, a number of measures were taken which have applied to all sittings since 25 March 2020. These have included the following:

- Between Members' seats, two chairs are kept unoccupied and marked accordingly. Further spaces are offered in the visitors' galleries for Members who cannot find a seat in the Chamber because of the limited number of available chairs.
- At committee meetings, Members' seats are also positioned further apart.
- Since October 2020, it has been mandatory to wear masks covering the nose and mouth on all Bundestag properties. With effect from 10 February 2021 this requirement has been tightened, meaning that medical-grade masks must now be worn. This also applies to the plenary chamber, although masks may be removed by Members when in their seats. The President of the Bundestag, however, has asked all Members to wear masks at their seats too.
- At plenary sittings, FFP2 masks are worn by the Members who act as secretaries to assist the President or Vice-President in conducting the sitting and sit next to him or her.
- Votes for which voting cards are used are taken in the adjoining west lobby rather than in the plenary chamber so as to avoid gatherings around the urns. Members are to maintain distancing of at least 1.5 metres when inserting their voting cards.
- Similarly, elections by secret ballot are not conducted in the plenary chamber but in the Members' lobby, which is adjacent to the west lobby. As a rule, Members have a period of three hours within which to cast their vote.
- The lectern is disinfected after each speaker.
- The ushers and the staff of the plenary support service wear medical-grade masks, normally FFP2 masks. In addition, the ushers wear protective gloves.
- The doors to the plenary chamber are marked *Eingang* (Entrance) and *Ausgang* (Exit) so that, wherever possible, Members and staff enter on one side of the Chamber only and exit on the other.

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