

**OPEN  
GOVERNMENT  
DEUTSCHLAND**



# Third National Action Plan 2021–2023

## Final Report by the Federal Government



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Implementation of the Third National Action Plan  
2021 – 2023 in the Framework of Germany's  
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# **Final Report by the Federal Government on the Implementation of the Third National Action Plan 2021 – 2023**

**in the Framework of Germany's Participation  
in the Open Government Partnership**



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# The Open Government Partnership (OGP)

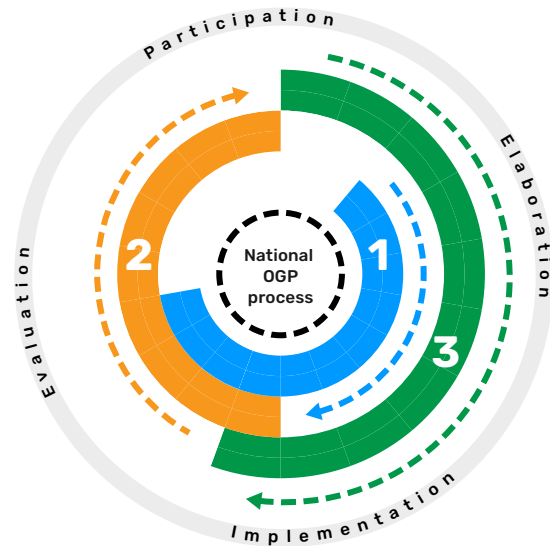
The OGP is an international initiative with 75 participating states and over 100 participating regions, municipalities and other entities working to advance open government. The OGP provides rules and guidance to help the participating governments in that endeavour; these in turn develop action plans on a regular basis in collaboration with civil society. The action plans are made up of commitments, meaning specific and measurable projects which further the cause of open government. The drafting and implementation of these action plans is documented in a transparent manner, civil society is closely involved and there is an independent reporting system. The OGP moreover constitutes a global network of practitioners providing one another with knowledge-sharing, encouragement and advice.

Germany joined the OGP in 2016 and has had a seat on the Steering Committee since October 2019. The coalition agreement for the 20th legislative term contains a pledge to implement and update “the National Action Plans in the framework of the Open Government Partnership (OGP)”. In August 2023, the fourth NAP in the framework of OGP participation was presented. It documents Germany’s continued engagement in the organisation and outlines the Federal Government’s policy on open government.

More details on how the OGP works as well as background information and reports on the action plans, monitoring and details on public consultations are available at [www.open-government-deutschland.de/opengov-en](http://www.open-government-deutschland.de/opengov-en)

# 1. Preliminary remarks

The **Third National Action Plan (NAP)** 2021-2023 in the Framework of Germany's Participation in the OGP was presented by the Federal Government in September 2021 during the 19th legislative term<sup>1</sup>. An **interim report** on the progress made in implementing the NAP was presented in October 2022<sup>2</sup>. This **final report** documents and assesses the **implementation** of the third NAP. The main focus of the commitments was creating transparency, in particular through the provision of open data, for instance in the sphere of integrity management. Furthermore, the NAP contained a range of projects which created or consolidated dialogue and participation formats, including those on preventing micropollutants entering the environment, as well as projects which implement digital tools to enhance government action, for example in the field of public procurement.



**Diagram illustrating the cyclical OGP process**

In the case of some projects, changes to timetables or direction – some of which led to delays – were made during the two-year period. Examples of this are the legislative information portal of the Federal Ministry of Justice (BMJ), the project by the Federal Ministry of the Interior and Community (BMI) on the largely free-of-charge publication of the Joint Ministerial Gazette and the transparency platform for major infrastructure projects of the Federal Ministry for Digital and Transport (BMDV). Some projects, for example the exchange of knowledge concerning open data, gained additional milestones. In the fourth NAP, which is already being implemented, projects in some spheres are following on from those in the third NAP, for example the BMI and Land Bremen project on business access to public procurement or the Federal Foreign Office (FFO) project on foreign policy dialogues. In addition to this, the analyses of the implementation of the individual commitments provide more information on the impact, outlook and any obstacles. In the final assessment, a distinction is made between implementation complete, substantial progress, limited progress or implementation not yet begun and/or considerably delayed. In total, four commitments are considered to be completely implemented, substantial progress has been made on seven and limited progress has been made in the case of only three projects.

<sup>1</sup> Cf. <https://www.open-government-deutschland.de/opengov-en/content/third-national-action-plan-published-1952420>

<sup>2</sup> Cf. <https://www.open-government-deutschland.de/opengov-en/open-government-partnership-germany>

## 2. Implementation of the commitments

When implementation of the third NAP started in August 2021, monitoring was introduced on the website *open-government-deutschland.de*. It is possible to see detailed descriptions of the following projects there.

### 1. A foundation for improving access to legal information

The Federal Ministry of Justice will develop a uniform, contemporary and user-friendly legislative information portal. The portal is intended to provide the general public with a significantly larger range of legislative information from the Federal Government in future, free of charge and in digital format. Item 6.1 in the NAP.



You can find a comprehensive overview of the commitment on our website.

**Final implementation status:** limited progress

#### **Brief assessment:**

The project start was delayed by about six months, which meant that the milestones in the third NAP could not be achieved to the extent planned.

In April 2022, DigitalService commenced the development of the new legislative information portal. Initially, the focus was on the portal's technical basis: DigitalService began creating a new documentation environment for court decisions (of the Federal Constitutional Court, the highest courts at federal level, the Federal Patent Court, the Higher Administrative Court of North Rhine-Westphalia) as well as developing a documentation environment for federal laws and ordinances. In addition, work began on the new federal data repository that will be fed into the legislative information portal. Finally in August 2023, DigitalService commenced work on the new portal. Public participation, originally envisaged for the period covered by the third NAP, will now start at a slightly later date.



## 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 and Community. The content of the Gazette is to be available largely free of charge and in digital format in future. Item 6.2 in the NAP.



You can find a comprehensive overview of the commitment on our website.

**Final implementation status:** limited progress

### **Brief assessment:**

When the NAP was adopted, this commitment was intended to be implemented by the end of 2024. However, the timetable for implementation was subject to a variety of factors. Subsequent developments made it necessary to adjust the detailed description and the timetable. This was due to the concession contract – not due to expire until the end of 2024 – with the publishing house Wolters Kluwer, which is already making available the Joint Ministerial Gazette (also) in digital form. The BMI is currently negotiating with the publishing house with the aim of bringing about free access at an earlier date. At the close of 2023 and independent of these negotiations, there were also civil-society campaigns with a similar objective. The publishing house is open in principle to the idea of meeting the new requirements on the publication of the Joint Ministerial Gazette. For example, free-of-charge access to the Gazette could in future be limited to the current edition; volumes, on the other hand, could still be offered for a fee in order to ensure funding. An agreement is expected to be reached in the medium term. The project is thus still being implemented.

### 3. Transparency about approval procedures for major transport infrastructure projects

The Federal Ministry for Digital and Transport 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. Item 6.3 in the NAP.



You can find a comprehensive overview of the commitment on our website.

**Final implementation status:** substantial progress

#### **Brief assessment:**

Despite the project's pilot status, significant progress has already been made. An agile approach has ensured continued further development of the portal based on feedback and changing requirements. In the next step, digital public participation in the Federal Government's infrastructure projects via the portal will be possible from late April 2024 onwards. Members of the public as well as companies can then submit objections online via the portal. Public bodies will also be able to submit statements digitally in this way. A digital objections management system will subsequently be set up. This will enable planning authorities to exchange documents with everyone involved in the process in real time.

As the project is still at its pilot stage, a final assessment regarding its reception and its exact impact is still to take place. However, the online application platform, which has already been realised, demonstrates the potential for making the application process more efficient and transparent in future. The fact that the first phase highlighted the importance of an agile approach, facilitating flexibility and rapid adaptation to changing requirements, is regarded as showing how effective the learning process has been.

## 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 and Community will provide a standardised report on integrity management within the Federal Government and also publish the underlying corpus of data in an open format. Item 6.4 in the NAP.



You can find a comprehensive overview of the commitment on our website.

**Final implementation status:** implementation complete

### **Brief assessment:**

Since the 2020 reporting year, the Integrity Report has encompassed various aspects of government integrity such as anti-corruption measures, payments from the private sector (sponsoring, donations and other gifts), and the use of external persons within the Federal Government as well as additional individual questions on Internal Audit work.

For instance, reports with different reporting cycles, periods covered and formats were brought together in a central report.

Publishing the Integrity Report and its annex as open data helps to make government activities transparent and to ensure the public's confidence in the integrity of government.

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

The Administrative Data Information Platform offered by the Federal Statistical Office creates an overview of the different registers held by the government and the properties of the data stored there. The Federal Statistical Office will draw up a strategy for how the platform can use standard criteria to show the open data suitability of government data holdings in future. Item 6.5 in the NAP.



You can find a comprehensive overview of the commitment on our website.

**Final implementation status:** implementation complete

### **Brief assessment:**

Within the framework of the implementation, reviews as to whether existing data are suitable for being made available as open data could either be launched or documented in a number of federal authorities. The public provision of this information on the government data information platform (VIP) will strengthen the public's confidence that the Federal Government is making open data available wherever possible and limiting access wherever exceptions apply. Support for the Centre of Competence on Open Data (CCOD) as well as for established structures such as the open data coordinator network (ODK) were key to the successful implementation of the measure. Providing information to the public on the suitability for open data of other government data holdings via the VIP and the subsequent use of the information by other projects is envisaged and desired.

## 6. Promotion of knowledge-sharing in the open data environment

The Centre of Competence on Open Data (CCOD) within the Federal Office of Administration will establish a long-term event format with conferences and expert forums. The aim is to strengthen the coordinated provision of open government data by means of intensive knowledge-sharing not only between ministries but also with the scientific and academic community, civil society, business and the Länder. Item 6.6 in the NAP.



You can find a comprehensive overview of the commitment on our website.

**Final implementation status:** implementation complete

### **Brief assessment:**

Due to a lack of personnel and the planning uncertainties this has caused, individual events in the timetable were postponed but held. Expert forum no. 3 (high-value data sets) and the 4th Open Data Conference (round table) were added to the detailed description. These and other events are still to be held.

The commitment delivered the following contribution:

- 1) awareness-raising;
- 2) general skills development and the cultural change surrounding open data;
- 3) optimising the volume and quality of the data provided;
- 4) improving the information available to decision-makers;
- 5) supporting the coordinated provision of open government data;
- 6) developing a network and actively involving the members of the network (members at federal and Land level, invited stakeholders from the data community) as well as individual municipalities with community-driven prioritisation of the issues at hand. This resulted in an exchange focused on needs.

Due to the steadily growing number of participants and the positive response of those invited to provide input from the data community, as well as the Land and federal administrations, it can be assumed that substantial progress will be made in the exchange of knowledge in the open data environment. The measure will therefore be continued.

## 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). The Federal Ministry of Education and Research will get the general public involved as part of a consultation process and channel the resulting ideas to the bodies engaged in the ESD process. Item 6.7 in the NAP.



You can find a comprehensive overview of the commitment on our website.

**Final implementation status:** limited progress

### **Brief assessment:**

The proposals made within the framework of the consultation process have not led to the generation of new commitments by the members of the National ESD Platform. Although a survey on the ESD portal was carried out and two events on this subject were held, it has not been possible to reach the wider population (milestone 1). Milestones 2 and 3 were achieved. However, the proposals from the consultation process did not generate any commitments on the part of the members of the National ESD Platform. As a result, the process as a whole did not lead to the further development of the ESD process. Despite this, the discussion between the members of the ESD bodies and engagement with proposals from outside these bodies were positive.

## 8. Maintaining the Dialogue on Trace Substances

The Dialogue on Trace Substances, or micropollutants, is to be consolidated within the Federal Environment Agency. The stakeholders concerned, such as product manufacturers, the agriculture sector, environmental associations, unions and the Länder, are to push ahead with potential measures to reduce the release of micropollutants into the aquatic environment. Item 6.8 in the NAP.



You can find a comprehensive overview of the commitment on our website.

**Final implementation status:** substantial progress

### **Brief assessment:**

In order to consolidate the Dialogue on Trace Substances, the German Centre for Micropollutants has so far held three events, including a two-day in-person event. The events offer all stakeholders affected opportunities to network nationwide and to exchange views on current developments in the sphere of European and national policies on water protection, as well as on measures and technological progress in reducing the amount of micropollutants finding their way into water. The response to the events so far was very positive and the stakeholders are keen to remain engaged in dialogue. The German Centre for Micropollutants will therefore continue to organise networking events in the coming years.

## 9. National Monitoring Centre for Biodiversity

The National Monitoring Centre for Biodiversity has been set up within the Federal Agency for Nature Conservation. It is to unite monitoring practice with monitoring research, prepare monitoring data from existing sources and make it publicly available, update data management, and connect, empower and support the actors concerned. Item 6.9 in the NAP.



You can find a comprehensive overview of the commitment on our website.

**Final implementation status:** substantial progress

### **Brief assessment:**

The joint work done in the Centre's bodies, as well as the conferences and events already held in the series of forums entitled "Anwendung und Forschung im Dialog" (Application and Research in Dialogue) have contributed to exchange and networking among a wide range of stakeholders (Federal Government, Länder, research and science, professional associations and volunteers), also beyond departmental boundaries. A first major step has thus been taken towards national biodiversity monitoring. Benchmark papers on the goals and questions as well as methodology for the development of the relevant monitoring modules in the areas of soil biodiversity and influencing variables have already been drawn up with experts. In the next step, the Centre will focus on the provision of national data on biodiversity.



## 10. An open source platform for public administrations

The Federal Ministry of the Interior 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 government. This digital platform is intended to make possible a code repository for software solutions and their source code, structured storage for software projects and their management, and shared onward development. Item 7.1 in the NAP.



You can find a comprehensive overview of the commitment on our website.

**Final implementation status:** substantial progress

### **Brief assessment:**

Open CoDE currently has more than 2,900 registered users, more than 900 public repositories and more than 300 groups in which users are organised. It is steadily growing with new users and projects. In addition to new projects, the platform is also expanding due to projects which have migrated there from other systems. Open CoDE is seen as the open source repository of public administration and is mentioned in diverse press releases as well as at conferences within the open source ecosystem.

## 11. Standards-based simplification of business access to public procurement

The Federal Ministry of the Interior and Community and the Free Hanseatic City of Bremen will set up a central national public-procurement data service for public contract awards. (The planned online service was previously referred to as a notification service or Bekanntmachungsservice and also known by its German initials, BKMS.) The new data service will chiefly accept contract and award notices in a standardised format from as many notification platforms as possible, check them for completeness and plausibility, and make them available at all times for customisable searches by businesses and individuals. They will also be provided as open data (OCDS). Item 7.2 in the NAP.



You can find a comprehensive overview of the commitment on our website.

**Final implementation status:** implementation complete

### **Brief assessment:**

Implementation of this measure created a foundation for the data-based strategic management of public procurement. What is more, the barrier to participating in public procurement was lowered, especially for small and medium-sized enterprises, thanks to the centralisation of contract notices.

The measure has been well-received due to the parallel standardisation efforts in the form of the introduction of the new e-forms for public procurement above the EU thresholds in line with EU Implementing Regulation (EU) 2019/1780. The structured preparation of the implementation of the relevant regulation on e-forms was carried out with the involvement of the Länder and the developers of specialist processes as well as the Coordination Office for IT Standards (KoSIT). Implementation was supported by the ordinance on adapting procurement law in line with the introduction of new electronic standard forms (Verordnung zur Anpassung des Vergaberechts an die Einführung neuer elektronischer Standardformulare, source [in German only]: [www.recht.bund.de/bgbl/1/2023/222/VO.html](http://www.recht.bund.de/bgbl/1/2023/222/VO.html)).

In the next step, the first added value is to be generated with the analysis and evaluation of the standardised procurement data using identified cases, and the digitalisation of public procurement is to be continued. The Fourth National Action Plan 2023-2025 in the Framework of Germany's Participation in the OGP also contains commitments in this context and these efforts will be continued.

## 12. Free and Hanseatic City of Hamburg: public participation and information – digitalisation of administrative services for participation and provision of plans in a spatial planning context

Hamburg will develop software products, termed “benchmark implementations”, that provide optimum digital support to public-participation processes surrounding spatial planning and planning approval 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, i.e. in such a way that they can subsequently be made available to interested Land and local governments for their own use. Item 8.1 in the NAP.



You can find a comprehensive overview of the commitment on our website.

**Final implementation status:** substantial progress

**Brief assessment:** This project is key to implementing a central requirement of the Online Access Act, namely the universal easy availability of services such as the participation process in the sphere of spatial planning and the online publication of plans in this field. The project has already received a positive response in many Länder, municipalities and within the Federal Government, as the current rollout in six Länder as well as the accession of Bavaria, Bremen, Berlin and Hamburg to the administrative agreement on cooperation on digitalisation in the sphere of planning and construction (Verwaltungsabkommen über die Zusammenarbeit bei der Digitalisierung im Bereich Planen und Bauen, VDiPB) show.

In addition to the rollout in 13 Länder and within the Federal Government, the most important next step for the project is the realisation of milestone 3, the successful completion of the Online Access Act implementation project.

The delays in implementation are partly due to the complicated situation with regard to funding as well as the organisational hurdles of federalism and the complex heterogeneous IT landscapes, which have to be made fit for use by the general public. This will be achieved by setting up a standardised portal in the course of realising the project.



### 13. North Rhine-Westphalia I: improve the quality and quantity of data from public service entities and of election data

North Rhine-Westphalia (NRW) will create the technical and legal framework for data from public service entities 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 high-quality data. Election data are to be standardised and providers' attention is to be drawn to the quality of the data they supply. Item 8.2 in the NAP.



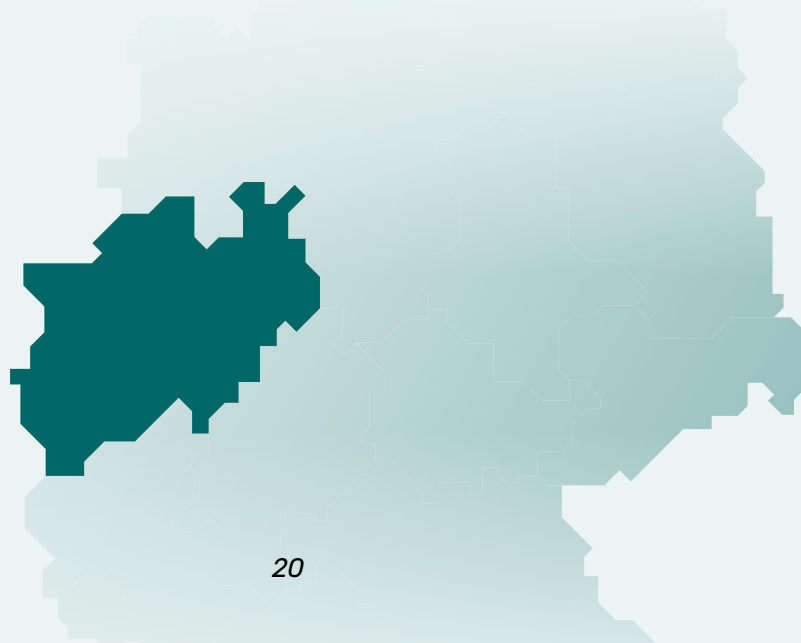
You can find a comprehensive overview of the commitment on our website.

**Final implementation status:** substantial progress

**Brief assessment:** By creating access free of charge for public service entities on the Open.NRW portal, it was possible as early as 2021 to create the conditions for facilitating an efficient data publication process on the part of all public authorities in North Rhine-Westphalia for the high-value data sets to be provided from 2023 onwards.

There are many ways for authorities providing data via the Open.NRW portal to improve their data quality. The plan is to offer additional services to further enhance data quality, for example automatic notifications to the authorities making data available.

The implementation of an open electoral data standard was put on ice when North Rhine-Westphalia handed back lead responsibility for the Online Access Act project on elections to the Federal Government. Initially, the focus was on improving the provision of election results as open data. These are now transferred in an automatic and standardised process from Landesdatenbank NRW, the central publication platform for official statistics in North Rhine-Westphalia, to the open data portal of the Land.



## 14. 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](http://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. Moreover, joint guidelines for both formal and informal public-participation procedures are to be formulated in the interests of improving the standard of participation processes. Item 8.3 in the NAP.



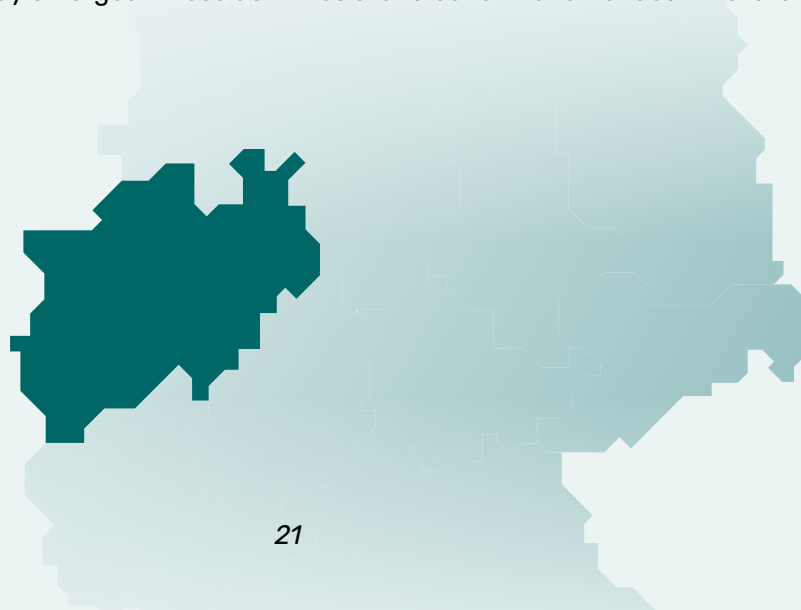
You can find a comprehensive overview of the commitment on our website.

**Final implementation status:** substantial progress

**Brief assessment:** With the NRW participation platform, the Ministry of Regional Identity, Local Government, Building and Digitalization of North Rhine-Westphalia has been providing free of charge a centralised public-participation portal to all authorities at Land, district and municipal level since the end of 2021. The portal enables members of the public in North Rhine-Westphalia to get digitally involved in shaping policies and administration – whether it be locally in their municipality or in the context of Land government projects.

Within a short space of time, it was possible to ensure that wide use could be made of the portal. A separate regional and/or expert portal was set up for more than 180 municipalities, districts and Land authorities. More than 2,000 participation processes have already been carried out and the portal has clocked up more than 3 million views. Many other administrations are currently testing how they could use the portal.

By making the portal available as Land-wide infrastructure to facilitate formal and informal participation, it has been possible to greatly increase public involvement through online participation. With formats such as Coffee Lectures and user meetings, formats which enhance the quality of public participation and facilitate an exchange of good practices have already emerged. These activities are to be further extended in future.



# 3. Abbreviations

ANK	Action Program for Natural Climate Protection
BKMS	Public Procurement Data Service
BMBF	Federal Ministry of Education and Research
BMDV	Federal Ministry for Digital and Transport
BMI	Federal Ministry of the Interior and Community
BMJ	Federal Ministry of Justice
ESD	Education for Sustainable Development
CCOD	Centre of Competence on Open Data
FFO	Federal Foreign Office
GMBI	Joint Ministerial Gazette
HH	Free and Hanseatic City of Hamburg
KoSIT	Coordination Office for IT Standards
NAP	National Action Plan
NRW	North Rhine-Westphalia
OCDS	Open Contracting Data Standard
OGP	Open Government Partnership
OZG	Online Access Act
StBA	Federal Statistical Office
VIP	Administrative Data Information Platform

