

Germany

Overview and recent developments

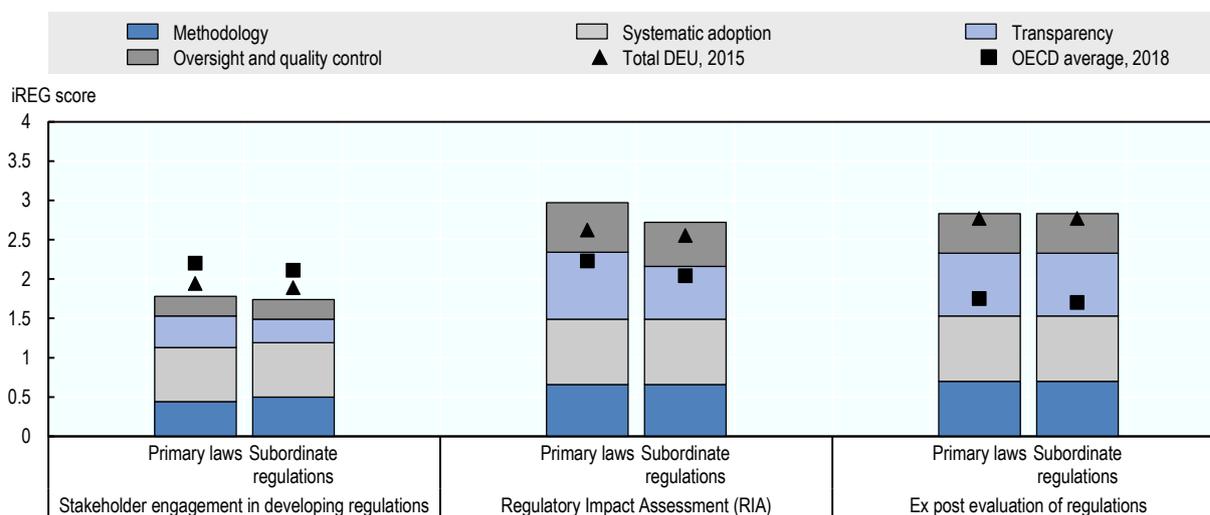
Germany has made several improvements to its regulatory policy system, especially with respect to *ex ante* impact assessments. RIA has been mandatory for all laws and regulations since 2000 and has most recently been extended in 2016 with the introduction of SME-test guidelines to promote SME-friendly policy development. Germany has put a strong emphasis on the reduction of costs of regulation, revising the EU *ex ante* procedure in 2016 to avoid compliance costs stemming from EU legislative acts and introducing the One-In, One-Out rule in 2015. The same year, Germany incorporated a behavioural insights team in the Policy Planning Unit in the Chancellery to act as a service unit for all Federal Ministries to inform legislative and administrative processes.

Since 2017, all draft regulations are available on ministries' websites, together with comments from relevant stakeholders and other accompanying documents. The Ministry for the Environment has launched a website on public participation and Germany also recently made use of green papers, inviting interested parties to participate in the newly introduced network of practitioners in agriculture. 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 general public, release impact assessments for public consultation and systematically publish responses to consultation comments online.

Institutional setup for regulatory oversight

The **National Regulatory Control Council** (NKR) operates at arm's length from government. It reviews the quality of all RIAs and provides advice during all stages of rulemaking and has responsibilities in administrative simplification and burden reduction and *ex post* evaluation. In its annual reports to the Federal Chancellor, the NKR presents the main results of its oversight activity. The **Better Regulation Unit** 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. The Federal Government reports to Parliament annually on the progress of the programme. The **Federal Audit Office** and the **Parliamentary Advisory Council on Sustainable Development** are responsible for evaluation of regulatory policy and identifying areas where regulation can be made more effective. Bodies within the Federal Ministries of the Interior and of Justice and Consumer Protection examine the legal quality and comprehensibility of legal drafts and a special unit of linguists provides linguistic advice to all ministries.

Indicators of Regulatory Policy and Governance (iREG): Germany, 2018



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 (89% of all primary laws in Germany).

Source: Indicators of Regulatory Policy and Governance Surveys 2014 and 2017, <http://oe.cd/ireg>.

StatLink <https://doi.org/10.1787/888933815566>

Location of regulatory oversight functions: Germany

Regulatory oversight functions		Centre of government	Ministry of Finance, Economy or Treasury	Ministry of Justice	Other ministries	Non-departmental body	Parliament	Office of the Attorney General	Supreme audit institution	Part of the judiciary
Quality control of...	RIA	●				●	●			
	Stakeholder engagement									
	Ex post evaluation	●								
Identifying policy areas where regulation can be made more effective		●				●			●	
Systematic improvement of regulatory policy		●				●	●		●	
Co-ordination of regulatory policy		●								
Guidance, advice and support		●				●				
Scrutiny of legal quality		●		●						

Notes: ● indicates that a given regulatory oversight function is covered by at least one body in a particular location. Data present the situation as of 31 December 2017 and do not reflect changes that may have taken place in 2018.

Source: Survey questions on regulatory oversight bodies, Indicators of Regulatory Policy and Governance Survey 2017, <http://oe.cd/ireg>.