

Germany

Self-rule

INSTITUTIONAL DEPTH AND POLICY SCOPE

Germany has two-tiered regional governance consisting of sixteen *Länder* and (*Land*)*Kreise*. Several *Länder* have a third tier between these two, *Regierungsbezirke* (administrative districts). Two *Länder* have a fourth tier of regional governance, *Landschaftsverbände* in North-Rhine Westphalia and *Bezirksverband Pfalz* in Rhineland-Palatinate.¹

The 1949 Basic Law of the German Federal Republic granted eleven *Länder* extensive competences, which include legislative powers for culture, education, universities, broadcasting/television, local government, and the police (C 1949, Art. 74; Council of Europe: Germany 1999; Hrbek 2002; Swenden 2006; Watts 1999*a*, 2008). *Länder* also exercise residual competences (C 1949, Art. 70). In addition, the Basic Law states that *Länder* are responsible for the implementation of most federal laws (C 1949, Arts. 83–85). The federal government may legislate to preserve legal and economic unity with respect to justice, social welfare, civil law, criminal law, labor law, and economic law (C 1949, Art 72.2), and it has authority to establish the legislative framework in higher education, the press, environmental protection, and spatial planning (C 1949, Art. 72.3; Reutter 2006). The federal government exercises sole legislative authority over foreign policy, defense, currency, and public services (C 1949, Art. 73; Council of Europe: Germany 1999; Hrbek 2002; Swenden 2006; Watts 1999*a*, 2008). It also has exclusive authority over immigration and citizenship (C 1949, Arts. 73.2 and 73.3), though *Länder* administer inter-*Land* immigration and have concurrent competence on residence (Bendel and Sturm 2010: 186-187; C 1949, Arts. 74.4 and 74.6).² However, this is not enough to qualify for the maximum score on policy scope.^β The constitutional division of authority was extended to the five new *Länder* after unification in 1990.

A constitutional reform in 2006 broadened the legislative powers of the *Länder* (Behnke and Benz 2008; Benz 2008; Burkhart 2008; Gunlicks 2012; Jeffery 2008; Moore, Jacoby, and Gunlicks 2008). The reform allowed *Länder* to deviate from federal law in the management of the penal system, and from laws governing shop closing hours and restaurants (C 1949, Art. 72.3). *Länder* gained authority over the remuneration and appointment of civil servants and large areas of university law (C 1949, Arts. 74.27 and 74.33). The federation gained competences in international terrorism (C 1949, Art. 73.9a).

¹ Most *Länder* also have an upper tier of local government that does not meet our population criteria. These include *Ämter* (Brandenburg, Mecklenburg-Vorpommern, and Schleswig-Holstein), *Gemeindeverwaltungsverbände* (Baden-Württemberg and Hessen), *Samtgemeinde* (Lower Saxony), *Verbandsgemeinde* (Rhineland-Palatinate and Saxony-Anhalt), *Verwaltungsgemeinschaften* (Bavaria), and *Verwaltungsverbände* (Saxony) (Council of Europe 2012: Germany; Walter-Rogg 2010).

² Between 1949 and 1994 *Länder* had a concurrent legislative competence to regulate citizenship within their borders but dual *Land* and federal citizenship has never actually existed (Kramer 2005: 171).

The next level of regional governance consists of *Regierungsbezirke*, re-established in the larger states of West Germany in 1945, in Saxony in 1993, and in Saxony-Anhalt in 1990. *Regierungsbezirke* currently exist in Baden-Württemberg, Bavaria, Hessen, and North-Rhine Westphalia,³ and were abolished in Rhineland-Palatinate (1999), Saxony-Anhalt (2003), Lower Saxony (2004), and Saxony (2012) (Heinz 2017: 28). They have served mainly as deconcentrated administrations, except in North-Rhine Westphalia and Bavaria. In 2001, *Regierungsbezirke* in North-Rhine Westphalia set up regional consultative assemblies (*Regionalräte*) composed of communal representatives (Law No. 430/2005, Art. 7). We code North-Rhine Westphalia separately. In Bavaria each of the seven *Bezirke* co-exist with, but are independent from, *Bezirkstäge* which encompass the same jurisdictions. *Bezirkstäge* have directly elected assemblies with competences in culture, special schools (e.g. for pupils with hearing difficulties), disabled people, health care institutions, and environmental protection (Law No 850/1998, Art. 12).⁴ *Bezirke* in Bayern score 2 on institutional depth and 2 on policy scope.

Höherer Kommunalverbänder exist in five *Länder* and these combine two or more (*Land*)*Kreise* (districts) and *Kreisfreier Städte* (district-free cities) into a tier of governance above the *Kreise*. Most of these can be considered to be single-purpose government and they provide social assistance or promote regional culture (Burgi 2009: 142; Council of Europe 1996, 1999, 2012).⁵ We code four *höherer Kommunalverbänder* in two *Länder*: *Regionalverband Ruhr* since 2004 and, since 1950, two *Landschaftsverbände* (*Rheinland* and *Westfalen-Lippe*) in North-Rhine Westphalia, and one *Bezirksverband* (*Pfalz*) in Rhineland-Palatinate.⁶

The assembly of *Regionalverband Ruhr* is indirectly elected by the assemblies of the participating four *Kreise* and eleven *Kreisfreie Städte* and is primarily responsible for traffic planning, regional economic development and regional spatial planning but also has limited competences in culture, sport, tourism, and recreational facilities (Law No. 96/2004, Art. 4).⁷ Two *Landschaftsverbände* (until 1953, *Provinzialverbände*) cover the whole territory of North-Rhine

³ Law No. 421/1962; No. 313/2008, Arts. 11–14; No. 420/2011. Bayerische Staatsregierung. Freistaat Bayern. “Staat und Kommunen.” <<http://www.bayern.de/freistaat/staat-und-kommunen>>.

⁴ Bayerischer Bezirkstag. Aufgaben. “Gesundheit,” “Kultur,” “Schulen,” “Soziales,” and “Umwelt.” <<http://www.bay-bezirke.de/baybezirke.php?id=150>>.

⁵ *Kommunale Verband für Jugend und Soziales* in Baden-Württemberg, *Landeswholfahrtsverband* Hessen, *Kommunale Sozialverband Mecklenburg-Vorpommern*, twelve *Landschaften* in Niedersachsen, and *Kommunale Sozialverband Sachsen*.

⁶ In addition, there are the *Region Hannover* in Lower Saxony since 2001, the *Regionalverband Saarbrücken* in Saxony since 2008, and the *StädteRegion Aachen* in North-Rhine Westphalia since 2009. These were established by merging *Landkreise* with *Stadtkreise* and their competences are slightly more extensive than those of other *Kreise* but too fine-grained to be captured by our measurement and they are estimated at the same level as (*Land*)*Kreise* and *Kreisfreier Städte*.

⁷ Until 2004 the competences of the predecessor of the *Regionalverband Ruhr*, the *Siedlungsverband Ruhrkohlenbezirk* established in 1920, were limited to regional planning and waste disposal. In 2004, the *Regionalverband Ruhr* replaced the *Siedlungsverband Ruhrkohlenbezirk*. *Regionalverband Ruhr. Politik & Regionalverband*. “Über uns”. <<https://www.rvr.ruhr/politik-regionalverband/ueber-uns/>>

Westphalia and are indirectly elected by the assemblies of the *Kreise* and *Kreisfreie Städte* within their territory and have limited competences in health care, disabled persons, youth policy, schools for children with special needs, day care, and culture (Law No. 657/1994, Arts. 5 and 7b). The assembly (*Bezirkstag*) of the *Bezirksverband Pfalz* comprises sixteen out of thirty-six *Kreise* within Rhineland-Palatinate and is directly elected (Law No. 146/1994, Art. 5). The *Bezirksverband* has limited competences in culture, health, education, energy, and the environment. *Regionalverband Ruhr*, *Landschaftsverbände*, and *Bezirksverband (Pfalz)* score 2 on institutional depth and 1 on policy scope because they share competences with the participating *Kreise*.^β

Länder are subdivided into *Kreisfreie Städte* (or *StadtKreis*) and (*Land*)*Kreise*⁸ except for the city states (*Stadstaaten*) Berlin, Bremen, and Hamburg⁹ (Burgi 2009; Council of Europe: Germany 1999; Wollmann 2010). *Kreisfreie Städte*, which are consolidated municipal (*Gemeinde*) and *Kreise* governments, and (*Land*-)*Kreise*, exercise competences delegated by the participating municipalities (*Gemeinde*) and are non-deconcentrated governments with limited competence in cultural–educational policy, including cultural activities, student exchange, public libraries, adult education, and promotion of tourism. In addition, they implement many federal and *Land* policies, including those concerned with social welfare, hospitals, secondary schools, waste collection, and roads (Committee of the Regions 2005; Council of Europe: Germany 1999).^β (*Land*-)*Kreise* and *Kreisfreie Städte* score 2 on policy scope.

FISCAL AUTONOMY

Before 1966, *Länder* set the base and rate of income, corporate, inheritance, property, and vehicle taxes, while the federal government set customs and excise, VAT, and consumption taxes. The basic law gave the federal government the right to request a share of *Länder* income and corporate taxes (Adelberger 2001).

The constitutional reform of 1966 divided the major taxes (income, corporate, value added) about evenly between the federal government and *Länder* (C 1949, Art. 106.3). The federal government sets the general framework, including the base and rate, while *Länder* administer tax collection (C 1949, Arts. 107–108). The Basic Law assigns some taxes exclusively to the federal

⁸ Law Nos. 400/1971, 398, 433/1993, 577/1993, 188/1994, 270/1994, 682/1997, 826/1998, 890/1998, 41/2003, 94/2003, 183/2005, 435/2009, and 576/2010. In Baden-Württemberg and North-Rhine Westphalia these reach the minimum average population size threshold of 150,000, and they do so after the merger of *Kreise* to form larger jurisdictions in Schleswig-Holstein from 1970, Hessen (1972), Saarland (1974), and Lower Saxony (1997) (Walter-Rogg 2010). Similarly, three new German *Länder* also merged their *Kreise* after reunification: Saxony-Anhalt (2007), Saxony (2008), and Mecklenburg-Vorpommern (2011). In Bavaria, Brandenburg, Rhineland-Palatinate, and Thuringia, *Kreise* do not meet the population threshold.

⁹ The three city states are intermediate governments: Berlin is subdivided into twelve *Bezirke* (Law No. 779/1995, Art. 4), Bremen is subdivided into the municipalities of Bremen and Bremerhaven (Law No. 251/1947, Art. 143), and Hamburg is subdivided into seven *Bezirke* (Law No. 100/1952, Art. 4). The Bremen city parliament acts simultaneously as the parliament for both the *Land* and the municipality Bremen (Kramer 2005: 150).

government (customs duties, highway freight tax, taxes on capital transactions, levies imposed by the EU) and some minor taxes exclusively to the *Länder* (taxes on property, inheritance, motor vehicles, beer, and gambling) (C 1949, Art. 106.1–2; Council of Europe: Germany 1999, 2012; Hrbek 2002; Schnellenbach 2017: 156–159; Spahn and Föttinger 1997; Swenden 2006; Watts 1999a, 2008).

Regierungsbezirke, including *Regierungsbezirke* in North-Rhine Westphalia, are completely dependent on intergovernmental transfers and have no tax autonomy.¹⁰ *Regionalverband Ruhr* and the two *Landschaftsverbände* in North-Rhine Westphalia have no independent tax authority, but they may charge the participating *Kreise* a fee to recover costs (Law No. 657/1994, Art. 22 and No. 96/2004, Arts. 19 and 20b). The *Bezirksverband Pfalz* in Rhineland-Palatinate has no tax authority but can also pass on charges to the participating *Kreise* and, in addition, it receives a grant from the *Land* for the services that elsewhere are provided by the *Land* government (Law No. 146/1994, Arts. 12 and 15). Similarly, *Bezirke* in Bayern receive grants from the *Land* and may also charge the participating *Kreise* a fee (Law No 850/1998, Arts. 54–55).¹¹

Landkreise and *Kreisfreie Städte* determine the rates of local business and property taxes (Burgi 2009: 148–152; C 1949, Art. 106.5–9).¹² In addition, they have some capacity to levy other taxes. These differ by *Land*, and the amounts involved are less than 2 percent of total *Kreis* government revenue. The *Kreise*'s main income source comes from intergovernmental grants—from a fee levied on the municipalities and from grants from the *Land* (Werner 2006). In addition, *Kreise* receive a share of income revenue and value added tax.

BORROWING AUTONOMY

Since the 1950s, *Länder* are allowed to borrow with virtually no centrally imposed restrictions (Von Hagen et al. 2000). Several *Länder* sought to tie their own hands by inserting provisions in their own constitutions and statutes that restrict borrowing to investment (Wendorff 2001).¹³ However, the interpretation of investment created loopholes in the application of these golden rule provisions, and *Länder* governments have frequently by-passed them (Vigneault 2007; Joumard and Kongsrud 2003; Milbradt 2016: 67–74). Market discipline plays only a small role in constraining regional debt because *Länder* borrow from regional commercial banks

¹⁰ Law No. 421/1962; No. 313/2008, Art. 11–4; No. 420/2011. Bayerische Staatsregierung. Freistaat Bayern. “Staat und Kommunen.” <<http://www.bayern.de/Staat-und-Kommunen>>.

¹¹ Bayerischer Bezirkstag. Aufgaben. “Finanzen.” <<http://www.bay-bezirke.de/baybezirke.php?id=150>>.

¹² Law No. 400/1971, Arts. 41–43, No. 398, 433/1993, Arts. 63–67, No. 577/1993, Arts. 61–64, No. 188/1994, Arts. 57–60, No. 270/1994, Arts. 53–57, No. 682/1997, Arts. 189–191, No. 826/1998, Arts. 65–67, No. 890/1998, Art. 91, No. 41/2003, Arts. 63–65 and 97, No. 94/2003, Arts. 57–60, No. 183/2005, Arts. 52–53, No. 435/2009, Arts. 65–68, and No. 576/2010, Arts. 110–112 and 120–122.

¹³ Law No. 229/1946, Art. 141, No. 209/1947, 251/1947, Art. 131a, Art. 117, No. 1077/1947, Art. 108, No. 100/1952, Art. 72, No. 173/1953, Art. 84, No. 127/1958, Art. 83, No. 243/1992, Art. 95, No. 298/1992, Art. 103, No. 600/1992, Art. 99, No. 107/1993, Art. 71, No. 372/1993, Art. 65, No. 625/1993, Art. 98, No. 779/1995, Art. 87, No. 991/1998, Art. 82, and No. 223/2008, Art. 53.

(*Landessparkassen*) rather than the bond market and are therefore not subject to credit ratings (Rodden 2003b). Market discipline is further muted by the provision in the federal constitution that the federal government shall ensure “equal living conditions” across the country (C 1949, Art. 72.2). This constitutional clause underpinned a 1992 ruling by the constitutional court which ordered a federal bailout of Saarland and Bremen (Joumard and Kongsrud 2003; Spahn and Föttinger 1997; Wendorff 2001).

In 1999, Germany almost failed to meet the 3 percent deficit ceiling for entry into the EMU and this provoked debate about the need for stronger budget constraints (Von Hagen et al. 2000; Wurzel 2003). In May 2009, the parliament adopted new fiscal rules that prohibit regional net borrowing as of 2020 except in cases of economic recession or natural disaster (Gunlicks 2012). This rule also limits the cyclically adjusted budget deficit of the federal government to a maximum of 0.35 percent of GDP from 2016 onwards (OECD 2011; Schnabel 2017: 130–150).

Regierungsbezirke have no borrowing autonomy.¹⁴ *Regionalverband Ruhr* and the two *Landschaftsverbände* in North-Rhine Westphalia are not allowed to borrow and their budget must be balanced (Law No. 657/1994, Arts. 23a–b and No. 96/2004, Arts. 20a–b). The *Bezirksverband Pfalz* in Rhineland-Palatinate is not allowed to borrow, but when the region has a deficit it can charge an extra levy on the participating *Kreise* (Law No. 146/ 1994, Art. 12). *Bezirke* in Bayern are allowed to borrow but borrowing is permitted only to fund investment and after prior authorization (Law No 850/1998, Arts. 63–65 and 93).

Borrowing by *Landkreise* and *Kreisfreie Städte* is regulated per *Land* but *Kreise* are subject to the same set of rules. Borrowing is permitted only to fund investment, and *Kreise* are allowed to borrow only if other sources of revenue (taxes and fees) have been exhausted (Werner 2006). Furthermore, *Kreise* must submit their budgets to the federal ministry of finance or its counterpart at the *Land* level. The total amount of the loan and assumption of securities and guarantees are subject to prior approval (Council of Europe: Germany 1999). Just like the *Länder*, *Kreise* own public savings banks and simultaneously guarantee the credit rating of those banks (*Gewährträgerhaftung*).

REPRESENTATION

Land and *Kreis* assemblies are directly elected every four or five years (C 1949, Art. 28; Reutter 2006; Vetter 2009). *Land* executives (*Landesregierung*) are elected by their assemblies (*Landtag*). *Kreis* executives (*Landrat/Landrätin* in *Landkreise* and *Oberbürgermeister* in *Kreisfreie Städte*) are either elected by their assemblies or they are directly elected by citizens. Since the 1990s, the executive head is directly elected in most *Kreise* (Heinelt and Egner 2014: 110–114).

Regierungsbezirke are appointed by *Land* governments. They have no elected assemblies and executive representatives. Since 2001, *Regierungsbezirke* in North-Rhine Westphalia have a consultative, indirectly elected assembly composed of locally elected representatives of *Kreisfreie Städte* and *Landkreise* (Law No. 430/2005, Art. 7). *Bezirke* in Bayern have assemblies elected

¹⁴ Law No. 421/1962; No. 313/2008, Arts. 11–14; No. 420/2011. Bayerische Staatsregierung. Freistaat Bayern. “Staat und Kommunen.” <<http://www.bayern.de/Staat-und-Kommunen-.431/index.htm>>.

concurrently with *Land* representatives. The executive (*Bezirksausschuss*) is appointed by the assembly (Law No. 850/1998, Arts. 12, 21, and 26).

The assemblies of *Regionalverband Ruhr* (*Verbandsversammlung*) and the two *Landschaftsverbände* (*Landschaftsversammlung*) in North-Rhine Westphalia are indirectly elected by the assemblies of the *Landkreise* and *Kreisfreie Städte* whereby each *Kreis* selects one representative for every 100,000 citizens (Law No. 657/1994, Art. 7b and No. 96/2004, Art. 10).¹⁵ The executives (*Verbandsausschuss* and *Landeschaftsausschuss*) are elected by the assemblies (*Verbandsversammlung* and *Landschaftsversammlung*) (Law No. 657/1994, Arts. 8a and 12 and No. 96/2004, Art. 14). The assembly of *Bezirksverband Pfalz* is directly elected and the executive is appointed by the assembly members (Law No. 146/1994, Arts. 5 and 8).

Shared rule

There is no shared rule for *Kreise*, *Regierungsbezirke*, *Bezirke* in Bayern, *Bezirksverband Pfalz* in Rhineland-Palatinate, and *Landschaftsverbände* and *Regionalverband Ruhr* in North-Rhine Westphalia.

LAW MAKING

Länder executives (not parliaments) are directly represented in the upper chamber, the *Bundesrat* (C 1949, Arts. 50–51), which gives them a firm grip on federal policy making (*L1*, *L2*, *L3*) (Auel 2010; Bendel and Sturm 2010: 183–184; Kramer 2005: 155–158). The *Bundesrat* has wide-ranging authority (*L4*). It can initiate and veto legislation affecting *Land* competences and has a suspensive veto on most other legislation (C 1949, Art. 76; Heinz 2017: 23–27). The 2006 constitutional reform amended the co-decision procedure between the *Bundesrat* and the *Bundestag* (lower chamber) and now gives the *Bundestag* the right to enact legislation without *Bundesrat* approval (C 1949, Art. 77). However, when legislation follows this route, *Länder* obtain the right to deviate from federal rules (*Abweichungsrecht*). Observers estimate that the effects of the reform on decision making have so far been relatively minor (Behnke and Benz 2009; Burkhart 2009; Jeffery 2008; Gunlicks 2012; Stecker 2016). *Länder* score the maximum on law making.

EXECUTIVE CONTROL

An elaborate system of executive federalism (*Politikverflechtung*) ensures that *Länder* are intimately involved in the execution and implementation of federal policy (Scharpf, Reissert, and Schnabel 1976; Scharpf 1985). Beginning in 1947, the federal chancellor invited *Land* premiers (*Ministerpräsidenten*) for informal consultation. This spurred *Ministerpräsidenten* to meet first to prepare common positions (Parker 2015: 102–103). Such conferences quickly became regularized, though meetings with the chancellor remained more irregular and the decisions were not legally

¹⁵ As of 2020, the *Verbandsversammlung* of *Regionalverband Ruhr* will be directly elected and will be renamed into *Ruhrparlament*. Regionalverband Ruhr. Politik & Regionalverband “Direktwahl 2020” <<https://www.rvr.ruhr/politik-regionalverband/direktwahl-2020/>>

binding. *Land* ministers also began to meet regularly on more circumscribed topics.^a While the original idea was to pre-empt national encroachment on *Land* competences, *Länder* coordination has arguably facilitated federal harmonization. In 1964, growing cooperation among *Länder* paved the way for joint policy making and intergovernmental meetings were formalized for regional economy, agriculture, and research infrastructure in a constitutional revision of 1969 (C 1949, Arts. 91a–b; Gunlicks 1984; Hueghlin and Fenna 2006: 235–238). This was later extended to information technology (C 1949, Art. 91c).

Over time a dense network of intergovernmental meetings (*Ministerkonferenzen*) has developed in which *Länder* governments meet with or without the federal government (which may or may not have voting rights) and where legally binding decisions can be reached. Apart from the Conference of Prime Ministers (*Ministerpräsidentenkonferenz*) there are conferences for agriculture, employment and social policy, architecture, education and research, the EU, finance, the economy, health, equal opportunity, home affairs, youth and family, justice, integration, culture, spatial planning, sports, environment, consumer protection, and traffic (Parker 2015: 102–103). Most *Land* prime ministers also regularly meet in region-specific conferences, for example, the northern *Länder* (Bremen, Hamburg, Lower Saxony, Mecklenburg-Vorpommern, and Schleswig-Holstein) and the eastern *Länder* (Berlin, Brandenburg, Mecklenburg-Vorpommern, Saxony, Saxony-Anhalt, and Thuringia) (Lhotta and von Blumenthal 2015).

Most ministerial conferences meet at least once per year and are chaired by different *Länder* taking turns, often in alphabetical order. The decision making procedures vary across the *Bund–Länder* and *Land–Land* negotiations from unanimous to majoritarian decision making and the position of the federal government can range from being a non-voting guest to a full member (Lhotta and von Blumenthal 2015).

FISCAL CONTROL

Länder did not have fiscal power sharing until a constitutional revision in 1966 gave the *Bundesrat* power to co-decide the base and rate of taxes, as well as their distribution between *Länder* and the federal level (C 1949, Art. 106). *Länder* also determine the annual financial equalization package (*Finanzausgleich*) for redistribution among *Länder* (Law No. 3955, 3956/2001; Hepp and Von Hagen 2012; Schnellenbach 2017: 156–159; Watts 2008). In addition, *Bund–Land* fiscal relations are discussed during *Land–Land* intergovernmental meetings (*Finanzministerkonferenz*) with the federal government as a non-voting guest. The *Finanzministerkonferenz* meets twelve times a year after the meeting of the finance committee of the *Bundesrat* (*Finanzausschuss*) (Lhotta and von Blumenthal 2015; Schnabel 2017: 130–150).

BORROWING CONTROL

In 1968, the economic council for the public sector (*Konjunkturrat für die öffentliche Hand*) was set up to advise on economic policy measures that serve to promote economic stability and growth (Law No. 582/1967, Art. 18). Its members are the federal minister of finance, the senators of the federal states, representatives of the *Kreise* and *Gemeinde*, and a representative from the central

bank. The council is chaired by the federal minister for economic affairs and it meets at least once per year (Schnabel 2017: 130–150).

In addition to the economic council for the public sector, a financial planning council (*Finanzplanungsrat*) was set up in 1969. It was composed of federal and regional finance ministers, four representatives of municipalities and municipal associations, and an observer from the central bank (Wurzel 1999). Its main task was to coordinate federal budgetary planning with the multi-annual financial planning of the *Gebietskörperschaften* (*Länder, Kreise, and Gemeinde*—but not *Regierungsbezirke*). In practice, its primary focus was on *Kreise* and *Gemeinden* and its advice was non-binding.¹⁶

The committee on public borrowing (*Ausschuss für Kreditfragen der öffentlichen Hand*) was established in 1976 to coordinate borrowing needs and debt management (Law No. 582/1967, Art. 18.3). Its members are similar to the economic council for the public sector and it can only issue recommendations (Schnabel 2017: 130–50).

In 2002, following EMU, the financial planning council was also tasked with monitoring whether federal and regional borrowing was in line with EMU deficit criteria. Its decisions were still taken by consensus and were non-binding (Law No. 1273/1969, Art. 51; Rodden 2003b).

In 2010, as part of a larger reform, the financial planning council was replaced by the stability council (*Stabilitätsrat*) (Gunlicks 2012; Schnellenbach 2017: 159–161).¹⁷ Its members are the federal ministers of finance, economy, and technology and all *Länder* ministers of finance. The chair is shared between the federal finance minister and the chair of the *Finanzministerkonferenz*, a *Land–Land* institution. The stability council meets at least twice per year and the federal government and two-thirds of the *Länder* governments have veto power (Korioth 2016; Lhotta and von Blumenthal 2015; Law No. 2702/2009, Art. 1; Schnabel 2020: 108–113). The stability council oversees budgets, including borrowing, of the federal government, *Länder* governments, *Kreise*, and *Gemeinde*. It negotiates and implements austerity plans and can place governments under supervision (Law No. 2702/2009, Arts. 2–5; OECD 2011; Schnabel 2017: 130–150; Spahn 2016: 92–96).

CONSTITUTIONAL REFORM

Bundesrat approval is mandatory for constitutional amendments. Constitutional change requires a two-thirds majority in both legislative chambers (C 1949, Art. 79).

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¹⁶ Gabler Wirtschaftslexikon <<http://wirtschaftslexikon.gabler.de/Definition/finanzplanungsrat.html>> and Wirtschaft und Schule <<http://www.wirtschaftundschule.de/lehrerservice/wirtschaftslexikon/f/finanzplanungsrat/>>.

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Self-rule in Germany

| | | | Institutional depth | Policy scope | Fiscal autonomy | Borrowing autonomy | Representation | | Self-rule |
|-------------------------------|-----------|-----------|------------------------|-----------------|--------------------|-----------------------|----------------|-----------|-----------|
| | | | | | | | Assembly | Executive | |
| Länder | I | 1950-1965 | 3 | 3 | 4 | 3 | 2 | 2 | 17 |
| | I | 1966-2018 | 3 | 3 | 2 | 3 | 2 | 2 | 15 |
| Baden-Württemberg | | | | | | | | | |
| Regierungsbezirke | II | 1950-2018 | 1 | 0 | 0 | 0 | 0 | 0 | 1 |
| Landkreise/Kreisfreie Städte | III | 1950-2018 | 2 | 2 | 1 | 1 | 2 | 2 | 10 |
| Bayern | | | | | | | | | |
| Regierungsbezirke | II | 1950-2018 | 1 | 0 | 0 | 0 | 0 | 0 | 1 |
| Bezirke | II | 1950-2018 | 2 | 2 | 0 | 1 | 2 | 2 | 9 |
| Hessen | | | | | | | | | |
| Regierungsbezirke | II | 1950-2018 | 1 | 0 | 0 | 0 | 0 | 0 | 1 |
| Landkreise/Kreisfreie Städte | III | 1972-2018 | 2 | 2 | 1 | 1 | 2 | 2 | 10 |
| Mecklenburg-Vorpommern | | | | | | | | | |
| Landkreise/Kreisfreie Städte | II | 2011-2018 | 2 | 2 | 1 | 1 | 2 | 2 | 10 |
| Niedersachsen | | | | | | | | | |
| Regierungsbezirke | II | 1950-2004 | 1 | 0 | 0 | 0 | 0 | 0 | 1 |
| Landkreise/Kreisfreie Städte | III | 1977-2004 | 2 | 2 | 1 | 1 | 2 | 2 | 10 |
| | III -> II | 2005-2018 | 2 | 2 | 1 | 1 | 2 | 2 | 10 |
| Nordrhein-Westfalen | | | | | | | | | |
| Landschaftsverbände | II | 1950-2018 | 2 | 1 | 0 | 0 | 1 | 2 | 6 |
| Regierungsbezirke | III | 1950-2000 | 1 | 0 | 0 | 0 | 0 | 0 | 1 |
| | III | 2001-2018 | 1 | 0 | 0 | 0 | 1 | 0 | 2 |
| Regionalverband Ruhr | IV | 2004-2018 | 2 | 1 | 0 | 0 | 1 | 2 | 6 |
| Landkreise/Kreisfreie Städte | IV | 1950-2018 | 2 | 2 | 1 | 1 | 2 | 2 | 10 |

| Rheinland-Pfalz | | | | | | | | | |
|------------------------------|-----------|-----------|---|---|---|---|---|---|-----------|
| Bezirksverband Pfalz | II | 1950-2018 | 2 | 1 | 0 | 0 | 2 | 2 | 7 |
| Regierungsbezirke | III | 1950-1999 | 1 | 0 | 0 | 0 | 0 | 0 | 1 |
| Saarland | | | | | | | | | |
| Landkreise/Kreisfreie Städte | II | 1974-2018 | 2 | 2 | 1 | 1 | 2 | 2 | 10 |
| Sachsen | | | | | | | | | |
| Regierungsbezirke | II | 1993-2011 | 1 | 0 | 0 | 0 | 0 | 0 | 1 |
| Landkreise/Kreisfreie Städte | III | 2008-2011 | 2 | 2 | 1 | 1 | 2 | 2 | 10 |
| | III -> II | 2012-2018 | 2 | 2 | 1 | 1 | 2 | 2 | 10 |
| Sachsen-Anhalt | | | | | | | | | |
| Regierungsbezirke | II | 1990-2003 | 1 | 0 | 0 | 0 | 0 | 0 | 1 |
| Landkreise/Kreisfreie Städte | II | 2007-2018 | 2 | 2 | 1 | 1 | 2 | 2 | 10 |
| Schleswig-Holstein | | | | | | | | | |
| Landkreise/Kreisfreie Städte | II | 1970-2018 | 2 | 2 | 1 | 1 | 2 | 2 | 10 |

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Shared rule in Germany

| | | Law making | | | | | | Executive control | | Fiscal control | | Borrowing control | | Constitutional reform | | Shared rule |
|------------------------------------|-----------|------------|-----|-----|-----|----|----|-------------------|---|----------------|---|-------------------|---|-----------------------|---|-------------|
| | | L1 | L2 | L3 | L4 | L5 | L6 | M | B | M | B | M | B | M | B | |
| Länder | 1950-1963 | 0.5 | 0.5 | 0.5 | 0.5 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 4 | 0 | 7 |
| | 1964-1965 | 0.5 | 0.5 | 0.5 | 0.5 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 4 | 0 | 8 |
| | 1966-1967 | 0.5 | 0.5 | 0.5 | 0.5 | 0 | 0 | 2 | 0 | 2 | 0 | 0 | 0 | 4 | 0 | 10 |
| | 1968-2009 | 0.5 | 0.5 | 0.5 | 0.5 | 0 | 0 | 2 | 0 | 2 | 0 | 1 | 0 | 4 | 0 | 11 |
| | 2010-2018 | 0.5 | 0.5 | 0.5 | 0.5 | 0 | 0 | 2 | 0 | 2 | 0 | 2 | 0 | 4 | 0 | 12 |
| Landschaftsverbände | 1950-2018 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Bezirksverband Pfalz | 1950-2018 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Regierungsbezirke* | 1950-2018 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Bezirke | 1950-2018 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Regionalverband Ruhr | 2004-2018 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Landkreise /Kreisfreie Städte** | 1950-2018 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

National legislature has: L1 = regional representation; L2 = regional government representation; L3 = majority regional representation; L4 = extensive authority; L5 = bilateral regional consultation; L6 = veto for individual region. Total for shared rule includes the highest score of either multilateral (M) or bilateral (B).

* In Baden-Württemberg (1950-2018), Bayern (1950-2018), Hessen (1950-2018), Niedersachsen (1950-2004), Nordrhein-Westfalen (1950-2018), Rheinland-Pfalz (1950-1999), Sachsen (1993-2011), and Sachsen-Anhalt (1990-2003).

** In Baden-Württemberg (1950-2018), Hessen (1972-2018), Mecklenburg-Vorpommern (2011-2018), Niedersachsen (1977-2018), Nordrhein-Westfalen (1950-2018), Saarland (1974-2018), Sachsen (2008-2018), Sachsen-Anhalt (2007-2018), and Schleswig-Holstein (1970-2018).

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