

Independent Reporting Mechanism (IRM): Germany Implementation Report 2017–2019

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Executive Summary: Germany

Germany's first OGP action plan resulted in significantly greater disclosure of information in areas such as the extractive industries, foreign aid, and mobility. The action plan saw high levels of completion overall, partly due to the commitments being part of pre-existing government plans.

The Open Government Partnership (OGP) is a global partnership that brings together government reformers and civil society leaders to create action plans that make governments more inclusive, responsive, and accountable. The Independent Reporting Mechanism (IRM) monitors all action plans to ensure governments follow through on commitments. Germany joined OGP in 2016. Since, Germany has implemented one action plan. This report evaluates the implementation of Germany's first action plan.

General overview of action plan

Germany fully or substantially completed all 15 commitments in its first action plan, although many commitments were derived from existing work plans. The government regularly updated the public on the progress of the implementation of the commitments in the action plan.

The strongest results of the action plan involved transparency initiatives, particularly the disclosure of information on extractive industries, foreign aid, and mobility. In particular, under Commitment 5, Germany became the first EU member state to be officially assessed as in compliance with the Extractive Industries Transparency Initiative Standard. The action plan also saw major improvements to aid transparency (Commitment 6) and disclosure of mobility data (Commitment 7).

A starred commitment must meet several criteria:

- The commitment's design was **Verifiable**, **Relevant** to OGP values, and had a **Transformative** potential impact. As assessed in the Design Report.
- The commitment's implementation was assessed by IRM Implementation Report as **Substantial** or **Complete**.

Based on these criteria, Germany's action plan had one starred commitment:

Table 1. At a glance

Participating since: 2016
Action plan under review: First
Report type: Implementation
Number of commitments: 15

Action plan development

Is there a Multistakeholder forum? No
Level of public influence: Involve
Acted contrary to OGP process: No

Action plan design

Commitments relevant to OGP values: 13 (87%)
Transformative commitments: 1 (6%)
Potentially starred: 1 (6%)

Action plan implementation

Starred commitments: 1 (6%)
Completed commitments: 10 (67%)
Commitments with Major DIOG*: 4 (27%)
Commitments with Outstanding DIOG*: 0
Level of public influence: Consult
Acted contrary to OGP process: No

*DIOG: Did it Open Government?



- Commitment 7: Open Data for Intelligent Mobility

Table 2. Noteworthy commitments

Commitment description	Status at the end of implementation cycle.
3. Promoting the open data environment Establish a reliable open data ecosystem by communicating with stakeholders to promote the use and quality of open data.	The Federal Ministry of the Interior, Building and Community carried out intra-governmental dialogue on open data and actively communicated with external audiences at various public events. This commitment – together with the open data guidelines and handbooks published as part of a separate commitment in this action plan – has helped to lay the groundwork for improving open data ecosystems in the future.
5. Financial transparency—implementing the Extractive Industries Transparency Initiative (EITI) standard Increase transparency and accountability in extractive industries and strengthen dialogue with extractive industries stakeholders.	Germany became the first EU member state to fully comply with the EITI Standard. Notably, Germany's second EITI report goes beyond EITI reporting requirements on environmental disclosures, raising the bar for other countries. In addition, the new legal framework, technical infrastructure, and multi-stakeholder approach have led to the disclosure of information on the extractives sector that was previously fragmented, of low quality, or simply unavailable.
6. Transparency in Development Policy Improve quality and quantity of information on aid programming, as well as carry out consultations with experts and civil society.	As a result of this commitment, Germany's International Aid Transparency Initiative reporting now includes more granular information, and the frequency of federal reporting has increased from quarterly to monthly. This commitment also boosted senior-level visibility of this issue and produced constructive dialogue with civil society through a series of workshops on aid transparency.
7. Open data for intelligent mobility Create and promote a culture of transparency and responsiveness, as well as creative solutions, for issues of transport policy.	Beyond disclosing more mobility datasets and improving the functionality of the transportation data portal, the government actively engaged citizens on mobility issues. Notably, the government conducted an extensive online consultation to develop a noise action plan and collaborated with civil society organizations at various transport-related data events.

Five Key IRM Recommendations

The IRM key recommendations are prepared in the IRM Design Report. They aim to inform the development of the next action plan and guide implementation of the current action plan. In Germany's 2017-2019 Design Report, the IRM recommended the following:

1. Improve co-creation in a holistic way
2. Invest increased resources to support civil society participation in the OGP process
3. Leverage OGP for developing new commitments beyond pre-existing initiatives
4. Use windows of opportunity for ambitious thematic commitments in the next action plan
5. Identify and work with high-level political champions or elder statespersons to raise the profile and visibility of open government inside the government

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The Open Government Partnership (OGP) aims to secure concrete commitments from governments to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. OGP's Independent Reporting Mechanism (IRM) assesses development and implementation of national action plans to foster dialogue among stakeholders and improve accountability.



I. Introduction

The Open Government Partnership is a global partnership that brings together government reformers and civil society leaders to create action plans that make governments more inclusive, responsive, and accountable. Action plan commitments may build on existing efforts, identify new steps to complete ongoing reforms, or initiate action in an entirely new area. OGP's Independent Reporting Mechanism (IRM) monitors all action plans to ensure governments follow through on commitments. Civil society and government leaders use the evaluations to reflect on their own progress and determine if actions have made an impact on people's lives.

The Independent Reporting Mechanism of OGP has partnered with Dr. Dieter Zinnbauer, who carried out this evaluation. The IRM aims to inform ongoing dialogue around development and implementation of future commitments. For a full description of the IRM's methodology please visit <https://www.opengovpartnership.org/about/independent-reporting-mechanism>.

This report covers the implementation of Germany's first action plan for 2017-2019.

The general context for advancing open government in Germany continues to be favorable. Despite challenges in building strong coalition governments at the federal and state levels to develop ambitious initiatives, there is strong cross-party affirmation of open government's relevance, a collective resolve to make Germany fit for the digital age. Notably, the budget directly allotted for OGP-related activities increased from EUR 285,000 in 2018 to EUR 1.085 million in the 2019 federal budget.¹ Germany continues to perform strongly on major indicators of good governance, democracy, and openness, as outlined in the IRM Design Report. It has also seen a modest uptick in e-government use² and open data impact,³ albeit from a relatively low level.

Germans report relatively high levels of trust in the federal government⁴ and are generally satisfied with the quality of public administration⁵ and the possibility to participate in political life.⁶ At the same time, the perception that political parties are indifferent to the average person's needs (60 percent agreement in 2019) and that the political system favors the rich and powerful (69 percent) seems to have become more entrenched.⁷ Furthermore, two thirds of Germans want their government to do more on digitization.⁸

Germany's first action plan largely focused on laying the institutional foundations for its future engagement in OGP. It included a number of commitments to improve open data and transparency across fields such as transportation, development aid, and extractives. The milestones largely reflected existing work plans. The second action plan builds on the first one, by including more commitments on open data (at the state and local levels) and also in civic participation in decision making in a number of policy areas.

¹ Titel 0602 532 39-01 I in: Deutscher Bundestag, Haushaltsgesetz 2018, Drucksache 18/1700, https://www.bundeshaushalt.de/fileadmin/de.bundeshaushalt/content_de/dokumente/2018/soll/Bundeshaushaltsplan-2018-Haushaltsgesetz-2018.pdf; Titel 0410 532 05 -01 I in: Deutscher Bundestag, Haushaltsgesetz 2019, Drucksache 19/3400, <http://dip21.bundestag.de/dip21/btd/19/034/1903400.pdf> 19/3400, <http://dip21.bundestag.de/dip21/btd/19/034/1903400.pdf>

² Fortiss 2019, eGovernment Monitor 2019, <https://initiated21.de/app/uploads/2019/10/egovernment-monitor-2019.pdf>; European Commission 2019, eGovernment Benchmark 2019, <https://www.capgemini.com/wp-content/uploads/2019/10/The-European-Commission-eGovernment-Benchmark-2019.pdf>

³ Open Data Maturity 2019, Germany, https://www.europeandataportal.eu/sites/default/files/country-factsheet_germany_2019.pdf

⁴ OECD, Government at a Glance 2019, <http://www.oecd.org/gov/govataglance.htm>

⁵ Die Bundesregierung, Lebenslagenbefragung 2019, https://www.amtlich-einfach.de/DE/Ergebnisse/Buerger2019/Ergebnisse_Digitalisierung_node.html

⁶ European Commission 2018, 69% der Deutschen vs. EU 28 Durchschnitt von 63%. Special Eurobarometer 477, Democracy and Elections.

⁷ IPSOS 2019, Populist and nativist sentiment in 2019: A 27-country survey. Siehe UBM Design Report fuer vergleichbare Zahlen fuer 2018.

⁸ Institut für Demoskopie Allensbach (IfD) 2018, Die Auswirkungen von Digitalisierung und Vernetzung aus der Sicht der Bürger (Berichte für das Bundespresseamt), Allensbach, <https://nbn-resolving.org/urn:nbn:de:0168-ssoar-60008-5>

II. Action Plan Implementation

The IRM Implementation Report assesses “Completion” and “Did it Open Government?” These two indicators are based on each of the commitment’s implementation progress at the end of the action plan cycle. This report does not re-visit assessments for “Verifiability”, “Relevance” or “Potential Impact”. The former are indicators assessed in IRM Design Reports. For more details on each of the indicators please see Annex II in this report.

2.1 Overview

Germany fully or substantially implemented all 15 commitments in the first action plan. Different stakeholders have consistently praised the Federal Chancellery (and particularly its point of contact to OGP) for its constant coordination and communication between implementing agencies and with civil society. However, the high completion rate was also partly due to the fact that many commitments were derived from ongoing government activities.

Germany’s first action plan saw a number of noteworthy achievements in improving public access to information. For example, under Commitment 5, Germany became the first EU country to fully comply with the Extractives Industries Transparency Initiative (EITI) reporting standard. This commitment also led to a level of environmental reporting for Germany that exceeds the EITI standard, which could inspire other countries to improve their performances in this area. EITI reporting has also begun to decrease the general reluctance in Germany to mandate public disclosure of privately held information by businesses. Beyond the extractives sector, Commitment 7 led to greater transparency of data in the mobility and transportation sectors by encouraging non-government stakeholders to share their datasets in these sectors. The action plan also led to more transparency in the gender distribution in senior leadership positions (Commitment 12), improved accessibility of information important for LGBTQ communities (Commitment 10), and more transparency on Germany’s foreign aid programming (Commitment 6).

Despite these notable achievements, public engagement in OGP and progress towards a deeper form of co-creation remain more limited. For example, there was a lack of explicit consideration of stakeholder feedback instruments in methodologies for OGP self-assessments¹ or in the government’s Open Data Progress Report (closely related to Commitments 2 and 3). Both of these progress reports could have also included user or beneficiary feedback on progress as part of their progress monitoring. Also, while the action plan saw high levels of completion overall, a small set of milestones that could have significantly improved citizen engagement were either significantly delayed or remained incomplete by the end of the implementation period. For example, under Commitment 4, the publication of the guidelines for the administration on how to deal with crowdsourced geo-data (4.5) were delayed and a major online participation tool on environmental issues is still under development (8.3) at the time of writing this report.

¹ Dies ist z.B. der Fall fuer den Zwischen- und Abschlussbericht der Bundesregierung zum ersten nationalen Aktionsplan 2017-2019., <https://www.open-government-deutschland.de/opengov-de/aktionsplaene-und-berichte/berichtswesen-1591026>

2.2. Commitments

I. Creating framework conditions for OGP participation

Language of the commitment as it appears in the action plan:¹

“Creating the basis to promote open government and formalize OGP participation in Germany.”

Milestones:

- I.1. Commissioning a study to analyse the potential of open government in the Federal Government across policy areas
- I.2. Developing a **strategy** for drafting and evaluating future OGP action plans, including
 - schedule and coordination structures
 - assessment of needs and efforts
 - consulting stakeholders
 - taking into account state and local authorities (decision of the IT Planning Council at its 22nd meeting)
 - public relations
- I.3. Setting up an official German OGP website, including a newsletter, online participation and information
- I.4. **Implementing** the strategy (I.2) at the beginning of the drafting period of the second action plan
- I.5. Developing guidelines on how open government works at local level on the basis of the Modellkommune Open Government project
- I.6. Carrying out information events (for government officials and stakeholders)
- I.7. Participating in events (e.g. OGP Global Summit) and relevant bodies (e.g. OGP Anti-Corruption Working Group) to introduce the German action plan and engage in expert dialogue at national and international level

Start Date: July 2017

End Date: June 2019

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none">• Verifiable: Yes• Relevant: Access to information, Civic participation• Potential impact: Minor	<ul style="list-style-type: none">• Completion: Substantial• Did it Open Government? Marginal

The commitment aimed to lay down practical foundations for Germany's OGP engagement, an important undertaking given that this was Germany's first action plan and the visibility of OGP was limited both within and outside the government. The commitment covered scoping research, developing strategies and guidelines, raising awareness, and engaging the international open government community.

This commitment saw substantial implementation by the end of the action plan period. It should be noted that the initial phase of Germany's OGP engagement coincided with a prolonged phase of post-election government formation. The ensuing uncertainty on task assignment and public spending for commitments complicated the establishment of the structures and processes for OGP inside the government. This, however, had a greater effect on the development of the second action plan than on the implementation of the first plan.

Milestones 1.3-1.7 were fully implemented as described, albeit with some minor delays for 1.3 and 1.5.² A dedicated OGP website has been set up, along with a newsletter (1.3).³ The design process for the second action plan (2019-2021) incorporated feedback received on the first action plan's design, and also integrated commitments made by three German states (*Bundesländer*) (1.4).⁴ The guidelines for opening government at the local level were prepared and published.⁵ Government representatives convened information events and actively contributed to a number of open government-related events and thematic working groups at national and international levels (1.6 and 1.7). Examples include participation at the European Open Government Leaders' Forum,⁶ the Club of Venice Seminar on "Open Government and Open Data" in March 2019, and the 2019 OGP Global Summit.⁷

Implementation of milestone 1.1 is still ongoing with the scoping study on open government now expected in early 2020. Commissioning the production of this study from an academic institution rather than a consulting company might yield a more independent assessment, as implied in the government's End-of-Term Self-Assessment Report. Nonetheless, the study could still be useful for informing the design and implementation of Germany's future OGP action plans (beyond the second action plan).

The envisaged outputs for milestone 1.2 have been integrated into a set of events and activities carried out by the OGP team in the Federal Chancellery.⁸ The Federal Chancellery (and the national point of contact to OGP in particular) continues to receive high marks on its communication with stakeholders.⁹ However, the publication of a consolidated document that describes the implementation and evaluation strategy could have been a useful reference point for continuous stakeholder input and ongoing refinement of the OGP process. This approach to evaluation could provide additional opportunities for building a stakeholder input component directly into the definition of milestones, success criteria, and related evaluation strategies.

As the commitment focused on formalizing the OGP process in Germany, it did not in itself contribute substantively to opening government. However, anecdotal evidence suggests that the visibility of open government, and of Germany's engagement in OGP, is gradually growing both at the political and administrative levels and beyond the immediate OGP stakeholder community.¹⁰ Such evidence includes a video message by Chancellor Angela Merkel on 31 August 2019 to highlight the importance of open government during the launch of the second action plan¹¹ and notable references to Germany's OGP commitments in government documents and by expert commissions outside the OGP community.¹²

The federal government's successful application to join the OGP Steering Committee, and the fact that the German delegation to the 2019 OGP Global Summit in Ottawa was led by the Minister of State for Digitalisation Dorothee Bär, further attests to this growing appreciation of OGP.¹³ However, several civil society representatives and government officials suggest that general public visibility and awareness of OGP in Germany is still somewhat limited, particularly outside (but also to some extent inside) the open government/open data community.¹⁴

¹ Die direkten Zitate aus dem Text der Verpflichtung, die fuer dieses und alle folgenden Verpflichtungen an dieser Stelle wiedergegeben werden, beschaenken sich auf Platzgruenden auf die allgemeine Beschreibung der Verpflichtung, sowie die jeweiligen Meilensteine. Fuer die ungekuerzte deutsche Fassung des ersten nationalen Aktionsplanes siehe https://www.opengovpartnership.org/wp-content/uploads/2017/08/Germany_NAP_2017-2019_DE.pdf

² Die Umsetzung dieser Meilensteine ist im umfassend dokumentiert im Abschlussbericht der Bundesregierung zum ersten nationalen Aktionsplan 2017-2019, Meilenstein 12.5, http://open-government-kommunen.de/wp-content/uploads/2019/09/Gebrauchsanleitung_Modellkommune-Open-Government.pdf

³ Open Government Deutschland, <https://www.open-government-deutschland.de/opengov-de>

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- ⁴ Open Government Deutschland, <https://www.open-government-deutschland.de/opengov-de/aktionsplaene-und-berichte/zweiter-nationaler-aktionsplan-1591034>
- ⁵ Leitlinien Open Government, http://open-government-kommunen.de/wp-content/uploads/2019/09/Gebrauchsanleitung_Modellkommune-Open-Government.pdf
- ⁶ Italia Open Gov, European Open Government Leaders' Forum 2018, <http://open.gov.it/saa/european-open-government-leaders-forum/>
- ⁷ Open Government Deutschland, <https://www.open-government-deutschland.de/opengov-en/content/delegation-attended-the-ogp-global-summit-2019-1685490>
- ⁸ Fuer eine Zeitleiste der Veranstaltungen siehe <https://www.open-government-deutschland.de/opengov-de/termine/zeitleiste-1591046>
- ⁹ Mehre Interviews mit RegierungsvertreterInnen und der Zivilgesellschaft bestaetigen dies.
- ¹⁰ Das beinhaltet z.B. Verweise auf Deutschlands OGP Verpflichtungen in Regierungsdokumenten und Expertengremien, die ausserhalb des direkten OGP Themenbereiches agieren. Siehe z.B. Informationsveranstaltung zur Modellkommune, http://open-government-kommunen.de/wp-content/uploads/2018/12/2018_10_22-OGP-Modellkommunen-OpenGovernment-V01.pdf; Stellungnahme der Bundesregierung zum Fortschrittsbericht zur High Tech-Strategie 2025 (September 2019) (Durcksache 19/13030), <http://dip21.bundestag.de/dip21/btd/19/130/1913030.pdf>; 10. D-GEO Fortschrittsbericht, https://www.d-geo.de/docs/D-GEO_Fortschrittsbericht10_final.pdf (July 2018)
- ¹¹ Open Government Deutschland, <https://www.open-government-deutschland.de/opengov-en/content/chancellor-announces-national-action-plan-1685508>
- ¹² Informationsveranstaltung zur Modellkommune, http://open-government-kommunen.de/wp-content/uploads/2018/12/2018_10_22-OGP-Modellkommunen-OpenGovernment-V01.pdf; Gutachten der Datenethikkommission, https://www.bmi.bund.de/SharedDocs/downloads/DE/publikationen/themen/it-digitalpolitik/gutachten-datenethikkommission.pdf?__blob=publicationFile&v=6
- ¹³ Open Government Deutschland, <https://www.open-government-deutschland.de/opengov-en/content/delegation-attended-the-ogp-global-summit-2019-1685490>
- ¹⁴ Interview mit bekanntem Open Data Experten; Medienstatistiken bereitgestellt von der zustandigen Regierungsstelle.

2. Implementing Open Data in Administrative Practice

Language of the commitment as it appears in the action plan:

“With its open data legislation, the Federal Government has implemented a key element of the G8 action plan. The E-Government Act creates the basis for actively providing open data of federal authorities. However, the act’s success will strongly depend on effective implementation. To this end, knowledge about open data in the federal administration will be enhanced to ensure that data are provided in a consistent manner. Provision of open data will be tailored to the users’ needs.”

Milestones:

- 2.1. Evaluation and implementation plan of pending commitments of the G8 Open Data Action Plan
- 2.2. Strategy for consistent data provision for the federal administration
- 2.3. Creating an advisory service for the federal administration
- 2.4. Developing tools to assist federal authorities in identifying and publishing suitable data
- 2.5. Developing open data guidelines (e.g. on data protection, publication process)

Start Date: June 2017

End Date: June 2019

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none">• Verifiable: Yes• Relevant: Access to information• Potential impact: Minor	<ul style="list-style-type: none">• Completion: Substantial• Did it Open Government? Marginal

This commitment aimed to enhance the conditions for open data in Germany’s federal administration. This included targeted research, the development of support services, and the provision of guidelines and tools to assist federal authorities in adopting consistent open data practices.

Despite the vagueness of some milestones, the overall completion of the commitment was substantial.

The state of implementation of the G8 Open Data Action Plan and Germany’s performance in some major open data rankings were examined and discussed in an interministerial steering group on open data (milestone 2.1). Making more of the internal analysis, assessments, and strategy design available to public consumption and feedback could further leverage the benefits of these efforts.¹ Several guidelines and handbooks have been produced to aid the identification and publication of open data (milestones 2.2,² 2.4, and 2.5).³

However, whether an evaluation report with suggestions amounts to the envisaged strategy for consistent data provision is open to interpretation (milestone 2.2). Lastly, an open data support service (milestone 2.3) was established. However, according to the government’s Open Data Progress Report from October 2019 this support function is not yet adequately staffed and less than one in five federal agencies have used its services.⁴

So far, the implementation of this commitment has led to marginal improvements to open data in the federal administration. The recognition of the potential of open data in official statements continues to be strong.⁵ However, according to the Open Data Progress Report, whose findings were based on interviews with more than 50 federal agencies, the necessary support infrastructure has either not yet been established or is at an early stage in most federal agencies.⁶ Germany

continues to rank in the middle and partially in the lower tier of comparable countries on different aspects of open data performance.⁷ That said, the activities undertaken for this commitment have laid the groundwork for better open data ecosystems going forward.

¹ Evidence of internal analysis and discussion kindly provided to IRM researcher by related department, but related materials not available publicly online.

² Evidence on evaluation kindly provided to IRM researcher by related department; findings included in Deutscher Bundestag (2019). Erster Bericht der Bundesregierung über die Fortschritte bei der Bereitstellung von Daten, Drucksache 19/14140, 10.10.2; evaluation report made available by related department.

³ https://www.verwaltung-innovativ.de/DE/Verwaltungsdigitalisierung/Open_Data/open_data_node.html;jsessionid=F4A7B1B2046396D8E160D5B049AD8855.1_cid332!and

https://www.bva.bund.de/DE/Services/Behoerden/Beratung/Beratungszentrum/OpenData/opendata_node.html

⁴ Deutscher Bundestag 2019, Erster Bericht der Bundesregierung über die Fortschritte bei der Bereitstellung von Daten, Drucksache 19/14140, 10 October 2019, <http://dip21.bundestag.de/dip21/btd/19/141/1914140.pdf>.

⁵ For some recent examples see the prominent recognition of open data and its importance in statements by the Ethics Commission, the Competition 4.0 Commission, or the government's framework for its forthcoming data strategy, <https://www.bundesregierung.de/resource/blob/975226/1693626/e617eb58f3464ed13b8ded65c7d3d5a1/2019-11-18-pdf-datenstrategie-data.pdf?download=1>

⁶ Deutscher Bundestag 2019, Erster Bericht der Bundesregierung über die Fortschritte bei der Bereitstellung von Daten, Drucksache 19/14140, 10 October 2019; this view was also confirmed in several interviews with civil society and government representatives by the IRM researcher.

⁷ For example, the EU open data maturity index, which classifies Germany as a "follower", https://www.europeandataportal.eu/sites/default/files/country-factsheet_germany_2019.pdf

3. Promoting the Open Data Environment

Language of the commitment as it appears in the action plan:

“Identifying and reducing shortcomings and unresolved questions to establish a reliable open data ecosystem. Communicating with stakeholders to promote the use and quality of open data.”

Milestones:

- 3.1 Evaluating the recommendations for action made in the study “Open Government Data Deutschland” (Klessmann et al., July 2012)
- 3.2 Establishing an informal dialogue to discuss legal, technical and organizational challenges when publishing government data
- 3.3 Analysing possibilities to improve open data rankings, e.g. OD Barometer (World Wide Web Foundation), Open Data Index (OKF), OURData Index (OECD) and ODIN (Open Data Watch)
- 3.4 Carrying out or participating in workshops with civil society, associations, journalists, start-ups and researchers to promote re-use, assess needs and improve data quality
- 3.5 Analysing the International Open Data Charter from a German perspective
- 3.6 International experience-sharing, e.g. by contributing to the OGP Open Data Working Group and continuing DACHLi (Germany, Austria, Switzerland, Liechtenstein) talks

Start Date: July 2017

End Date: June 2019

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none">• Verifiable: Yes• Relevant: Access to information, Civic participation• Potential impact: Moderate	<ul style="list-style-type: none">• Completion: Substantial• Did it Open Government? Marginal

This commitment focused on improving the broader open data ecosystem in Germany. More specifically, it aimed at “intensifying dialogue with the research community, civil society, businesses and international partners by discussing the need for open data, improving the quality of data and sharing experiences.”¹

Overall, this commitment saw substantial completion, though an intra-ministerial re-assignment of responsibilities during the implementation period created some delays.

Milestones 3.1, 3.2, 3.3, and 3.5 referred to internal and informal analysis and communication processes that have taken place inside and across ministries. However, the Federal Ministry of the Interior, Building and Community provided the IRM researcher with evidence of their completion. Such evidence included an excerpt from an internal presentation (milestone 3.1), and two separate internal presentations of analyses delivered on 7 March 2019 (milestone 3.3) and 22 March 2019 (milestone 3.5). Taken together, the different presentation/meeting dates enable the conclusion that milestone 3.2 (informal dialogue) has been implemented as well. Similar to Commitment 2, making some of the analytical materials and reflections produced internally available to the broader public could have offered more opportunities for stakeholder engagement.

Milestones 3.4 and 3.6 referred to public events where participation of the open data team by the Federal Ministry of the Interior, Building and Community is well documented. Examples of this participation include the Berlin Open Data Day 2018, the kick-off meeting for Germany’s first OGP

action plan, the European Data Portal workshop on Open Data Quality, and the Open Data D-A-CH-LI conference for German-speaking countries.²

With regard to overall achievements so far, it is best to consider Commitments 2 and 3 together, as they both focused on providing the basic infrastructure for open data. The joint evidence suggests a gradually expanding infrastructure for open data, more intra-governmental dialogue, and greater levels of awareness inside government of the relative standing of Germany regarding open data. However, the country still trails other OECD countries' active support for data reuse.³ For example, 64 percent of the 53 federal agencies that responded to a survey indicated having no knowledge of further usage of their published data, though this could be due to the newness of the system.⁴ This comprehensive evaluation of progress in open data is itself indicative of the limited focus on user-centricity, as its approach was limited to surveying the supply side (federal agencies) but not the demand side (actual and potential open data users outside the federal administration).⁵ Taken together, these commitments have led to marginal improvements in Germany's open data ecosystem.

Establishing Germany as a leader on open data, maximizing the public value of government-held data, and building a strong open data ecosystem will require a substantive shift towards user-orientation and collaboration. Two high-profile expert commissions established by the federal government, the data ethics commission, and the competition 4.0 commission, have independently identified the lack of enforceable individual rights and entitlements to open data provision as a central obstacle to progress.⁶ The envisaged refresh of the open data law⁷ and the ongoing design of a data strategy for the federal government could provide a good opportunity for a substantive shift in this direction.

¹ Federal Government of Germany, First National Action Plan 2017–2019, July 2017, 13,

https://www.opengovpartnership.org/wp-content/uploads/2017/08/Germany_NAP_2017-2019_ENG-transl.pdf.

² Berlin Open Data Day 2018, <https://app.mateforevents.com/r/opendataday2018>; kick-off meeting for Germany's first OGP action plan I, <https://www.open-government-deutschland.de/opengov-de/konsultationsphase-fuer-den-zweiten-aktionsplan-gestartet-1591314>; international exchange at the European Data Portal workshop on Open Data Quality, <https://www.europeandataportal.eu/en/news/summary-edps-open-data-quality-workshop>; Open Data D-A-CH-Li Konferenz 2019,

<https://www.smartcountry.berlin/SmartCountryConvention/Programm/Event.jsp?pageTitle=Open+Data+D-A-CH-Li+Konferenz&eventDateld=586159>

³ Both the OECD 2019 Government at a Glance report and the 2019 EU Open Data Maturity assessment identify data reuse as an area with particular room for improvement in Germany,

https://www.europeandataportal.eu/sites/default/files/country-factsheet_germany_2019.pdf; <https://www.oecd.org/gov/gov-at-a-glance-2019-germany.pdf>

⁴ Deutscher Bundestag 2019, Unterrichtung durch die Bundesregierung Erster Bericht der Bundesregierung über die Fortschritte bei der Bereitstellung von Daten, Drucksache 19/14140,

<http://dip21.bundestag.de/dip21/btd/19/141/1914140.pdf>

⁵ Ibid.

⁶ Datenethikkommission 2019, Gutachten der Datenethikkommission, October 2019,

https://www.bmi.bund.de/SharedDocs/downloads/DE/publikationen/themen/it-digitalpolitik/gutachten-datenethikkommission.pdf?__blob=publicationFile&v=5, Ein neuer Wettbewerbsrahmen für die Digitalwirtschaft,

https://www.bmwi.de/Redaktion/DE/Publikationen/Wirtschaft/bericht-der-kommission-wettbewerbsrecht-4-0.pdf?__blob=publicationFile&v=12, A New Competition Framework for the Digital Economy Report by the Commission 'Competition Law 4.0', 9 September 2019.

⁷ Gesetz zur Förderung der elektronischen Verwaltung (E-Government-Gesetz - EGovG) § 12a Offene Daten der Behörden der unmittelbaren Bundesverwaltung (§ 12a EGovG), https://www.gesetze-im-internet.de/egovg/_12a.html

4. Better Access to and Easy Use of Spatial Data

Language of the commitment as it appears in the action plan:

“Spatial data are data which link information to a location or space. They permeate all areas of life and are an essential resource of a digital society. To tap the full potential of spatial data, the Federal Government seeks to ensure the basic supply and make available a broad range of such data for spatial decision-making. Another aim is to make spatial data easier to use. Innovation is to be promoted by encouraging, testing and supporting the implementation of new services.”

Milestones:

- 4.1 Promoting implementation of INSPIRE in Germany by connecting the GDI network to federal and state bodies through contact points of the conferences of specialized ministers and mentors from GDI-DE
- 4.2 Carrying out expert conferences and discussions e.g. “Knowing where” event of the Federal Agency for Cartography and Geodesy, National Forum for Remote Sensing and Copernicus
- 4.3 Providing Copernicus data/services via the IT platform CODE-DE
- 4.4 Transition of the IT platform CODE-DE from pilot to effective operation
- 4.5 Developing a recommendation on how to handle crowdsourcing data for use within the federal administration

Start Date: July 2017

End Date: June 2019

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none">• Verifiable: Yes• Relevant: Access to information, Civic participation• Potential impact: Minor	<ul style="list-style-type: none">• Completion: Complete• Did it Open Government? Marginal

The commitment aimed to further enhance the scope, accessibility, interoperability, and consistency of geospatial data and geo-information infrastructures. It particularly emphasized outreach, awareness raising, and network-building in order to raise the visibility and uptake of open geo-data.

Overall, this commitment was fully complete despite the lack of clear performance targets for the milestones. Workshops and expert discussions to promote and deepen the implementation of the EU’s INSPIRE Directive were carried out (milestones 4.1 and 4.2).¹ Data from the EU Copernicus programme is available on the CODE-DE platform, which went from a pilot phase to full service (milestones 4.3 and 4.4).² Milestone 4.5, which was supposed to be developed by June 2019, was completed by the end of October 2019.³ This milestone focused on producing guidelines for the handling of crowdsourced data within federal agencies. It had significant potential to build interfaces with the vast pool of citizen-generated data and to expand the exchange with civic data entrepreneurs in this area. The guidelines were only made publicly available in January 2020, after the conclusion of the action.

This commitment’s overall results on opening government so far has been marginal.⁴ Although direct attributions to this commitment cannot be established, it is worth noting that the number of datasets that Germany has reported under the EU INSPIRE Directive, as well as their degree of interoperability, rose during the action plan period.⁵ At the same time, given the higher number of datasets and services, the share of datasets with full download accessibility and the average usage per

dataset have fallen. Given this mixed empirical picture, the IRM researcher cannot discern any significant change on opening government.

¹ Workshops on the EU INSPIRE Directive, https://www.gdi-de.org/SharedDocs/Kurzmeldungen/DE/GDI-DE-Aktuelles/2017/FachMK_GDI_DE_Paten.html for milestone 4.1, or

<https://www.bmi.bund.de/SharedDocs/kurzmeldungen/DE/2017/09/inspire-konferenz.html> for milestone 4.2.

² Easy access to Copernicus data and scalable cloud processing, <https://code-de.org/>

³ See: https://www.imagi.de/SharedDocs/kurzmeldungen/Webs/IMAGI/DE/2019/crowdsourcing-geodaten.html;jsessionid=D7ED6B8D529A3EBF3B4414A64D15D8BC.2_cid295

⁴ Interviewees from civil society described the crowdsourcing guide as comprehensive and useful in early reviews.

⁵ Increase of reported datasets from 22,369 (2017) to 31,041 (2018), calculation by IRM reviewer based on http://cdr.eionet.europa.eu/de/eu/inspire/monitoring/envwvlggg/EN_gdi-de.html#IndicatorSet-NSi2a; and http://cdr.eionet.europa.eu/de/eu/inspire/monitoring/envxnpla/EN_gdi-de.html#IndicatorSet-NSi2b

5. Financial Transparency—Implementing the EITI Standard

Language of the commitment as it appears in the action plan:

“To meet the standard of the international Extractive Industries Transparency Initiative (EITI) in Germany, we are working with a multi-stakeholder group (MSG) composed of the ministries concerned, the federal states, municipalities, civil society and businesses. The progress of national efforts (D-EITI) will be tracked in particular in an annual report which compares payments by extractive enterprises with the corresponding revenues of government agencies. Moreover, the D-EITI report will include comprehensive and understandable explanations on Germany’s extractive industries (e.g. legal framework, extracted resources, system of taxes and duties, and data on production and export) and address several special issues (e.g. intervention regulation under nature conservation law, renewable energy resources, etc.). In addition, information about mining rights will also be made public.”

Milestones:

- 5.1 Publishing government data on the German extractive industries in the first EITI report
- 5.2 Creating the legal basis for public access to certain information about mining rights by amending Section 76 of the Federal Mining Act (Bundesberggesetz, BBergG)
- 5.3 Providing government and business information and data on the German extractive industries on a public online portal and as open data
- 5.4 Discussing with stakeholders of the German extractive industries at MSG meetings on further promoting transparency in the sector and continuing EITI reporting
- 5.5 Publishing updated and possibly more government data on the German extractive industries in the second EITI report

Start Date: June 2017

End Date: June 2019

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none">• Verifiable: Yes• Relevant: Access to information, Civic participation• Potential impact: Moderate	<ul style="list-style-type: none">• Completion: Complete• Did it Open Government? Major

The commitment focused on significantly improving the transparency of the German extractives sector. It covered efforts that Germany planned to undertake in the context of its participation in the Extractives Industry Transparency Initiative (EITI) and to become fully compliant with EITI’s disclosure standards.

All milestones have been implemented, including the publication of the second D-EITI report.¹ Although the milestones lacked detailed criteria for measuring success, there are indications that some were implemented at a high level of ambition. Not only does the multi-stakeholder group (MSG) (milestone 5.4) meet at the promised frequency (three times per year), but it also publishes all agenda and meeting protocols online. The MSG consists of 15 participants with five seats each for government, business, and civil society. Germany was assessed as fully compliant to the EITI standard in May 2019 (the first EU member state to receive this classification), an aim that milestone 5.5 worked towards.² By adding comprehensive reporting on environmental parameters, Germany also went beyond mandatory EITI reporting requirements. In the long term, this comprehensive reporting can help raise the bar for similar reporting in other countries, encouraging international peer exchanges around best practices. Efforts to showcase Germany’s advanced reporting practice

on environmental parameters include presentations at a joint German-Ukrainian EITI civil society workshop in September 2019,³ and related presentations at the 2019 EITI Global Summit in Paris.⁴

Although the extractives sector accounts for less than 0.2 percent of GDP⁵ and therefore only a small portion of Germany's economic activity and government income, the fulfillment of this commitment has contributed to a major change in disclosure in the extractives sector. It has helped create the legal basis, technical infrastructure, and practical institutional mechanism for publishing payments and operational information for the extractives sector that was previously highly fragmented, of variable quality, or simply unavailable to the public.⁶ The MSG forms an integral part of Germany's involvement in EITI and serves as a frequently referenced example for well-functioning multi-stakeholder collaboration envisaged across OGP thematic areas.⁷ Germany plans to remain compliant with the evolving EITI standard, including requirements for beneficial ownership transparency (by 2020), open contracting (by 2021), and gender-disaggregated data (encouraged).⁸ Thus, the EITI initiative in Germany has contributed to anchoring these norms more firmly in the German administration.

¹ 1st D-EITI Report, 2nd edition October 2018, https://www.d-eiti.de/wp-content/uploads/2018/11/D_EITI_Bericht_2016.pdf; 2nd D-EITI Report December 2019, <https://d-eiti.de/wp-content/uploads/2019/12/2.-D-EITI-Bericht.pdf>

² Press release on occasion of EITI compliance: <https://www.bmwi.de/Redaktion/DE/Pressemitteilungen/2019/20190509-wittke-eiti-bericht-bescheinigt-deutschland-transparenz-im-rohstoffsektor.html>

³ Dixigroup, workshop programme, https://okfn.de/files/blog/2019/09/EITI-MAP-DE-UA-Agenda_Workshops_Final.pdf

⁴ EITI Deutschland Twitter account, <https://twitter.com/EITIDeutschland/status/1141346652344725505?s=20>, https://twitter.com/foes_news/status/1141292802204196867?s=20

⁵ D-EITI Germany, <https://eiti.org/germany>

⁶ Interview with EITI-DE Secretariat. 7 December 2018.

⁷ Participant observation by IRM researcher during several open government meetings in Germany.

⁸ EITI Progress Report 2019, https://eiti.org/files/documents/eiti_progress_report_2019_en.pdf

6. Transparency in Development Policy

Language of the commitment as it appears in the action plan:

“To meet international transparency requirements in Germany’s development cooperation, the Federal Ministry for Economic Cooperation and Development (BMZ) will carry out consultations and improve data quality.”

Milestones:

- 6.1 Carrying out at least two events/workshops
- 6.2 Optimizing data quality and quantity of the IATI record published by the BMZ
- 6.3 Publishing an updated and detailed BMZ IATI record monthly
- 6.4 Setting up an expert group (of the federal administration) to discuss issues of open development policy, also with civil society

Start Date: June 2017

End Date: May 2019

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none">• Verifiable: Yes• Relevant: Access to information, Civic participation• Potential impact: Minor	<ul style="list-style-type: none">• Completion: Complete• Did it Open Government? Major

This commitment focused on enhancing the transparency of Germany’s aid programming. The milestones covered increasing reporting, frequency, and quality of data, as well as mechanisms to expand, refine, and integrate disclosure mechanisms in collaboration with other government agencies, experts, and civil society.

Overall, this commitment saw substantial implementation, despite the ambiguity of some of the planned activities. All milestones have been implemented although the schedule for the activities and their sequencing experienced a delay of several months. Two workshops on aid transparency with civil society participants were held in March 2018 and May 2019 respectively (milestone 6.1).¹ Under milestone 6.2, several new data fields were added to Germany’s International Aid Transparency Initiative (IATI) reporting, including more granular sectoral descriptions, links to transparency portals of implementing agencies, and foreign language project descriptions with more detailed coded descriptions of the roles of participating organizations.

The reporting frequency for the Federal Ministry for Economic Cooperation and Development (BMZ) data was upgraded from every quarterly to monthly (milestone 6.3).² An expert group for open development policy was established within the federal administration (milestone 6.4) and an expansion of the dialogue with civil society is planned for Germany’s next action plan.

Interviews with government representatives clearly highlighted the value of the OGP process in this commitment. Germany was already committed to a specific level of aid transparency prior to the action plan through its engagement with the IATI initiative. However, according to government representatives, this commitment’s milestones and their related monitoring and assessment frameworks helped raise the level of ambition and implement reporting upgrades in a much shorter timeframe than would have otherwise occurred.³ In particular, a meeting with OGP representatives attended by a Parliamentary State Secretary (Parl. Staatssekretaer), as well as strong national-level coordination through the Federal Chancellery’s office, helped boost senior-level visibility inside the BMZ and focused attention on these issues. In addition, the meetings with civil society were described as highly constructive and created an atmosphere of trust in an area often characterized by a diverse set of opinions, particularly on transparency in difficult operational contexts such as

fragile states. An invitation from an NGO consortium to the ministry for participating in an event on aid transparency further attests to this conclusion.⁴

As a result, the improvements on transparency in development policy have been major, with the potential to grow. More frequent and comprehensive reporting enhances both transparency and the utility of the shared data. The constructive exchange with civil society bodes well for a further expansion of these efforts and other further reaching opportunities as outlined in the IRM Design Report.⁵ At the same time, the challenge to convert data supply into effective data use and reuse remains an area to be addressed. Also, both civil society and expert observers continue to demand more transparency for accountability-related information, such as closing local feedback loops or the publication of full evaluation reports.⁶ Substantive progress on this long-standing demand, in combination with the achievements under this commitment, could open up government even further.

The inclusion of this policy area in Germany's second action plan (Commitment 5), which aims to continue and expand both the reporting efforts and dialogue with civil society around aid transparency, further attests to the successful foundations that this commitment has laid down. The new commitment also plans to produce a utilization concept to promote data use and re-use as well as a quality management system with a feedback function. Both activities could help address issues previously raised by the IATI community.

¹ Event "Zehn Jahre IATI - Transparenz für mehr Wirksamkeit?", Berlin, 15 March 2018; event "Transparenz für gute Entwicklungszusammenarbeit: Perspektiven, Chancen, Herausforderungen" Berlin, 21 May 2019.

² Email communication with implementing BMZ department and <https://iatiregistry.org/publisher/bmz>

³ Interview with responsible government representative, 18 December 2019.

⁴ Ibid and email questionnaire completed and submitted by related department.

⁵ IRM Germany Design Report 2017-2019, p 34, https://www.opengovpartnership.org/wp-content/uploads/2019/08/Germany_Design-Report_2017-2019_EN.pdf

⁶ OECD-DAC 2018, Germany Mid-term Review, 7 November 2018, Berlin; German Institute for Development Evaluation 2018, Sustainability in German Development Cooperation; Publish What You Fund 2018, Aid Transparency Index, <https://www.publishwhatyoufund.org/the-index/2018/germany-bmz-giz/>

★7. Open Data for Intelligent Mobility

Language of the commitment as it appears in the action plan:

“Making available the data of the Federal Ministry of Transport and Digital Infrastructure (BMVI), linking them with third-party data and funding data-related application development will create an ecosystem for intelligent mobility.”

Milestones:

- 7.1 Applying the mFUND programme
- 7.2 Connecting the various stakeholders through events and innovation competitions:
 - networking meetings
 - BMVI Data Run (hackathon)
 - Startup pitch
 - dialogue with civil society (e.g. 2017 Data Summit)
 - Contest Deutscher Mobilitätspreis (German Mobility Award)
- 7.3 Adding the technical component “user dialogue” to the open data portal mCLOUD
- 7.4 Adding more data to the open data portal mCLOUD
- 7.5 Connecting mCLOUD to the federal GovData portal
- 7.6 Integrating open data approaches in the ministry’s laws (e.g. for the spatial data offered by the German Meteorological Service (DWD); amending the DWD Act)
- 7.7 Involving the public in developing noise maps for the rail infrastructure

Start Date: July 2017

End Date: June 2019

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none">• Verifiable: Yes• Relevant: Access to information, Civic participation• Potential impact: Transformative	<ul style="list-style-type: none">• Completion: Complete• Did it Open Government? Major

Editorial note: This commitment is clearly relevant to OGP values as written, has transformative potential impact, and is substantially or completely implemented and therefore qualifies as a starred commitment.

This commitment aimed to enhance the open data ecosystem in Germany’s mobility sector. The activities included accelerating the publication of government-held datasets, supporting the networking and data exchange among all stakeholders, and funding data use and application development. Due to the scale of resources available for activities under this commitment and the strategic incorporation of complementary activities, this commitment was assessed as potentially transformative in the IRM Design Report.

All milestones under this commitment were completed. The mFUND initiative was carried out (milestone 7.1). The implemented networking activities (milestone 7.2) cover a variety of formats and are documented to facilitate post-event dissemination of ideas or collaboration options.¹ The envisaged addition of a *user-dialogue* functionality for the open data portal (milestone 7.3) has only been implemented as a contact form through which questions can be forwarded to the portal operators. Connecting the transport data portal with the main governmental open data portal (GovData.de) (milestone 7.5) was finalized with a substantive delay. Evidence also exists for the inclusion of open data requirements in legislative amendments (milestone 7.6). For example, the

Federal Trunk Road Toll act was amended in 2018 to make available anonymized toll payment data in the mCLOUD platform.²

The public participation activities under milestone 7.7 are comprehensively documented in the resulting noise action plan.³ The plan includes a highly detailed description of a significant set of outreach measures undertaken to mobilize engagement. It also includes a feedback survey on the participation process itself that sets an example for user-centricity and learning. More than 5,000 submissions were received in this consultation round, facilitated by an online platform and amplified by more than 200 media reports covering the consultation.⁴

Overall, this commitment has led to major improvements in opening data in Germany's mobility sector, with a potential to achieve even more improvements in future expansions of the mCLOUD and mFUND initiatives. Early results from implementing the milestones are tangible. The data stock on the mCLOUD platform (milestone 7.4), for example, has risen from 600 datasets in July 2017 to more than 1,500 researchable datasets in 10/2019, including 870 open datasets from the Federal Ministry of Transport and Digital Infrastructure.⁵ This involves, for example, new datasets from communal public transport providers or the integration of Germany's marine data inventory MDI-DE.⁶ 63 percent of surveyed entrepreneurs that are funded through the mFUND program rate the data quality of these external data sources as high. However, less than half of respondents rate data accessibility as good or very good, and only 34 percent are satisfied with the accompanying data documentation.⁷ Also noteworthy is the direct engagement of civil society during the implementation process, including judging the outcomes of a hackathon, contributing to the organization of a data summit, and providing input for a usability assessment of the mCLOUD platform.⁸

¹ Documentation of the most recent hackathon (BMVI Data-Run, March 2019),

<https://www.bmvi.de/SharedDocs/DE/Artikel/DG/mfund-vierter-bmvi-data-run.html>

² See <http://www.gesetze-im-internet.de/bfstrmg/BjNR137810011.html> section 9 (7)

³ Eisenbahn Bundesamt (2018), Laermaktionsplan Teil B, https://www.eba.bund.de/download/LAP_TEIL_B_2018.pdf

⁴ Ibid, p 10. The survey shows that 43 percent of contributors were satisfied with the engagement process, suggesting room for improvement in future exercises.

⁵ Government implementation report verified through mCLOUD search.

⁶ Reply by responsible ministerial department to emailed questionnaire, received via point of contact to OGP, 17 December 2019.

⁷ iRights.Lab. 2019, Data-Governance-Report. mFUND Begleitforschung, May 2019, vol. 3.

⁸ Reply by responsible ministerial department to emailed questionnaire, received via point of contact to OGP on 17 December 2019.

8. Strengthening Citizen Participation in Environmental Policy and Urban Development

Language of the commitment as it appears in the action plan:

“Strengthening citizen participation in decision-making in the field of environmental and urban development policy. Promoting citizen participation at federal level, among other things by expanding informal participation processes, e.g. update of the Climate Action Plan 2050, resource efficiency programme ProgRess III, implementing the Integrated Environmental Programme 2030 (IUP), participating in the 2017 UN Climate Conference (inviting young people, including school children); by organizing new dialogues to advise policy-makers on relevant decisions in the 19th legislative term; by participating in networks and bodies; by carrying out events.

“Aim: Further strengthening and expanding public participation in environmental.”

Milestones:

8.1 Starting or carrying out citizen participation processes for at least four relevant decision-making procedures in the field of environmental policy and urban development (e.g. youth participation in the 2017 UN Climate Conference, update of the Climate Action Plan 2050, ProgRess III, implementing the National Programme for Sustainable Consumption)

8.2 Carrying out at least three cross-cutting public events on citizen participation such as Beteiligung auf Bundesebene –Erfolge und Perspektiven (Participation at federal level – progress and opportunities)

8.3 Exploring and developing tools for better citizen participation (e.g. new forms of online participation; guidelines)

8.4 Participating in at least four national or international bodies or networks on citizen participation (e.g. in the alliance for more democracy, in the Conference of Environmental Ministers, and in the OECD)

8.5 Competition with citizens in the jury for exemplary participation processes in spatial matters, in policy-making and in the legislative procedure

Start Date: July 2017

End Date: June 2019

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none">• Verifiable: Yes• Relevant: Civic participation• Potential impact: Moderate	<ul style="list-style-type: none">• Completion: Substantial• Did it Open Government? Major

This commitment sought to expand awareness of the use of citizen participation mechanisms in Germany. Emphasis was placed on environmental and urban development, two policy areas where such mechanisms have been experimented with for some time. The objective also included making related tools and lessons learned available to other policy fields and spur further experimentation on new participation formats.

The degree of implementation for all milestones is substantial and fully documented.¹ Processes of citizen participation (milestone 8.1) included a youth dialogue in the context of the 23rd UN World Climate Conference 2017;² a large-scale online consultation initiative in the context of a federal insect conservation initiative 2018,³ a citizen assessment of a resource efficiency program in 2019,⁴ and a citizen jury for a competition (milestone 8.5).⁵ Outreach events (milestone 8.2) included conferences and workshops in the context of initiatives described under milestone 8.1.⁶ A new online platform for participation was planned for December 2018 but was only available in concept stage as of October 2019. The related milestone (8.3) left open at which stage of development this

platform would be delivered. According to the government, the contract was awarded to a service provider and it is planned to make the platform publicly available in the second half of 2020.⁷ Having a more consolidated documentation of the engagement with expert networks on citizen participation (milestone 8.4) and the presentations or discussion papers produced for these fora, such as links to the outputs of the Alliance for Diverse Democracy⁸ would be useful. It could provide an insightful entry point to the latest thinking and learning on these issues.

The commitment contributed to strengthening of public participation in environmental policy-making within the remit of the Federal Ministry for the Environment, Nature Conservation and Nuclear Safety (BMU). It drove the development of comprehensive quality standards for citizen engagement and, crucially, their integration into the binding rules of operation for the BMU.⁹ To what extent these efforts by the BMU could help mainstream this approach across the federal administration is unclear. More systematic citizen participation throughout the policy-making process at the federal level has been identified as an urgent agenda for government reform, including the need for clear, mandatory standards for selection, format, and minimum duration.¹⁰ The mandatory publication of draft legislation alongside the comments received from interest groups is a positive step towards greater transparency in this area.¹¹ However, current practices for targeted citizen engagement in the drafting process are uneven across federal ministries and mainly focus on engaging organized interests only. In addition, there is currently no overview available on the share of legislative processes at the federal level which used elements of citizen participation.¹²

¹ German Federal Government 2019, First National Action Plan 2017-2019- Final Report by the German Federal Government.

² <https://www.cop23.de/jugend/jugenddialog/> (archived by the Internet Archive <https://web.archive.org/>)

³ Insect Conservation initiative, <https://dialog.bmu.de/dito/explore?action=startpage&id=90>

⁴ German Resource Efficiency Programme, <https://www.bmu.de/en/topics/economy-products-resources-tourism/resource-efficiency/overview-of-german-resource-efficiency-programme-progress/>

⁵ Documentation report for competition https://www.bmu.de/fileadmin/Daten_BMU/Download_PDF/buergerbeteiligung/buergerbeteiligung_ausgezeichnet_wettbewerb_dokumentation_bf.pdf; there are a number of other citizen participation initiatives – completed and ongoing that the Ministry has been convening (<https://www.bmu.de/themen/bildung-beteiligung/buergerbeteiligung/>)

⁶ German Federal Government 2019, First National Action Plan 2017-2019- Final Report by the German Federal Government.

⁷ Information provided to the IRM by the government during the pre-publication review period of this report, 6 May 2020.

⁸ <https://www.bertelsmann-stiftung.de/de/unsere-projekte/vielfaeltige-demokratie-gestalten/projektthemen/allianz-vielfaeltige-demokratie/>

⁹ https://www.bmu.de/fileadmin/Daten_BMU/Download_PDF/buergerbeteiligung/leitlinien_buergerbeteiligung_bmu_bf.pdf

¹⁰ Nationaler Normenkontrollrat and McKinsey&Company 2019, Erst der Inhalt, dann die Paragraphen, Gesetze wirksam und praxistauglich gestalten, October 2019.

¹¹ Press release 15 November 2018, <https://www.open-government-deutschland.de/opengov-de/mitmachen/gesetzentwurfe-und-stellungnahmen-oeffentlich-einsehbar-1591290>

¹² Antwort auf die Kleine Anfrage der Abgeordneten Dr. Anna Christmann u.a. und der Fraktion BÜNDNIS 90/DIE GRÜNEN, Entwicklung und Zustand von Instrumenten der Bürgerbeteiligung auf bundespolitischer Ebene BT -Drucksache 19/13885, 24 October 2019, http://annachristmann.org/wp-content/uploads/2018/03/191025-Antwort-KA-19_13885-Zustand-und-Entwicklung-Instrumente-der-B%C3%BCrgerbeteiligung.pdf

9. ElterngeldDigital/Electronic Procedures for Family Benefits

Language of the commitment as it appears in the action plan:

“Effectively ensuring modern and transparent access to information and application processes for parental allowance and other family benefits. In the future, parents can use an online platform to find information, in particular on the parental allowance, more easily and to be guided through the application process by an application wizard. We are also examining for which other family benefits an electronic application would be suitable.”

Milestones:

- 9.1 Study on electronic procedures for family benefits (Digitalisierung familienbezogener Leistungen), available
- 9.2 Preparations for creating more electronic procedures for family benefits
- 9.3 Start of ElterngeldDigital roll-out in pilot federal states
- 9.4 Rolling out ElterngeldDigital in more federal states
- 9.5 New information portal for families

Start Date: May 2016

End Date: December 2019

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none"> • Verifiable: Yes • Relevant: Access to information • Potential impact: Minor 	<ul style="list-style-type: none"> • Completion: Complete • Did it Open Government? Marginal

The commitment aimed to make it easier for parents to navigate the often-complex application process for parental benefits. To do so, it called for building a one-stop information service, developing online assistance systems for preparing the application (ElterngeldDigital), and promoting the roll-out of these online systems in a growing number of German states.

The degree of completion is assessed as complete. A study on electronic procedures for family benefits was produced in 2017 (milestone 9.1) and a new information portal for families went live in autumn 2018 (milestone 9.5).¹ The roll-out of the centerpiece of the commitment, the online system for facilitating the application for parental benefits (milestone 9.3 and 9.4), occurred with delays in some of the piloting states (Berlin and Saxony), and eventually in other states by December 2019 (namely, Bremen, Hamburg, Rhineland-Palatinate, and Thuringia). The plan to develop concepts for digitizing other family-related benefits has also experienced some delays, and as of December 2019, focused on child benefits (milestone 9.2).² The main reasons reported for these delays were resource constraints at the state level and the complexities in devising shared approaches for application processes that were previously implemented in a wide variety of formats.³

The commitment contributed to marginal improvements in access to information on family benefits and parental allowance. The provision of consolidated information on ElterngeldDigital and the ability to find and complete a number of related documents and tasks online can help streamline application processes that previously required in-person office visits.⁴ As a result, the implementation of this commitment helps enhance the accessibility and usability of information for a visible and frequently discussed public service whose (un)ease of use is likely to influence public perception of the efficacy and accessibility of the administration as a whole. Though not directly attributed to this commitment, it is worth noting that the reported satisfaction with childbirth-related services in Germany in 2019 was higher than other administrative services.⁵ Similarly, Germany scores above the EU average on its 2019 e-Government performance in family-related life events, which includes services related to childbirth.⁶

¹ Familien portal, www.familienportal.de

² German Federal Government 2019, First National Action Plan 2017-2019- Final Report by the German Federal Government; an example of another digital family service in preparation, KindergeldzuschlagDigital (additional child benefit), referenced in

<https://www.bundesregierung.de/resource/blob/975292/1605036/61c3db982d81ec0b4698548fd19e52f1/digitalisierung-gestalten-download-bpa-data.pdf?download=1> (p173).

³ Email response by government official to semi-structured questionnaire, December 2019.

⁴ Participant observation by IRM reviewer who applied for Elterngeld three times in Berlin prior to the introduction of the system.

⁵ Lebenslagenbefragung 2019, https://www.amtlich-einfach.de/DE/Ergebnisse/Buerger/Ergebnisse_node.html

⁶ European Commission 2019, eGovernment Benchmark 2019, https://ec.europa.eu/newsroom/dae/document.cfm?doc_id=62368

10. Knowledge Network for Lesbian, Gay, Bisexual, Transgender, and Intersex people

Language of the commitment as it appears in the action plan:

“The online information portal will provide interested citizens, experts as well as persons concerned and their families with information about gender diversity and same-sex ways of life. The portal will also be accompanied by public relations activities. By providing efficient access, the overall project will have a strong social impact and contribute to further awareness-raising in society in order to promote acceptance of LGBTI people (lesbian, gay, bisexual, transgender and intersex people).

“Aim: The Federal Government’s aim is to provide persons concerned, their families and the public with information (here the LGBTI knowledge network) about existing legal provisions and about where to find advice and further support. It also seeks to increase acceptance, use the possibilities of new technologies, raise awareness, improve the quality of data on research and social questions concerning gender identity and same-sex ways of life, encourage participation and involve NGOs.”

Milestones:

10.1 Deploying the information portal with initial topics TI (= trans*, inter)

10.2 Adding information on LSB (= lesbian, gay, bi) topics

10.3 Uploading all basic and background information on the portal, continuously updating the content, recommending local advisory services through an advisory database

Start Date: July 2017

End Date: December 2020

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none">• Verifiable: Yes• Relevant: Access to information• Potential impact: Minor	<ul style="list-style-type: none">• Completion: Complete• Did it Open Government? Marginal

The central objective of the commitment was to build a comprehensive, easily accessible information platform with relevant information pertaining to lesbian, gay, bisexual, transgender, and intersex (LGBT+) communities and for all stakeholder groups. It was motivated by the problem that the provision of such information, for example for tailored support services and networks, is uneven and individuals in rural communities in particular often remain underserved. A highly visible information platform for these issues, endorsed and initiated at the most senior government level, constitutes a valuable and symbolically relevant commitment to a more inclusive government and society.

By the end of the action plan period, this commitment was fully implemented.¹ The online portal (milestone 10.1) was launched (named the Rainbow Portal)² and the volume of information already available on it is substantive and covers a wide range of different LGBT+ issues (milestone 10.2). Available local services are easy to locate through a well-developed search function (milestone 10.3).

The commitment contributed to marginal but important improvements to the accessibility of information on LGBT+ topics. Prior to the action plan, official information on rights, entitlements, and support services for the LGBT+ community was fragmented, with available information varying significantly across German states. The Rainbow Portal now provides consolidated information on LGBT+ topics across the country in one single place. According to the Federal Chancellery’s End-of-Term Self-Assessment Report, after six months of being online, the Rainbow Portal contains 350 references and downloads to materials (flyers, brochures, videos, etc.), more than 300 points of contact for counselling, self-help, educational programming, and around 100 informational texts by the portal’s editorial team.³ According to feedback from the project team, the implementation was

not accompanied by further engagement with civil society, which could have been particularly useful for a community-oriented information platform. The planned community dialogue, however, is encouraging and could offer opportunities for a shift to co-creation of more materials.

¹ Reply by responsible government department to email questionnaire, received via point of contact to OGP, 17 December 2019.

² Envisaged implementation by December 2017; actual launch May 2019 (see first action plan and government self-assessment report).

³ Federal Chancellery, First National Action Plan 2017–2019, Final Report by the German Federal Government, p 35, https://www.opengovpartnership.org/wp-content/uploads/2020/01/Germany_End-Term_Self-Assessment_2017-2019_EN.pdf

11. Local Alliances for Family Initiative

Language of the commitment as it appears in the action plan:

“Local alliances bring together policy-makers, businesses and civil society to discuss how work and family commitments can be combined and develop measures to support families.

“Aim: Expanding family-friendly measures at local level, also by using more digital information formats.”

Milestone:

11.1 Further connecting local alliances with local businesses in cooperation with the Success Factor Family network through a series of forums on reconciling family and work. Six events planned across Germany. One event took place in May 2017, three events are planned for autumn 2017, two are still pending.

Start Date: N/A

End Date: March 2018

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none">• Verifiable: Yes• Relevant: Unclear• Potential impact: None	<ul style="list-style-type: none">• Completion: Complete• Did it Open Government? Did not change

The commitment aimed to further strengthen and expand local alliances between business and civil society to raise awareness and explore collective arrangements for better reconciling work and family commitments. The commitment was completed as written and the feedback from participants – a broad array of local associations, charities, schools, businesses etc. – was positive.¹ While the commitment’s only milestone called for holding six events, a more extensive set of events took place, though many were also part of a wider program beyond the framework of the commitment.² However, the implementation did not lead to any further changes in government practice³ in line with the assessment in the IRM Design Report that the overall relevance to OGP values was unclear.

¹ Reply by responsible government department to email questionnaire, received via point of contact to OGP on 17 December 2019.

² Government Implementation report A detailed list of relative events is maintained at <https://lokale-buendnisse-fuer-familie.de/aktuelles.html>.

³ Email questionnaire.

12. Monitoring the Share of Women and Men in Leadership Positions, Private Sector Bodies, and the Public Service

Language of the commitment as it appears in the action plan:

“Regular monitoring reports on the development of the share of women and men in leadership positions and in private sector bodies and the public service in the framework of implementing the Act on Equal Participation of Women and Men in Leadership Positions in the Private and the Public Sector (Gesetz für die gleichberechtigte Teilhabe von Frauen und Männern an Führungspositionen in der Privatwirtschaft und im öffentlichen Dienst, FüPoG).”

Milestones:

12.1 Information of the Federal Government about the development of the share of women and men in leadership positions, private and public sector bodies; Report to the Federal Statistical Office about the composition of the bodies in accordance with the Act on the Participation of the Federation in Appointments to Bodies (Gesetz über die Mitwirkung des Bundes an der Besetzung von Gremien, BGremBG)

12.2 Report to the German Bundestag about the share of women and men in leadership positions, private and public sector bodies

12.3 Generating an index of the share of women in supreme federal authorities (gender equality index)

12.4. Statistics about the share of women in the entire federal administration (gender equality statistics)

12.5 Presenting an overview and evaluation of the composition of bodies to the German Bundestag

12.6. Report on the Federal Act on Gender Equality (Bundesgleichstellungsgesetz) to the German Bundestag

12.7. Evaluation of the act

Start Date: July 2017 (continuous since 2015)

End Date: June 2019

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none"> • Verifiable: Yes • Relevant: Access to information • Potential impact: Minor 	<ul style="list-style-type: none"> • Completion: Substantial • Did it Open Government? Marginal

The commitment focused on advancing the equal participation of men and women in public and private sector leadership positions as required by the 2015 Act on Equal Participation.¹ It set out a number of detailed monitoring and publication activities to enhance the transparency, awareness, and push for targeted remedies for persistent asymmetries in this area.

The implementation status is assessed as substantial by the end of the action plan period. An online presentation of aggregate indicators is up-to-date, customizable in a visually engaging manner, and periodically summarized by the Federal Statistical Office.² However, the envisaged annual public reporting (milestone 12.1) does not yet occur on a regular basis. The federal government reported to parliament on the gender gap in leadership positions in August 2017 (milestone 12.2).³ The related parity index was compiled and published (milestone 12.3).⁴ The evaluation of the underlying law, the 2015 Act on Equal Participation mentioned above (milestone 12.7), which was planned for May 2018, was under way as of November 2019 and estimated to be completed in 2020. This also

affects the reporting to the federal parliament on the empirical situation and implementation of the related act (milestones 12.5 and 12.6) as both activities are linked to this evaluation.⁵

In sum, the implementation of the commitment has yielded a clearer empirical picture of gender disparities across different government functions that is unprecedented in its accessibility and user-friendliness due to the consolidated overview that it presents. This can facilitate targeted policy advocacy and reforms. However, the main improvements in transparency on the gender gap and the high level of detail included in the analysis predate the implementation of this commitment, as related data collection and reporting efforts have been ongoing since 2015 when the Act on Equal Participation entered into effect. As a result, this commitment contributed only marginally to improving transparency on gender parity in the federal administration compared to prior to the start of the action plan. Publishing the underlying data for milestone 12.4 and making it available for further analysis by civil society and the policy community could have further leveraged the benefits of this important transparency exercise.

The enhanced quality of transparency has not yet translated into consistent and sufficiently fast progress in narrowing the gender gap in the German administration. A rise of the share of women in ministerial positions (+5 percentage points since 2015 to 40 percent in 2019)⁶ has been offset by a decline in the share of women in federal parliament (-5 percentage points since 2015 to 30 percent in 2019),⁷ and a decline in the share of women at the deputy minister level (Staatssekretär) to only 18 percent across ministries.⁸ Greater representation by gender thus remains an ongoing project.⁹

¹ Related law available at

https://www.bgbl.de/xaver/bgbl/start.xav?startbk=Bundesanzeiger_BGBl&jumpTo=bgbl115s0642.pdf#_bgbl_%2F%2F%5B%40attr_id%3D%27bgbl115s0642.pdf%27%5D__1580073104945

² BMFSFJ data, <https://www.bmfsfj.de/quote/daten.html>

³ Bericht der Bundesregierung über den Frauen- und Männeranteil an Führungsebenen und in Gremien der Privatwirtschaft und des öffentlichen Dienstes, Drucksache 18/13333, <http://dipbt.bundestag.de/doc/btd/18/133/1813333.pdf>

⁴ 2018 edition of the index, https://www.destatis.de/DE/Themen/Staat/Oeffentlicher-Dienst/Publikationen/Downloads-Oeffentlicher-Dienst/gleichstellungsindex-5799901187004.pdf;jsessionid=7254121397B5846359ECC40C94B71D9F.internet721?__blob=publicationFile

⁵ Federal Chancellery, First National Action Plan 2017–2019, Final Report by the German Federal Government, p 39, https://www.opengovpartnership.org/wp-content/uploads/2020/01/Germany_End-Term_Self-Assessment_2017-2019_EN.pdf

⁶ OECD outlook 2019

⁷ Ibid.

⁸ BMFSFJ data, <https://www.bmfsfj.de/quote/daten.html>

⁹ For a more comprehensive analysis of the gender gap, WEF Gender Gap Report 2020, <https://www.weforum.org/reports/gender-gap-2020-report-100-years-pay-equality>

13. Promoting Open Access to Academic Literature

Language of the commitment as it appears in the action plan:

“In Germany, science and research frequently receive public funding. Citizens wish to share in the results of such research. This can be achieved by making academic literature available free of charge on the Internet, for example. Researchers make their papers available on websites or in databases under the keyword “open access” without any legal or financial obstacles to the public. In addition to this simple access to academic literature, open access allows for new ways of disseminating scientific knowledge. The Federal Ministry of Education and Research (BMBF) has launched a competition to fund innovative projects for further promoting the open access principle at universities and research institutes. The projects are intended to overcome existing reservations and obstacles for researchers to publish their literature on the Internet free of charge.”

Milestones:

13.1 Collecting and reviewing the project proposals submitted for the competition to implement open access

13.2 Start of project funding

Start Date: June 2017

End date: July 2020

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none">• Verifiable: Yes• Relevant: Access to information• Potential impact: Minor	<ul style="list-style-type: none">• Completion: Complete• Did it Open Government? Marginal

The central objective of this commitment was to support open access of academic literature publications through a competition of ideas and financial support program. The milestones, which had been formulated in general terms without clear targets or criteria for success, have been implemented as described. A competition for project ideas was carried out in 2017 (milestone 13.1), and funding for 20 selected projects commenced in early 2018 (milestone 13.2).¹ Implementation was aided by a clear commitment to open access articulated by the Federal Ministry for Education and Research.²

It is noteworthy that several of the 20 projects selected for funding aim to increase price and contract transparency in arrangements with publishers.³ This appears to be timely, as many publisher-led open publishing models shift from access to publication fees with unclear implications for open science more broadly.⁴ However, a scan of the projects that received funding⁵ did not identify any activities that would more systematically consider the needs of science users outside of academia.⁶ These stakeholders, including journalists, civil society, and think tanks, often face particular obstacles in accessing scientific publications but can play important roles in bridging the science to society gap.⁷

In sum, the implementation of the commitment has had a positive but marginal effect on the establishment of an open-access ecosystem for academic research. This might help make publicly supported research and the science and evidence for policy making more readily accessible to the broader public compared to before the start of the action plan.

¹ Press release announcing the conclusion of the competition, <https://www.bmbf.de/de/freier-zugang-zu-wissenschaftlicher-literatur-5270.html>

² Email questionnaire, government representative. Open access strategy of the ministry, <https://www.bildung-forschung.digital/de/open-access-initiativen-2680.html>

³ Options4OA, [Options4OAhttps://os.helmholtz.de/projekte/options4oa/](https://os.helmholtz.de/projekte/options4oa/); University of Bielefeld project “Was kostet es eigentlich, wenn Wissenschaftlerinnen und Wissenschaftler Open Access publizieren?”

⁴ Pampel, H. 2019, Auf dem Weg zum Informationsbudget, Zur Notwendigkeit von Monitoringverfahren für wissenschaftliche Publikationen und deren Kosten, Arbeitspapier, <https://doi.org/10.2312/os.helmholtz.006>; European University Association 2019, 2019 Big Deals Survey Report, <https://eua.eu/downloads/publications/2019%20big%20deals%20report%20v2.pdf>

⁵ Open Access, <https://www.bildung-forschung.digital/de/im-ueberblick-16-innovative-open-access-projekte-starten-2198.html>.

⁶ A search of all 16 project websites referenced *ibid.* did not indicate that non-academic research users were effectively considered by any of the projects.

⁷ IRM Design Report for Germany's 2017-2019 OGP action plan, p 47, https://www.opengovpartnership.org/wp-content/uploads/2019/08/Germany_Design-Report_2017-2019_EN.pdf

14. Science Year 2018—Working Life of the Future

Language of the commitment as it appears in the action plan:

“Science Years are intended to strengthen the public’s interest in science and research and to involve society in academic developments. The aim is to highlight the role of science and research in shaping our future. The Science Year 2018 will focus on the future of work. During that year, many activities will be organized for the interested public: large national hands-on campaigns, exhibitions, competitions, discussions and innovative online formats. This will give citizens and civil-society organizations manifold opportunities to learn, participate and discuss with researchers, policy-makers and representatives from business and industry.

“Aim: The Science Year 2018 will highlight how science and research contribute to shaping the way we work by illustrating and encouraging discussion about the variety of opportunities and challenges in the future of work. The activities are intended to increase citizens’ appreciation of the role of research and of scientific jobs and encourage them to share their work experiences.”

Milestones:

14.1 Publishing the call for proposals for funded projects in the Science Year

14.2 Public opening of the Science Year

14.3 Tour of the exhibition ship “MS Wissenschaft” (on behalf of the BMBF)

Start Date: July 2017

End Date: December 2018

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none">• Verifiable: Yes• Relevant: Civic participation• Potential impact: None	<ul style="list-style-type: none">• Completion: Complete• Did it Open Government? Marginal

The commitment aimed to raise public awareness and engagement with science as part of the government’s “Science Years” project. The three milestones covered a funding call for projects to support science-society dialogue, the opening of the Science Year initiative for 2018, and a touring science exhibition. A call for proposals was published in July 2017 (milestone 14.1),¹ a public opening took place in February 2018 (milestone 14.2),² and an exhibition ship toured Germany from May to October 2018 (milestone 14.3).³

While the potential impact of this initiative was difficult to assess in the IRM Design Report, its implementation has led to a marginal change in public engagement with science for the following reasons:

- The Science Year 2018 focused on the “Future of Work”, a widely debated policy issue with high public demands for proactive government action to help avoid the negative consequences from artificial intelligence (AI), recruitment algorithms, and workplace surveillance.
- The initiative sought to strengthen trust in science and evidence-based policy making at a time when fake news, propaganda, and populists’ push to manipulate facts seem to be on the rise.
- There was substantive engagement with and visibility for the project. For example, there were more than 400 partner organizations from academia, civil society, and business, 63,000 visitors to the exhibition boat,⁴ and more than 20,000 unique monthly website visitors.⁵

- The diversity and creativity of some of the funded projects attest to a particular openness to embrace alternative and bottom-up engagement formats, often catering to a young audience⁶ (e.g. a sing-along contest to energize teamwork and a roving “Turing” bus).

¹ <https://www.bmbf.de/foerderungen/bekanntmachung-1389.html>.

² <https://www.bmbf.de/de/arbeit-wandelt-sich---geht-aber-nicht-aus-5652.html>

³ https://www.wissenschaftsjahr.de/2018/fileadmin/VWJ18_Zukunftsjahr/Aktuelle-Meldungen/03_Maerz_2018/MSW18_Tourplan_180308.pdf

⁴ Federal Chancellery, First National Action Plan 2017–2019, Final Report by the German Federal Government, p 43, https://www.opengovpartnership.org/wp-content/uploads/2020/01/Germany_End-Term_Self-Assessment_2017-2019_EN.pdf

⁵ Email questionnaire, government representative.

⁶ Examples of funded projects, <https://www.wissenschaftsjahr.de/2018/das-wissenschaftsjahr/foerderprojekte/>

15. Federal Competition: Living Together Hand in Hand

Language of the commitment as it appears in the action plan:

“We are carrying out the federal competition ‘Living Together Hand in Hand – Shaping Local Communities’ (Zusammen leben Hand in Hand – Kommunen gestalten) aimed at identifying, initiating, rewarding and making known local activities to integrate immigrants and to foster engagement with the local community. The competition started with a kick-off event and will conclude with a local government conference.”

Milestones:

15.1 Calling for submissions to the competition

15.2 Collecting and reviewing the ideas submitted by participants

15.3 Local government conference and awarding prizes for the best ideas

Start Date: May 2017

End Date: July 2018

IRM Design Report Assessment	IRM Implementation Report Assessment
<ul style="list-style-type: none">• Verifiable: Yes• Relevant: Unclear• Potential impact: Minor	<ul style="list-style-type: none">• Completion: Complete• Did it Open Government? Did not change

This commitment aimed to strengthen local initiatives in Germany to integrate new immigrants and refugees by publicly recognizing exemplary projects in this area. Specifically, it called for carrying out a country-wide competition (with an award of up to EUR 1 million) for projects that aim to integrate immigrants into their respective local communities.

All milestones have been fully completed. Outreach activities for the competition (milestone 15.1) were extensive and are comprehensively documented.¹ A jury appointed by the Federal Ministry of the Interior, Building and Community² selected 21 winning projects from a pool of more than 140 submitted proposals at the award ceremony held in Berlin on 2 July 2018 (milestone 15.2 and 15.3).³ These awards covered a wide cross-section of initiatives that local governments had implemented in this area. Examples included an orange van that toured the city of Schwerin in order to engage young immigrants,⁴ fast-tracked integration pacts for highly qualified refugees in Minden,⁵ and a roadmap for integration in Munich.⁶ Some available website metrics also suggest good visibility and uptake for the initiative.⁷

An interesting feature of the competition was that the prize money for all projects, including those that were already completed at the time of the award selection, has to be re-invested by the awardees into activities that serve the same purpose of integration. This means that the awards not only recognized past achievements but also disbursed funding for carrying forward some ongoing projects or incubating new ones.

It is plausible that some of the funded initiatives may create a direct or indirect change in government practices in line with OGP values, particularly for civic participation, but the evidence to assess this in detail is not yet available.

¹ See detailed documentation of the competition at <http://edoc.difu.de/edoc.php?id=EU7GXRJV>

² [Ibid.](#)

³ Press release on occasion of award ceremony: Deutsches Institut für Urbanistik, <https://difu.de/presse/2018-07-02/21-kommunen-fuer-vorbildliche-initiativen-der.html> ; <https://get.jakobnawka.de/BMI-Preisverleihung>

⁴ Project overview: <https://kommunalwettbewerb-zusammenleben.de/node/185>

⁵ Project overview: <https://kommunalwettbewerb-zusammenleben.de/node/202>

⁶ Project overview: <https://kommunalwettbewerb-zusammenleben.de/node/196>

⁷ This includes more than 8,000 downloads of individual project profiles and 460 full-text downloads of the voluminous project documentation. (Email communication between IRM researcher and member of the project team).

III. Multi-stakeholder Process

The multi-stakeholder process during the implementation of the action plan primarily involved a set of meetings organized by the national point of contact at the Federal Chancellery with civil society stakeholders and interested officials from other ministries and federal agencies. The point of contact actively participated in some meetings with civil society, actively engaged with the civil society led Open Government Network, and liaised with government stakeholders during the implementation of commitments. As mentioned in the IRM Design Report, the organization of the OGP process in Germany seeks to foster multi-stakeholder cooperation in a format that best suits the particular institutional linkages between federal government, state governments, and civil society.

3.1 Multi-stakeholder process throughout action plan implementation

In 2017, OGP adopted the OGP Participation and Co-Creation Standards intended to support participation and co-creation by civil society at all stages of the OGP cycle. All OGP-participating countries are expected to meet these standards. The standards aim to raise ambition and quality of participation during development, implementation, and review of OGP action plans.

OGP's Articles of Governance also establish participation and co-creation requirements a country or entity must meet in their action plan development and implementation to act according to OGP process. Germany **did not** act contrary to OGP process.¹

Please see Annex I for an overview of Germany's performance implementing the Co-Creation and Participation Standards throughout the action plan implementation.

Table [3.2]: Level of Public Influence

The IRM has adapted the International Association for Public Participation (IAP2) "Spectrum of Participation" to apply to OGP.² This spectrum shows the potential level of public influence on the contents of the action plan. In the spirit of OGP, most countries should aspire for "collaborate."

Level of public influence		During development of action plan	During implementation of action plan
Empower	The government handed decision-making power to members of the public.		
Collaborate	There was iterative dialogue AND the public helped set the agenda.		
Involve	The government gave feedback on how public inputs were considered.	✓	
Consult	The public could give inputs.		
Inform	The government provided the public with information on the action plan.		✓
No Consultation	No consultation		

Exchange with civil society on the state of implementation largely consisted of regular updates to the milestone monitoring spreadsheet, which provided a high-level overview on progress and delays. The government's mid-term self-assessment offered some opportunity for civil society to provide feedback on implementation progress. The consultations and interactions with civil society that took place during the second half of the implementation period mainly focused on designing the second action plan. Most of the meetings and conversations within the civil society-led Open Government Network focused on open government and open data issues more broadly or were concerned with the design process of the second action plan.

¹ Acting Contrary to Process - Country did not meet (1) “involve” during the development or “inform” during implementation of the NAP (2) government fails to collect, publish and document a repository on the national OGP website/webpage in line with IRM guidance.

² “IAP2’s Public Participation Spectrum,” IAP2, 2014,

https://c.ymcdn.com/sites/www.iap2.org/resource/resmgr/foundations_course/IAP2_P2_Spectrum_FINAL.pdf

VI. Methodology and Sources

The IRM reports are written by national researchers in each OGP-participating country. All IRM reports undergo a process of quality control to ensure that the highest standards of research and due diligence have been applied.

This review process, including the procedure for incorporating comments received, is outlined in greater detail in Section III of the Procedures Manual¹ and in Germany's Design Report (2017-2019).²

Interviews and stakeholder input

Outreach to civil society organizations and individuals already engaged in the OGP process was facilitated by the OGP Netzwerk coordinator, Michael Peters. He shared with the full Open Government Network (OGN) mailing list a link to an online questionnaire with nine semi-structured questions (27 November 2019 and follow-ups). Eight responses were received.

Outreach to government-side participants was facilitated by the point of contact, Sebastian Haselbeck, who shared a link to the online questionnaire on 5 December 2019. Responses were relayed back via the point of contact.

The following in-person interviews were conducted in Berlin:

- Michael Peters, coordinator of the Open Government Netzwerk and representative of the Open Knowledge Foundation (OKFN), 25 November 2019.

The following in-depth, semi-structured interviews were conducted by telephone (between 30 minutes and 1.5 hours):

- Sebastian Haselbeck, OGP point of contact, Referat 623, Federal Chancellery, 10 November 2019, various follow-up conversations by email until January 2020.
- Dr. Tobias Plate, Leiter Referat 623, Federal Chancellery, 10 December 2019.
- Michael Kreil, Open Data Specialist, 6 December, 2019
- Prof. Joern von Lucke, Open Government Expert, 5 December 2019
- Arne Semsrott, Open Government Expert / Advocacy, 29 November 2019
- Oliver Rack, Open Data Expert / Advocacy, 29 November 2019
- Martina Metz, Federal Ministry for Economic Cooperation and Development, 18 December, 2019

All interviewees for this report agreed that information received would not be attributed to individuals, to create a more open environment for conversation. For the same reason interviews were not recorded but captured through extensive notetaking.

¹ IRM Procedures Manual, V.3, <https://www.opengovpartnership.org/documents/irm-procedures-manual>

² Germany Design Report 2017-2019, <https://www.opengovpartnership.org/documents/germany-design-report-2017-2019/>

Annex I. Overview of Germany's performance throughout action plan implementation

Key:

Green= Meets standard

Yellow= In progress (steps have been taken to meet this standard, but standard is not met)

Red= No evidence of action

Multi-stakeholder Forum	During Development	During Implementation
1a. Forum established: There is a forum to oversee the OGP process	Green	Green
1b. Regularity: The forum meets at least every quarter, in person or remotely	Green	Green
1c. Collaborative mandate development: Members of the forum jointly develop its remit, membership, and governance structure.	Yellow	Yellow
1d. Mandate public: Information on the forum's remit, membership, and governance structure is available on the OGP website/page.	Green	Green
2a. Multi-stakeholder: The forum includes both governmental and non-government representatives	Red	Yellow
2b. Parity: The forum includes an even balance of governmental and non-governmental representatives	Yellow	Yellow
2c. Transparent selection: Non-governmental members of the forum are selected through a fair and transparent process.	Green	Green
2d. High-level government representation: The forum includes high-level representatives with decision-making authority from government	Yellow	Yellow
3d. Openness: The forum accepts inputs and representation on the action plan process from any civil society or other stakeholders outside the forum	Green	Green
3e. Remote participation: There are opportunities for remote participation in at least some meetings and events	Green	Green
3f. Minutes: The OGP forum proactively communicates and reports back on its decisions, activities, and results to wider government and civil society stakeholders	Green	Green

Key:

Green= Meets standard

Yellow= In progress (steps have been taken to meet this standard, but standard is not met)

Red= No evidence of action

Action Plan Implementation	
4a. Process transparency: There is a national OGP website (or OGP webpage on a government website) where information on all aspects of the national OGP process is proactively published.	Green
4b. Documentation in advance: The forum shares information about OGP to stakeholders in advance to guarantee they are informed and prepared to participate in all stages of the process.	Green
4c. Awareness-raising: The forum conducts outreach and awareness-raising activities with relevant stakeholders to inform them of the OGP process.	Green
4d. Communication channels: The government facilitates direct communication with stakeholders to respond to action plan process questions, particularly during times of intense OGP activity.	Green
4e. Reasoned response: The multi-stakeholder forum publishes its reasoning behind decisions and responds to major categories of public comment.	Yellow
5a. Repository: Government collects and publishes a document repository on the national OGP website/webpage, which provides a historical record and access to all documents related to the national OGP process, including (but not limited to) consultation documents, National Action Plans, government self-assessments, IRM reports and supporting documentation of commitment implementation (e.g. links to databases, evidence of meetings, publications)	Green

Editorial note: If a country “meets” the six standards in bold, the IRM will recognize the country’s process as a Starred Process.

Annex II. IRM Indicators

The indicators and method used in the IRM research can be found in the IRM Procedures Manual.¹ A summary of key indicators the IRM assesses is below:

- **Verifiability:**
 - Not specific enough to verify: As written in the commitment, do the objectives stated and actions proposed lack sufficient clarity and specificity for their completion to be objectively verified through a subsequent assessment process?
 - Specific enough to verify: As written in the commitment, are the objectives stated and actions proposed sufficiently clear and specific to allow for their completion to be objectively verified through a subsequent assessment process?
- **Relevance:** This variable evaluates the commitment's relevance to OGP values. Based on a close reading of the commitment text as stated in the action plan, the guiding questions to determine the relevance are:
 - **Access to Information:** Will the government disclose more information or improve the quality of the information disclosed to the public?
 - **Civic Participation:** Will the government create or improve opportunities or capabilities for the public to inform or influence decisions or policies?
 - **Public Accountability:** Will the government create or improve public facing opportunities to hold officials answerable for their actions?
 - **Technology & Innovation for Transparency and Accountability:** Will technological innovation be used in conjunction with one of the other three OGP values to advance either transparency or accountability?
- **Potential impact:** This variable assesses the *potential impact* of the commitment, if completed as written. The IRM researcher uses the text from the action plan to:
 - Identify the social, economic, political, or environmental problem;
 - Establish the status quo at the outset of the action plan; and
 - Assess the degree to which the commitment, if implemented, would impact performance and tackle the problem.
- **Completion:** This variable assesses the commitment's implementation and progress. This variable is assessed at the end of the action plan cycle, in the *IRM Implementation Report*.
- **Did It Open Government?:** This variable attempts to move beyond measuring outputs and deliverables to looking at how the government practice, in areas relevant to OGP values, has changed as a result of the commitment's implementation. This variable is assessed at the end of the action plan cycle, in the *IRM Implementation Report*.

Results oriented commitments?

A potentially starred commitment has more potential to be ambitious and to be implemented. A good commitment design is one that clearly describes the:

1. **Problem:** What is the economic, social, political, or environmental problem? Rather than describing an administrative issue or tool (e.g., 'Misallocation of welfare funds' is more helpful than 'lacking a website.').
2. **Status quo:** What is the status quo of the policy issue at the beginning of an action plan (e.g., "26 percent of judicial corruption complaints are not processed currently.")?
3. **Change:** Rather than stating intermediary outputs, what is the targeted behavior change that is expected from the commitment's implementation (e.g., "Doubling

response rates to information requests” is a stronger goal than “publishing a protocol for response.”)?

Starred commitments

One measure, the “starred commitment” (★), deserves further explanation due to its particular interest to readers and usefulness for encouraging a race to the top among OGP-participating countries/entities. To receive a star, a commitment must meet several criteria:

- The commitment’s design should be **Verifiable**, **Relevant** to OGP values, and have **Transformative** potential impact. As assessed in the Design Report.
- The commitment’s implementation must be assessed by IRM Implementation Report as **Substantial** or **Complete**.

This variable is assessed at the end of the action plan cycle, in the *IRM Implementation Report*.

¹ “IRM Procedures Manual,” OGP, <https://www.opengovpartnership.org/documents/irm-procedures-manual>