



# Germany

Indicators of Regulatory Policy and Governance 2021





## Overview and recent developments

Germany has made some improvements to its regulatory policy system over the past years. Since 2018, Germany makes all ongoing public consultations accessible through one central government website building on the Federal Government's commitment to promote transparency in the legislative process. Regulatory impact assessments, which are mandatory for all laws and regulation, require since 2020 an assessment of the impacts on the equality of living conditions to promote citizen well-being in policy development. The system for assessing impacts of draft legislation *ex ante* is being complemented by recent efforts to improve the *ex post* evaluation of legislation. In 2018, the Bureaucracy Reduction and Better Regulation work programme introduced the requirement to publish all evaluations reports online. In November 2019, the Federal Statistical Office established an evaluation support unit for ministries by decision of the State Secretaries Committee on Bureaucracy Reduction.

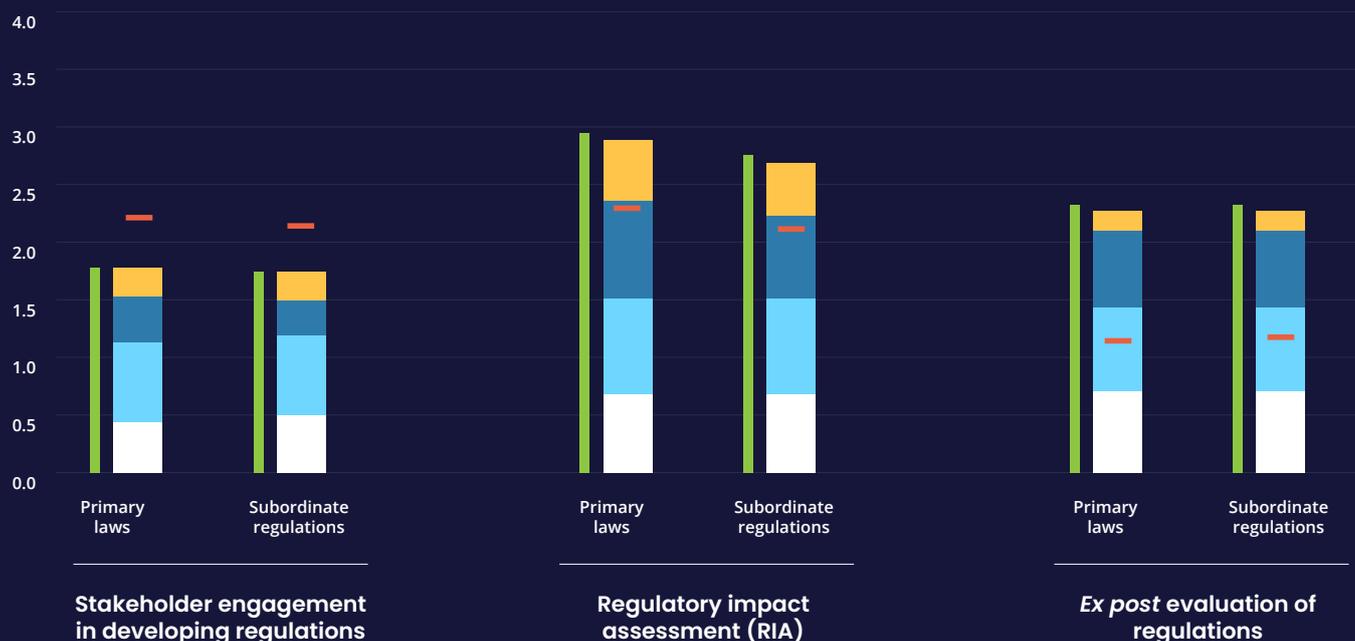
The Better Regulation Unit (BRU) in the Federal Chancellery is the central co-ordinating and monitoring body for the implementation of the Federal Government's programme on better regulation and bureaucracy reduction. Its mandate has been broadened to include the evaluation and further strengthening of the *ex ante* procedure used by the Federal Government to assess, at an early stage, the compliance costs for Germany of planned EU legislation. The National Regulatory Control Council (NKR) operates at arm's length from government. It reviews the quality of all RIAs, provides advice during all stages of rulemaking, and

has responsibilities in administrative simplification and burden reduction. In November 2019, the German government introduced additional requirements for independent quality control of *ex post* evaluations which the NKR is offering to perform. The Parliamentary Advisory Council on Sustainable Development, in turn, reviews the sustainability checks contained in all RIAs. It examines all legislative proposals and related assessments (for both primary laws and subordinate regulations) of the Federal Government.

Since 2017, all draft regulations are available on ministries' websites. In addition, all ongoing consultations are accessible through one central government website since 2018 due to the Federal Government's commitment to promote transparency in the legislative process. Germany also recently made use of green papers, inviting interested parties to submit comments on the government's draft strategy for moor protection. These initiatives could be a step towards establishing a more systematic approach to involving stakeholders earlier in the development of regulations. While the system to consult with social partners and experts is well established, Germany could open consultations more systematically to the public, release draft impact assessments for public consultation and systematically publish responses to consultation comments online.

# Indicators of Regulatory Policy and Governance (iREG): Germany, 2021

● Methodology 
 ● Systematic adoption 
 ● Transparency 
 ● Oversight and quality control 
 ■ Country total, 2018 
 — OECD average, 2021



Notes: The more regulatory practices as advocated in the [OECD Recommendation on Regulatory Policy and Governance](#) a country has implemented, the higher its iREG score. The indicators on stakeholder engagement and RIA for primary laws only cover those initiated by the executive (87% of all primary laws in Germany).

Source: Indicators of Regulatory Policy and Governance Surveys 2017 and 2021, <http://oe.cd/ireg>.

## Germany: Transparency throughout the policy cycle



### Inform the public in advance that:

A public consultation is planned to take place	<b>Never</b>
Regulatory impact assessment (RIA) is due to take place	<b>No</b>
Ex post evaluations are planned to take place	<b>Never</b>



### Consult with stakeholders on:

Draft regulations	<b>All</b>
Evaluations of existing regulations	<b>Some</b>



### Publish online:

Ongoing consultations*	<b>All</b>
Views of participants in the consultation process	<b>Yes</b>
RIAs	<b>All</b>
Evaluations of existing regulations	<b>Yes</b>



### Policy makers use:

Interactive website(s) to consult with stakeholders	<b>No</b>
Website(s) for the public to make recommendations on existing regulations	<b>Yes</b>



### Policy makers provide a public response to:

Consultation comments	<b>No</b>
Recommendations made in ex post evaluations	<b>Sometimes</b>

\* Publish on a single central government website.

Note: The data reflects Germany's practices regarding primary laws initiated by the executive.

Source: Indicators of Regulatory Policy and Governance Survey 2021, <http://oe.cd/ireg>.



## THE OECD REGULATORY INDICATORS SURVEY AND THE IREG COMPOSITE INDICATORS

The data presented in the 2021 Regulatory Policy Outlook are the results of the 2014, 2017 and 2021 Indicators of Regulatory Policy and Governance (iREG) surveys.

The iREG survey investigates in detail three principles of the 2012 OECD Recommendation of the Council on Regulatory Policy and Governance: stakeholder engagement, regulatory impact assessment (RIA) and *ex post* evaluation. Three composite indicators were developed based on information collected through the surveys for these areas. Each composite indicator is composed of four equally weighted categories:

- **Systematic adoption** comprises formal requirements and how often these requirements are conducted in practice;
- **Methodology** presents information on the methods used in each area, e.g. the type of impacts assessed or how frequently different forms of consultation are used;
- **Oversight and quality control** reflects the role of oversight bodies and publicly available evaluations; and
- **Transparency** comprises information which relates to the principles of open government e.g. whether government decisions are made publicly available.

The data underlying the composite indicators reflect practices and requirements in place at the national level of government, as of 1 January 2021. The indicators for stakeholder engagement

and RIA relate to regulations initiated by the executive, while the indicator on *ex post* evaluation relates to all regulations. Whilst the indicators provide an overview of a country's regulatory policy system, they cannot fully capture the complex realities of its quality, use and impact. In-depth country reviews are therefore required to complement the indicators and to provide specific recommendations for reform. A full score on the composite indicators does not imply full implementation of the Recommendation. To ensure full transparency, the methodology for constructing the composite indicators and underlying data as well as the results of sensitivity analysis are available publicly on the OECD website (<http://oe.cd/ireg>).

Related links:

- [Regulatory Policy Outlook 2021](#)
- [Indicators and underlying data and methodology](#)
- [2012 Recommendation of the Council on Regulatory Policy and Governance](#)
- [OECD Measuring Regulatory Performance Programme](#)
- [OECD work on regulatory policy](#)

**Contact:**

Measuring Regulatory Performance programme

[mrp@oecd.org](mailto:mrp@oecd.org)

