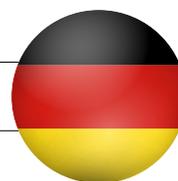


Indicators of Regulatory
Policy and Governance
EUROPE 2022

Germany





Germany

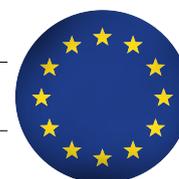
Overview and recent developments

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.

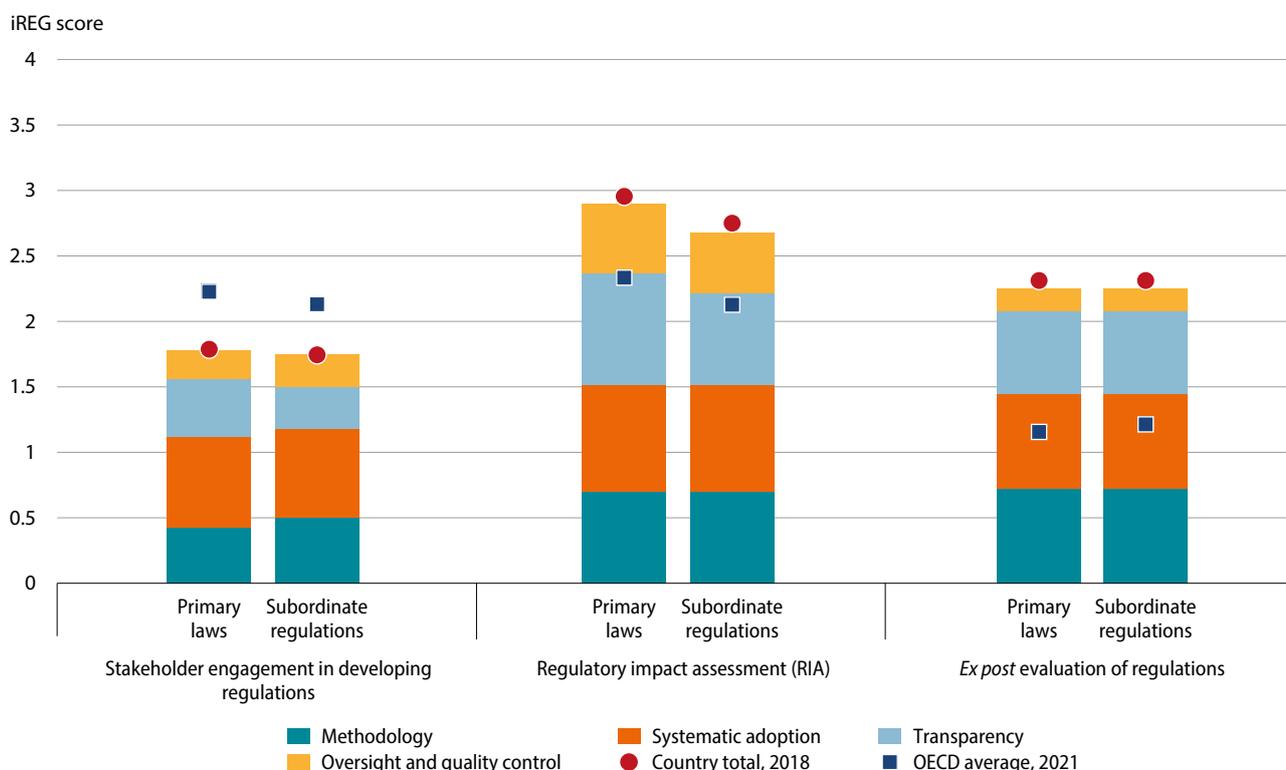
The Better Regulation Unit (BRU) in the Federal Chancellery is the central co-ordinating and monitoring body for the implementation of the Federal Government's programme on better regulation and bureaucracy reduction. Its mandate has been broadened to include the evaluation and further strengthening 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.



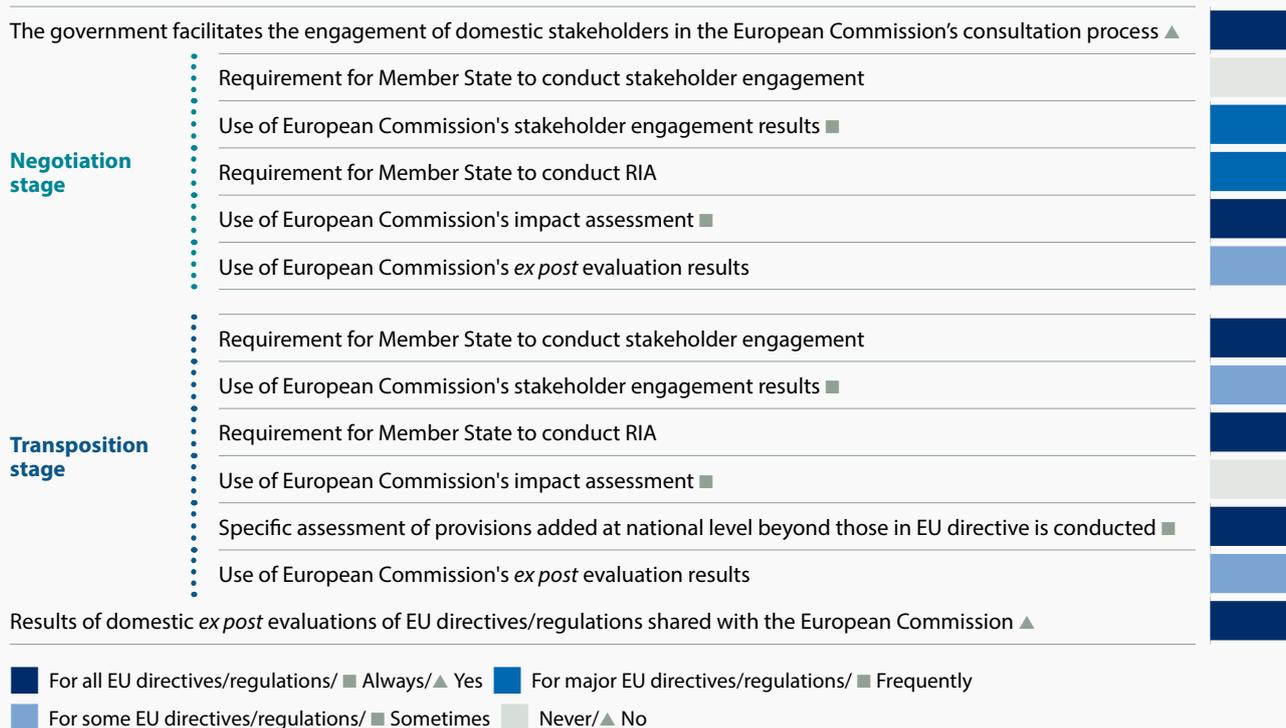
INDICATORS OF REGULATORY POLICY AND GOVERNANCE (iREG): GERMANY, 2021



Note: 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>.

REQUIREMENTS TO USE REGULATORY MANAGEMENT TOOLS FOR EU-MADE LAWS: GERMANY



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

THE OECD REGULATORY INDICATORS SURVEY AND THE COMPOSITE INDICATORS

The data presented in the *Better Regulation Practices across the European Union 2022* report are the results of the 2014, 2017, and 2021 indicators of Regulatory Policy and Governance (iREG) surveys. The results from these surveys for OECD member countries as well as the European Union have also been presented in the 2015, 2018, and 2021 OECD Regulatory Policy Outlooks. Composite indicators and country profiles for the five EU countries that are not members of the OECD were published for the first time and are based on the data from the 2017 and 2021 iREG surveys.

The Regulatory Indicators 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** which records formal requirements and how often these requirements are conducted in practice;
- **Methodology** which gathers 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** records the role of oversight bodies and publicly available evaluations; and
- **Transparency** which records information from the questions that relate 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:

- Full report: [Better Regulation Practices across the European Union 2022](#)
- [Better Regulation Practices across the European Union 2019](#)
- [Indicators and underlying data and methodology](#)
- [Regulatory Policy Outlook 2021](#)
- [Recommendations and Guidelines on Regulatory Policy](#)
- [OECD Measuring Regulatory Performance Programme](#)
- [OECD work on regulatory policy](#)

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 <http://oe.cd/ireg>

