



Third National Action Plan 2021 – 2023

Summary Version





Publication details

Third National Action Plan (NAP) 2021–2023 in the
Framework of Germany's Participation in the Open
Government Partnership (OGP)
– Summary Version –

English translation

Published by

Federal Chancellery
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Germany

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Date of issue

August 2021

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Page 5: Federal Government / Steffen Kugler

**In the Framework of Germany's Participation
in the Open Government Partnership (OGP)**

Third National Action Plan 2021–2023

Summary Version





Federal Chancellor Dr Angela Merkel:

»Democracy depends on open dialogue. The Open Government Partnership underscores how open and transparent government action helps to strengthen the trust needed to master the coronavirus crisis in perfect unison. I am most grateful for the contribution that you are making!«

Excerpt from opening remarks to the OGP Virtual Leaders Summit on 24 September 2020:¹

Germany has participated in the Open Government Partnership (OGP) since 2016. This National Action Plan (NAP) is the third in connection with its membership. It once again contains contributions from Germany's Länder.

¹ For video, see <https://www.open-government-deutschland.de/opengov-en/content/video-message-1788860>

What is “open government”?

“Open government” describes open action on the part of government and administration in what the OECD terms a “culture of governance”.² It is intended in particular to strengthen **transparency, participation** and **cooperation**, in the interests of better governance. Also important in the context of the OGP are the aspects of **anti-corruption** and **digital governance** to support open government action. Meanwhile, topics such as **inclusion**, the global **Sustainable Development Goals** (SDGs) and protecting **civic space**³ are playing a growing part internationally.

A primer on the OGP and National Action Plans

The OGP is an **international initiative** consisting of 78 national members committed to **open government**. Germany has participated since 2016.

Countries participating in the OGP must submit National Action Plans (NAP) every two years. These NAPs are to be drawn up in collaboration with civil society. The government might invite comments on drafts or submissions of ideas, for example, or engage in joint discussions on possible approaches. The plans should consist of between 5 and 15 independent commitments. They should represent measures to be taken by the government that are important for open government and are as challenging and measurable as possible. All of the steps leading up to this Action Plan, such as drafts, ideas from civil society or the outcomes of participatory events, must be documented online. Independent reports on the creation and implementation of the NAP that are commissioned by the OGP complement the government’s own interim and final reports. In addition, the OGP organises regular summits, campaigns, research and professional exchange.

The Steering Committee looks after the rules of membership and direction of the OGP. It is composed equally of 11 governments and 11 representatives of civil society organisations. Germany has had a seat on this body since October 2019.

The official OGP web presence can be found at www.opengovpartnership.org.

² Organisation for Economic Co-operation and Development

³ The legal, financial and other conditions that allow civil society to flourish and to play a full part in democracy

Open government is important

Governments and administrations can resolve social challenges more effectively if civil society, business, and the scientific and academic community all contribute. Germany has gathered positive experience in this field in recent years. In many areas, the COVID-19 pandemic actually boosted open government because it quickly cleared new digital paths to participation. This created transparency about infection trends, for instance, and new ways of collaboration were found. Contact tracing is one example here.

The pandemic demonstrated the importance of transparency, and that political action is not only based on data and facts, but also facilitates inclusion. This is true of political events overall, and specifically of government action in its handling of the pandemic.

Participation in the OGP directs our attention to where open approaches help to solve problems. It promotes open government in all areas of policy at all levels.

Open government in practice

Germany has open government in many areas, even if it is not always labelled as such. Here are a few examples at the federal level:

- The Federal Government's **Corona-Warn-App** alert system is free software. Anyone and everyone can analyse the source code and contribute to its improvement. This continuous feedback cycle means that the app is constantly improving.⁴
- On 24 June 2021 the German Bundestag adopted both the **Second Open Data Act** (*2. Open-Data-Gesetz*) and the **Data Usage Act** (*Datennutzungsgesetz*). These further improve the provision and usage of open data.
- Thanks to the new **Public Procurement Statistics Ordinance** (*Vergabestatistikverordnung*), in future Germany will have general, nationwide statistics about the award of public contracts and concessions.
- The **Online Access Act** (*Onlinezugangsgesetz, OZG*) will digitalise public administration and make it more user-friendly.⁵ Responsibility for implementing the OZG is shared between multiple government units across the federal system, in collaboration with many other interested stakeholders. The OZG Dashboard offers a transparent progress report.⁶
- The **Lobby Register Act** (*Lobbyregistergesetz*) enters into force on 1 January 2022.⁷ From then on, those representing interests to the Bundestag and Federal Government are required to register. They must also undertake to uphold a code of conduct that has been drawn up by the Bundestag and the Federal Government with input from civil society.⁸

4 See <https://www.bundesregierung.de/breg-de/themen/corona-warn-app/corona-warn-app-englisch/corona-warn-app-faq-1758636>

5 See <https://www.onlinezugangsgesetz.de>

6 See <https://www.onlinezugangsgesetz.de/dashboard> (German)

7 See <https://www.bundestag.de/dokumente/textarchiv/2021/kw12-de-lobbyregister-798182> (German)

8 See <https://www.bundestag.de/parlament/lobbyregister/neuer-inhalt-832004> (German)

- The Federal Government has published its **Data Strategy**. It is the product of a broad-based participative process that included an online survey of more than 1200 respondents.⁹ An Open Data Strategy for the next five years was also presented on 7 June 2021.¹⁰

There are many other open government initiatives happening at Land and municipal level in Germany. Here are a few examples:

- In Bavaria, the BayernApp offers mobile access to a range of Land and local government services, and information from the public administration.
- In Brandenburg, all basic digital geodata is available free of charge in keeping with open data principles.
- In North Rhine-Westphalia, a whole range of open government projects have been instigated under the *Digitale Modellregionen* (Digital Model Regions) programme. These include Paderborn's central open data platform and the *stadtLABOR* Soest forum for digital urban planning.
- Schleswig-Holstein's transparency portal went live effective 1 January 2020 as a document publication platform for the Land administration.

How the third National Action Plan was co-created

The Federal Government drafted the third NAP in the period from March to June 2021, this time following a two-stage process. In March, civil society was able to comment on a non-binding outline drafted jointly by the ministries of the Federal Government. Additional new proposals were also submitted. Around 90 responses and comments were received from civil society at this stage, including some 50 new proposals. The Federal Government examined these before producing the draft NAP. In the second round of participation in May, civil society again had the opportunity to respond to this draft, resulting in the submission of a further 60 comments. The Federal Government then finalised the third NAP. This was adopted on 30 June, and rounded out in July 2021 with a total of three contributions from Länder: one commitment from the Free and Hanseatic City of Hamburg, and two from Land North Rhine-Westphalia.

- **The Federal Government is very grateful to the representatives of civil society for their commitment, time and valuable contributions and feedback.**

⁹ See <https://www.bundesregierung.de/breg-de/suche/datenstrategie-der-bundesregierung-1845632> (German, with link to related English document)

¹⁰ See <https://www.bmi.bund.de/SharedDocs/pressemitteilungen/DE/2021/07/open-data-strategie-der-bundesregierung.html>

Federal Government commitments

6.1

A foundation for improving access to legal information

The Federal Ministry of Justice and Consumer Protection will develop the vision of a uniform, contemporary, and user-friendly legislative information portal. The portal is intended to provide the general public in future with a significantly broader range of free legislative information in digital format from the Federal Government.

6.2

Improved access to the Joint Ministerial Gazette

The Joint Ministerial Gazette (GMBI) is the official publication of the Federal Government. It is published by the Federal Ministry of the Interior, Building and Community. The content of the GMBI is to be available largely free of charge and in digital format in the future.

6.3

Transparency about approval procedures for major transport infrastructure projects

The Federal Ministry of Transport and Digital Infrastructure will set up a publicly accessible web-based information platform. It will offer details of the planning and approval procedures for major federal transport infrastructure projects.

6.4

Provision of the Federal Government's Integrity Report as open data and extension of reporting to include aspects of Internal Audit work

In the future, the Federal Ministry of the Interior, Building and Community will provide a standardised report on integrity management within the Federal Government and also publish the underlying basis of data in open data format.

6.5

Continued development and enhancement of the government data information platform (VIP)

The government data information platform offered by the Federal Statistical Office (StBA) creates an overview of the different registers held by the government, as well as the characteristics of the data stored there. The StBA will draw up a strategy for how this platform can use standard criteria to show the future open data suitability of government data holdings.

6.6

Promotion of knowledge-sharing in the open data environment

The Open Data Competence Centre (CCOD) at the Federal Office of Administration will establish a recurrent event format consisting of conferences and expert forums. This will improve the coordinated provision of public government data through an intensive knowledge-sharing programme between ministries, but also involving the scientific and academic community, civil society, business and the Länder.

6.7**Participatory development of the next National Action Plan on Education for Sustainable Development**

New commitments are being drafted for the next National Action Plan on Education for Sustainable Development (ESD). As part of a consultation process, the Federal Ministry of Education and Research will involve the general public and then feed the resulting ideas to the bodies involved in the ESD process.

6.8**Maintaining the dialogue on trace substances**

The dialogue on trace substances is to be continued within the Federal Environment Agency. The stakeholders concerned, such as product manufacturers, agriculture, environmental associations, unions and the Länder, are to push ahead with measures to reduce the release of micropollutants into our lakes and rivers.

6.9**National Centre for Biodiversity Monitoring**

The National Centre for Biodiversity Monitoring has been set up within the Federal Agency for Nature Conservation. It is to unite monitoring research and practice, prepare monitoring data from existing sources and aggregate it for public release, fine-tune data management, and connect, empower and support the actors concerned.

Joint commitments by the Federal and Länder Governments

7.1**An open source platform for public administrations**

The Federal Ministry of the Interior, Building and Community and the Länder Baden-Württemberg and North Rhine-Westphalia are creating an open source platform for public administrations that will also be open to actors outside of the government. This digital platform is to permit a code repository for software solutions and their source code, structured storage for software projects and their management, and share onward development.

7.2**Standards-based simplification of business access to public procurement**

The Federal Ministry of the Interior, Building and Community and the Free Hanseatic City of Bremen will set up a central national notification service (BKMS) for public contract award procedures. It is planned that the BKMS will accept contract and award notices in the standard format from as many notification platforms as possible, check them for completeness and plausibility, and offer them for customisable searches by businesses and individual citizens at any time. They will also be available as open data (OCDS).

Länder Government commitments

8.1

Free and Hanseatic City of Hamburg:

Public participation and information – digitalisation of administrative services for participation and to provide plans in a spatial planning context

Hamburg will develop software products, termed “benchmark implementations”, that provide optimum digital support to participation processes for spatial planning and planning approvals, and can also be used to make plans available to the public. The software products are to be designed according to the “one for all” principle, in such a way that they can subsequently be made available to interested Länder and local governments for their own use.

8.2

North Rhine-Westphalia I:

Improve the quality and quantity of data from public service entities and of election data

North Rhine-Westphalia (NRW) is to create the technical and legal framework for data from public service entities also to be published as open data. Furthermore, all public-sector data providers from NRW (public service entities, local governments and Land authorities) are to be aided with the user-friendly publication of data of a high standard. Election data is to be standardised, and providers’ attention drawn to the quality of the data they supply.

8.3

North Rhine-Westphalia II:

Online approaches to increase public participation

North Rhine-Westphalia (NRW) is to launch a Land-wide participation portal (www.beteiligung.nrw.de) that is to be developed and enhanced in line with needs in close collaboration with the municipalities and Land authorities of North Rhine-Westphalia, as well as the Free State of Saxony as cooperation partner. In the interests of improving the standard of participation processes, work will also continue to formulate joint guidelines for public participation at both formal and informal levels.



Next steps

The implementation of this Action Plan and its milestones can be tracked via the www.open-government-deutschland.de website. It contains continually updated information on open government measures in Germany, and users can sign up for the newsletter.

Participation in the OGP is an ongoing process. The fourth National Action Plan is likely to be drawn up in the first half of 2023.