Berlin’s Parliament

Berlin House of Representatives

This monument to Baron Heinrich Friedrich Karl vom und zum Stein (1757-1831) has been displayed in front of the Berlin House of Representatives since 2003, where it pays tribute to a great Prussian statesman and reformer. He worked to give all citizens a role in shaping public life and initiated local self-government with his municipal legislation in 1808.
In the heart of Berlin

The Berlin House of Representatives stands near the site of the former Berlin Wall, and today finds itself in the center of the reunified city. Together with the Martin Gropius Bau, the Topography of Terror, and the Bundesrat, it presents an arresting contrast to the flair of the new Potsdamer Platz.

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Public transportation:
S-Bahn: Anhalter Bahnhof and Potsdamer Platz
U-Bahn: Potsdamer Platz
Buses: M29, M41, M48, M85, 200
DB train station: Potsdamer Platz

Opening hours:
Monday through Friday
9 a.m. to 6 p.m.

💰 Our building is accessible to people with disabilities
Dear Visitors,

The House of Representatives is where the majority of the most important decisions affecting the lives of all Berliners are made.

Because I believe it is vital to take advantage of every opportunity to strengthen the public image of politics and to explain political processes and events, I am very pleased to invite you to take a look at the home of Berlin’s state parliament, the former Prussian Landtag (state parliament) building. I hope you will have the chance to take a tour, visit a plenary session or a committee meeting, and express your own views in a conversation with members of the House of Representatives. The lifeblood of democracy is the active involvement of all citizens and the transparency of political decision-making processes.

The House of Representatives is open to everyone. I look forward to your visit, your ideas and suggestions, and, above all, to talking to you.

Ralf Wieland
President of the Berlin House of Representatives
Well acquainted with parliamentary activity, Friedrich Schulze created a new type of parliament building with his House of Representatives: the “working parliament.”

**1899** Inauguration of the building as the home of the second chamber – whose members were elected according to the three-class electoral system then operative in Prussia – of the Prussian Landtag, designed and built by the architect Friedrich Schulze.

**1918** End of World War I: the monarchy is abolished. The first Reichsrätekongress meets in the House of Representatives and paves the way for parliamentary democracy as Germany’s future form of government. The far left responds by founding the German Communist Party (KPD) in the state parliament’s grand hall.

**1919-33** Weimar Republic. The “Preussenenschlag,” in which Germany’s chancellor dismissed the Prussian state government, puts an abrupt end to Prussia’s democratic era already in 1932.

**1933** The last state parliament elections are marked by fraud, and the National Socialists emerge as the strongest party. The Prussian state parliament meets for the last time in May 1933.

**1934** Once the Prussian state parliament has been dissolved for good, the building becomes part of the “Preussenhaus” foundation. The infamous People’s Court is established in the plenary chamber in June 1934.

**1936-45** The former Prussian state parliament is used as an officers’ club after Hermann Göring has the building converted to an “aviators’ house.”

**1945** The building is severely damaged shortly before the end of the war.

**1949-53** After being restored on the orders of the Soviet military administration, the building becomes the seat of the first government of the GDR.

**1960** The parliament building is remodeled to become the permanent seat of the State Planning Commission. The Ministry of State Security (Stasi) uses the building as a listening post.

**1990** Shortly after reunification, the House of Representatives passes a unanimous resolution to relocate its seat to the former Prussian Landtag building.

**1993** Renovation is completed in record time, and the president of the House of Representatives, Dr. Hanna-Renate Laurien, opens the first session in the new location.
Elections to the Berlin House of Representatives

Berlin’s constitution calls for elections every five years, in which eligible voters elect a new state parliament in accordance with the principle of parliamentary democracy.

Who can vote for the parliament? German citizens aged 18 and over who have their primary residence in Berlin are entitled to vote.

Who can run for office? Parties or voters’ associations permitted to participate in the election choose their candidates by means of an internal nominating process. Each party can designate one candidate for each electoral district. Independent candidates are also free to run for election.

State or borough list? Berlin’s constitution lets parties nominate their candidates for either a state party list or a borough party list. Borough party lists make it possible for party organizations on the borough level to participate directly in the nomination of candidates.

First and second votes: Everyone voting in an election for the House of Representatives has two votes. The first is for one of the district candidates. According to the first-past-the-post principle, the candidate receiving the most first votes in his or her electoral district gets that district’s direct seat. Voters use their second vote to support the party they prefer. Through proportional representation, second votes determine the size of the various parliamentary groups in the House of Representatives.

The two votes can be cast for different parties or candidates (“vote-splitting”).

Number of seats: The constitution prescribes a minimum of 130 seats. More representatives are usually elected, however: if, as a result of first votes, a party ends up with more direct seats than it is entitled to on the basis of second votes, it may keep these “overhang” seats. The other parties are then given compensatory seats to ensure that the number of each parliamentary group’s seats is in line with its share of second votes.

“The representatives shall be elected in general, equal, secret, and direct elections” (Constitution of Berlin, Article 39, paragraph 1).
How elections are conducted

Representatives are elected directly by secret ballot in general elections in which each vote carries the same weight.

Elections to the Berlin House of Representatives are decentralized. The many volunteers working in the polling places on election day help to ensure that the election runs smoothly. For example, voter lists are double-checked to verify that each voter is actually registered in that district. Only then does he or she receive an official ballot, to be filled out alone – as a “secret ballot” – in the voting booth.

Since the borough assembly members are elected at the same time as the House of Representatives, election results are first recorded by the boroughs before being given to the state election officer, who then officially announces the outcome of the election for the House of Representatives.

In order to ensure that election results accurately reflect the will of the voters, all unclear ballots are evaluated after the election by borough election committees to determine their validity.
The Governing Mayor

The Governing Mayor heads the Senate, Berlin's state government

Election law in Berlin does not require parties to name a top candidate, but the parties have traditionally presented the public with their candidates for the highest office in the state government. This tendency corresponds to a growing trend towards the personalization of election campaigns in general: "The candidate is the message."

As a result, once the parliament has been constituted, the top candidate of the party that won the election is usually elected by secret ballot to the office of governing mayor. The parliament elects the governing mayor with a majority of the representatives, after which the governing mayor forms the Senate.

The Governing Mayor
- represents Berlin,
- appoints and removes members of the Senate,
- proposes the number and scope of departments
- works with the Senate to determine the direction of government policy, and monitors adherence to this,
- chairs the Senate, casting the deciding vote when a Senate vote ends in a tie, and
- promulgates laws in the "Gesetz- und Verordnungsblatt für Berlin" (Berlin gazette of laws and ordinances).

The Berlin Senate

The government of the federal state of Berlin is the Senate, consisting of the Governing Mayor and eight Senators

At the beginning of the legislative term, the governing mayor forms a Senate (equivalent to a cabinet). Each senator (up to a total of eight) is appointed by the governing mayor; two of these are also his/her deputies (mayors). The senators do not have to be members of the parliament; the governing mayor is free to nominate candidates from outside the House of Representatives.

The Senate meets every Tuesday at the Berlin Town Hall, making its decisions public in the press conference that follows.

The Senate Chancellery and the eight Senate Departments of the federal state of Berlin in the 17th legislative term

- Senate Chancellery and Cultural Affairs
- Senate Department for Education, Youth and Science
- Senate Department for Finance
- Senate Department for Health and Social Services
- Senate Department for the Interior and Sport
- Senate Department for Labour, Integration and Women's Issues
- Senate Department for Justice and Consumer Protection
- Senate Department for Urban Development and the Environment
- Senate Department for Economics, Technology and Research
The President, the Presidium, and the Council of Elders

The president directs and coordinates the work of the House of Representatives, assisted by the presidium and the Council of Elders, which he or she chairs.

The parliament must convene for its constituent meeting, chaired by its oldest member, no later than six weeks after an election, in order to elect its president, its vice-presidents, and the additional members of the presidium and to lay down its rules of procedure.

Along with the president, the presidium is comprised of two vice-presidents and a number of supporting members, who are elected on the recommendation of the parliamentary groups in the House of Representatives.

The Council of Elders assists the president with conducting the business of parliament, especially with preparing for plenary meetings. The Council, which includes the president and his or her deputies, is not necessarily composed of the oldest members of parliament, but of members of the executive committees of the parliamentary groups and those with many years of experience. The Council of Elders meets every Tuesday before a plenary session. It does not have the power to pass resolutions; rather, it makes recommendations to the plenary assembly. However, since these proposals are drafted with the involvement of the parliamentary groups’ representatives, they are usually approved by the parliament.

The presidium rules on all internal matters pertaining to the House of Representatives, except those decisions reserved for the president.

The president of the House of Representatives occupies a special position; with regard to protocol, he or she holds Berlin’s highest office. The president has the following responsibilities:

- Swear the governing mayor and the senators into office,
- Oversee the business of the House of Representatives,
- Exercise proprietary and police powers over the building where the parliament holds its sessions,
- Represent the parliament,
- Convene and chair the meetings of the House of Representatives,
- Review all of the bills and interpellations intended for the parliament,
- Sign the laws that have been passed, and
- Head the parliament’s administration.

The Council of Elders also functions as a mediator between the parliamentary groups, working to achieve agreement and compromise when conflicts arise.
The plenary assembly

The plenary assembly or session is a general meeting of all the members of the parliament, i.e., all those who have been elected to the House of Representatives.

As a rule, plenary sessions take place every other Thursday. They usually begin at 11:00 a.m., although the parliament convenes earlier when Berlin’s state budget is on the agenda. The parliament’s key tasks include legislation, approving the budget, and electing and overseeing the state government. These are accomplished largely by the plenary assembly.

The opening of the plenary assembly by the president is usually followed by a debate on a subject of current general interest. The parliamentary groups or a group of at least ten members of parliament can propose topics for this debate. If there is a choice of several topics, a vote is taken at the beginning of the session.

This debate is followed by question time, during which members of parliament may ask the Senate spontaneous questions that do not have to be submitted in advance in writing. The question must be asked without a long preliminary explanation; it must be concise, of general interest, and allow for a concise response. Question time is followed by the priority issues that the parliamentary groups have chosen to emphasize during the day’s session.

First or second readings of bills introduced either by the government or the parliament take place afterwards.

The parliament uses motions as a means to induce Berlin’s government to take action on particular issues. The Senate can also submit items of business for a vote when it believes that there is a need for a decision on an issue. These submissions are discussed in committees and then voted on by the plenary assembly.

Budget debates are of primary importance. After weeks of discussion in the specialist committees and the budget committee, the plenary assembly debates and passes the budget drafted by the Senate.
Committees

Committee deliberations form the “core” of the parliament’s work, since this is where the actual preparatory work is done.

As a rule, the parliament sets up a permanent committee for each of the Senate’s areas of responsibility. The parliamentary groups appoint members with particular expertise in that area to the individual committees. Committee members debate the bills submitted by either the Senate or the parliament and referred to their committee by the plenary assembly. The committee reports to the plenary assembly with a recommendation for a decision on each item it has been asked to consider. However, the committee may also address issues within its area of responsibility on its own initiative.

The Petitions Committee is an “advocate for citizens’ concerns.” Anyone who feels that he or she has been treated unfairly by some part of Berlin’s administration can file a complaint – also online – with the Petitions Committee with little formality. The Petitions Committee, which consists of 11 members from all of the parliamentary groups, will then investigate the charges. It has the right to monitor the activity of Berlin’s state agencies and institutions.

The Permanent Committees of the Berlin House of Representatives

- Committee on Labor, Integration, Vocational Education, and Women’s Issues
- Committee on Construction, Housing, and Transportation
- Committee on Education, Youth, and Families
- Committee on Active Citizenship
- Committee on Digital Administration, Data Protection, and Freedom of Information
- Committee on European and Federal Affairs and Media Policy
- Committee on Health and Social Services
- Committee on the Interior, Security, and Public Order
- Committee on Cultural Affairs
- Committee on Sports
- Committee on Urban Development and the Environment
- Committee on Implementing GG\(^1\) Art. 13 (6) and ASOG\(^2\) § 25 (10)
- Committee on Constitutional and Legal Affairs, Consumer Protection, and the Rules of Procedure
- Committee on the Protection of the Constitution
- Committee on Economics, Research, and Technology
- Committee on Science
- Budget Committee
- “Management and Financial Oversight of Company Shares” Subcommittee
- “Boroughs” Subcommittee
- “Budget Oversight” Subcommittee
- “Product Accounting and Personnel Management” Subcommittee
- “Property Administration” Subcommittee
- 1st Committee of Inquiry “BER”
- 2nd Committee of Inquiry “Staatsoper”

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\(^1\) Basic Law
\(^2\) General Act on Security and Public Order
Committees of inquiry

The House of Representatives can set up a temporary committee of inquiry to investigate problems, situations in dispute, or political scandals

Each committee of inquiry is set up to deal with just one particular subject of investigation. It is usually the opposition that petitions for the use of this powerful tool in cases of political conflict, with the aim of solving problems or monitoring the actions of the government in this area.

The parliament chooses a committee chair and the other members of the committee, as well as their alternates. All of the parliamentary groups must be represented on the committee by at least one member.

The committee can call witnesses and experts and request state government files. With some exceptions, the meetings of committees of inquiry are open to the public.

The committee is required to present its findings in a final report and/or interim reports to the House of Representatives.

Study commissions

Study commissions explore future developments in society

The parliament sets up study commissions in order to learn more before making major decisions affecting a particular policy or social area. A fourth of the parliament’s members can also unite in calling for a study commission to be convened. The commission’s task is to identify social changes and trends so the parliament can respond to these in its own initiatives. The parliament can appoint both its own members and experts outside the House of Representatives to sit on this commission. The study commission concludes its work with a final report submitted to the parliament. In the 17th legislative period (and probably until the fall of 2015), a study commission is investigating the issue of “The future of energy in Berlin.”
The members of the parliament

The Constitution of Berlin gives the House of Representatives – the legislative branch – strong powers with regard to the Senate – the executive – in order to ensure that the rule of law is upheld.

Party discipline: Members of the parliament usually adhere to party discipline when voting in the plenary assembly and in committees, in order to bolster the political clout of their own parties. Occasionally, however, a member does not vote in line with his or her party for reasons of conscience.

In its emphasis on protective rights like immunity (criminal prosecution is permitted only with the parliament’s consent), indemnity (no prosecution for statements made or votes cast in the exercise of one’s office), and members’ right to refuse to give evidence, the Constitution of Berlin emphasizes the importance of the autonomy of members of the House of Representatives.

The members of the Berlin parliament view themselves as “part-time legislators” and often continue to pursue their original professions. Due to the members’ increasing workload within the parliament, however, the number of full-time legislators continues to grow. Certain public service positions are incompatible with a parliamentary seat and must be given up for as long as the member holds the seat.

The legislators’ most important tasks are:
- Electing the parliamentary president
- Legislation for the federal state of Berlin
- Adopting the budget law
- Supervising the government
- Appointing the presidents of the highest state courts, the justices of the Constitutional Court, the president of the Court of Auditors, and the Commissioner for Data Protection

The members have various instruments at their disposal that, in particular, help them with the task of overseeing the work of the government:
- Interpellations, which every member of the parliament may address in writing to the Senate
- Spontaneous questions asked in the plenary assembly
- The work done in the committees

The parliament’s members receive compensation for their work, in order to ensure their independence. Without this parliamentary pay, only the wealthy or people with high incomes could afford to hold office.
The parliamentary groups

The parliamentary groups are the political “backbone” of parliament – they make efficient legislative work possible.

Formation of parliamentary groups Since the parliament deals with so many policy areas, having to develop expertise in all of them would overwhelm the individual members. Those who belong to the same party thus join forces as a parliamentary group (called a “Fraktion” – a part of a whole). These groups must consist of at least the number of members required by law; this number and all other legal requirements are determined by the parliament’s rules of procedure and the law on parliamentary groups.

Executive committee of a parliamentary group Members of each parliamentary group are elected by their peers to serve as the group’s executive committee: the chair, deputy chair, and secretary. The executive committee is responsible for organizing and setting the agenda for parliamentary group meetings.

Berlin’s state parliament has 149 members:

Work of the parliamentary groups The parliamentary group sets the general direction for a given party’s parliamentary work, launches political initiatives, and drafts the motions and bills to be submitted to the legislature. The various positions on upcoming issues are discussed during the parliamentary group meetings before a group resolution determines the stance that will be taken for the group by the spokesperson responsible for the policy area in question. The parliamentary groups’ representatives are a permanent channel for communication with the presidium, the Council of Elders, and the committees, as well as with groups and institutions outside the legislature.

Constitution of Berlin, Article 40

(1) “An association of at least five percent of the minimum number of representatives laid down in the Constitution shall constitute a parliamentary group. Details shall be subject to the Rules of Procedure.”

(2) “The parliamentary groups shall carry out constitutional responsibilities by directly using their own rights and responsibilities as independent and autonomous bodies of Parliament in cooperation with Parliament, and in helping form the will of Parliament. They shall be entitled to adequate resources in this respect. Details concerning the legal position and organization, as well as the rights and responsibilities, of parliamentary groups shall be subject to law.”

The parties in the parliament
How are laws made?

Berlin’s constitution stipulates that new laws may be proposed by the Senate, the House of Representatives, or the public.

**Draft laws** Draft laws, or bills – whether from the government or the parliament – are submitted to the president of the House of Representatives.

**Agenda** Once the president has received a bill, the Council of Elders puts it on the agenda of one of the next few plenary meetings. The members receive a printed copy of this legislative proposal at least two days before the meeting.

**First reading** In general, the legislature restricts itself to a discussion of basic issues in its first reading of a bill.

**Referral to a committee** After the first reading, the bill is referred to the relevant committee for further deliberation, and the budget committee examines its potential financial consequences. The plenary assembly then receives a recommendation for a decision.

**Second reading** Every bill must be given at least two readings; in special cases, the president or the Senate may request a third reading. The second reading is used to consider the individual sections and articles. Following deliberations, a vote is taken on each clause.

**Voting** Once the voting on individual clauses has been concluded, a final vote is taken on the bill as a whole, which is adopted by a simple majority vote. Laws amending the constitution, however, require a two-thirds majority. The law must be signed by the president as soon as possible (i.e., without intentional delay).

**Promulgation/Entry into force** The law is promulgated within two weeks by the governing mayor in the “Berlin Gazette of Laws and Ordinances.” If the law itself does not stipulate a date on which it is to take effect, it will enter into force automatically 14 days after being promulgated.

“The orders and prohibitions binding upon all must be based on the law” (Constitution of Berlin, Article 59, paragraph 1).

“Petitions for a referendum may be aimed at making, amending, or rescinding laws as long as the legislative competence lies with the federal state of Berlin” (Constitution of Berlin, Article 62, paragraph 1).

Laws are voted on by a show of hands.

From legislative proposal to entry into force: the stages of a new law

- Draft law
- Agenda
- First reading
- Committee
- Second reading
- Vote
- Promulgation / Entry into force
The administration

The services provided by the administration are vital to the smooth functioning of the House of Representatives.

The parliament’s administration is headed by the president, who is represented in this capacity by the director of the House of Representatives. The administration’s three directorates do preliminary work and coordinate and support the work done by the House of Representatives.

General Administration (Directorate 1) is responsible for building administration, security, and technical services.

The primary task of Reference and Research Services (Directorate II) is to assist the president, the parliamentary groups, and the committees by providing consulting services and reports on legal questions in general and questions of constitutional and parliamentary law in particular.

This directorate also includes the parliamentary library and the office for the documentation of parliamentary papers. These facilities are also open to the public.

Plenary Assembly and Committee Services (Directorate III) provides support services to the plenary assembly and the committees. The staff is responsible for organizational and informational groundwork for the assembly and the committees.

Directorate III also includes the Plenary and Committee Transcript Division, which takes the minutes of the various meetings. The transcripts of the plenary sessions and committee meetings that are open to the public can be read in the library of the House of Representatives or on the Internet.

The protocol, media, and public relations divisions report to the president’s office. The Protocol Division is responsible for, among other things, planning and holding events and receptions hosted by the House of Representatives. The Media Division acts as a liaison for the print media, radio, and television. It issues the president’s statements and the press information service, as well as other materials. The Public Relations Division helps to promote dialogue between the parliament and the people of Berlin, publishes information brochures, and organizes events and exhibitions. Anyone who wants to know more about the work of the House of Representatives may contact this division. The Visitors’ Service is also part of the Public Relations Division (see page 28).
Art and politics converge on many levels in the Berlin House of Representatives

Art plays an important role in defining the appearance of the parliament building – whether in the form of temporary exhibitions or in the gallery where portraits of Berlin’s honorary citizens are permanently on display.

**Gallery of Honorary Citizens** Since 1808, the city of Berlin has bestowed the title of “honorary citizen” on individuals who have rendered outstanding services to the city. The portraits of some of these 116 men and women are displayed in the corridors to the right and left of the plenary chamber. The honorary citizens themselves choose the artists who will be making their portraits.

**Grand Hall** A competition with the theme of “Kunst-am-Bau” (Art and Construction) was held to choose the artist who would be responsible for the artistic design of the Grand Hall. Gerhard Richter won the competition, and his five abstract panels, entitled “Rot, Blau, Grün” (Red, Blue, Green), were placed in the sections of the north wall.

**Gallery on the third floor** The works of the artist Karl Horst Hoedicke, “Nur in der City lärm en und klagen die Musen” (Only in the city do the muses clamor and lament), which came in second in the competition, so impressed the jury that they were put on display as a permanent loan in the gallery on the third floor. Opposite these are sandstone pedestals supporting bronze heads of former politicians of the Weimar Republic, parliamentary presidents, and governing mayors.

**Casino** The Berlin painter Matthias Koeppel captured the historic fall of the Berlin Wall in November 1989 in the form of a triptych illustrating three consecutive scenes based on the many sketches he had made of this event himself.
Visitors’ Service

The Visitors’ Service is responsible for making the parliament’s work accessible and understandable to the public.

Tours: The Visitors’ Service offers tours of the House of Representatives for groups of at least ten people, as well as school groups, free of charge. These tours are arranged individually with the Visitors’ Service and, given adequate notice, can also be conducted in languages other than German. During the approximately one-hour tour, the staff of the Visitors’ Service explains the history, the architecture, and the functioning of the building.

Political discussions: On request, the Visitors’ Service can arrange meetings with members of any parliamentary group.

Seats can be reserved by telephone, fax, or mail, as well as online, by anyone wishing to sit in on a plenary or committee meeting. Please register as early as possible!

An “Open House” takes place once a year and is geared to the interests of visitors: the parliamentary groups introduce themselves and their work, and the various bodies answer visitors’ questions in political discussions.
The new statue of Karl August Fürst von Hardenberg (1750 – 1822) was installed in front of the House of Representatives in 2011. Along with Freiherr vom und zum Stein, Hardenberg is considered the father of the modern Prussian constitution. The original statue by the sculptor Martin Götz stood on Dönhoffplatz from 1907 until it disappeared at the end of the 1940s.