The Tasks of Nationaler Normenkontrollrat with a special view to the consultation process

Martina Hampel
Secretariat of Nationaler Normenkontrollrat

Budapest, 15 February 2012
Outline

I) Background

II) Ex-ante procedure and stakeholder consultation

III) Ex-post projects and stakeholder consultation

IV) Conclusion
I) Background

- **April 2006**: Federal Government‘s Programme for the Reduction of Bureaucracy and Better Regulation
- **August 2006**: NKR was established
- **February 2007**: reduction target of 25% by 2011 was set
- **March 2011**: expansion of NKR‘s mandate on compliance costs
- **September 2011**: start of NKR‘s second term
I) Background

Members

Dr. Johannes Ludewig  (Chairman; former Secretary of State; former Chairman of Deutsche Bahn AG)

Wolf-Michael Catenhusen  (Deputy Chairman; former Secretary of State; Member of Deutscher Bundestag from 1980 to 2002)

Dr. Thea Dückert  (Lecturer at the University of Oldenburg, Member of Deutscher Bundestag from 1998 to 2009)

Rainer Funke  (former Secretary of State, Member of Deutscher Bundestag from 1980 to 1983 and from 1987 to 2005)

Gudrun Grieser  (former Lord Mayor of the City of Schweinfurt)

Prof. Dr. Sabine Kuhlmann  (German University of Administrative Sciences in Speyer)

Sebastian Lechner  (Economist)

Dorothea Störr-Ritter  (Head of the district authority of the district of Breisgau-Hochschwarzwald)

Hanns-Eberhard Schleyer  (Lawyer, former Secretary General of German Confederation of Skilled Crafts)

Prof. Dr. Andrea Versteyl  (Lawyer, honorary Judge at the constitutional court of Saxony)
I) Background

Tasks

Support and Advice to the Federal Government in the reduction of bureaucracy and better regulation

Avoid the creation of new administrative burden

Perceivable reduction of existing administrative burden
II) Ex-ante procedure and stakeholder consultation

Task I.: Avoid the creation of new administrative burden

- NKR is treated like a line ministry during legislative procedure

- NKR examines the description of the compliance costs in terms of comprehensibility and correct methodology

- formal Opinion of NKR is attached to the cabinet draft and is passed to Parliament and the Federal Council

- ensuring transparency
- raising awareness of administrative burdens
- improving the basis for decision-making
II) Ex-ante procedure and stakeholder consultation

1. Since 1 February: citizens' dialogue in the internet
2. In general, publication of draft text in internet
3. Where appropriate hearing with concerned stakeholders
4. Stakeholder may comment on the draft text
5. NKR takes stakeholders' comments into account
6. Where appropriate, exchange with stakeholders and expert hearings

Proclamation

New regulation intended

Enforcement/Existing Law

Drafting of the New Bill

Interministerial Coordination, Involvement of the Länder, Consultation of Stakeholder

Deliberations in Parliament

NKR-Opinion

NKR

Start of NKR involvement

Adoption by Parliament

Transmission to Parliament

Cabinet Decision
III) Ex-post projects and stakeholder consultation

Task II.: Reduction of existing administrative burden

The NKR...

- has supported the Federal Government in reaching the reduction target of 25 %
- ensured quality control during the baseline measurement
- provides recommendations and statements
- comments on simplification proposals
- acts as driver for reduction of bureaucracy
- initiates and coordinates ex-post projects
III) Ex-post projects and stakeholder consultation

- regular exchange between the Federal Government, the business sector and the NKR on the development of reduction of bureaucracy

- business sector was asked to submit simplification proposals for the new Government’s programme

- database on baseline measurement is publicly available

- common projects with stakeholders, e.g.
  - financial support to students (BAföG)
  - entry visa for qualified employees
III) Ex-post projects and stakeholder consultation

Example: Simplification of the BAföG procedure

- stakeholders: students, parents, relevant administrative bodies

- burden measurement at stakeholders by means of
  - personal interviews
  - telephone interviews
  - questionnaires
  - online database

- stakeholders were asked for experiences and proposals for improvement

- prioritisation of proposals by stakeholders

- all proposals were included in the final report
IV) Conclusion

Stakeholder consultation...

- ensures transparency of the legislative procedure
- provides the necessary input from users and interested parties
- in order to meet the needs of stakeholders
- but: means also to find the balance between stakeholders‘ interests and public interests
- is necessary for getting the full picture
- improves the basis for decision-making
Martina Hampel
Sekretariat des Nationalen Normenkontrollrates
Willy-Brandt-Straße 1
10557 Berlin

Tel.: 0049 - (0)30-18 400-1314
Fax.: 0049 - (0)30-18 400-1848
E-mail: Martina.Hampel@bk.bund.de