

Agreement to Increase Transparency of the Legislative Process

Without prejudice to sector-specific, special legal provisions and without prejudice to the practice of drafting legislation in the purely formal sense, the following applies in the legislative process to increase transparency, effective from the 19th legislative term of the German Bundestag:

(a) Draft legislation is published in the form in which it was sent to associations under Section 47 (3) of the Joint Rules of Procedure of the Federal Ministries (GGO) or a similar provision (ministry draft). If necessary to document that the draft has not yet been agreed within the Federal Government, this is done including the letter with which the draft was sent to the associations. If the Federal Government agrees on a draft, the agreed version of the draft is published following the decision at the latest. If no associations have been involved, the obligation to publish applies to the version adopted by the Federal Government.

(b) With regard to the publication of the comments received, the following applies: When the draft legislation is sent to associations, they are informed of the intention to publish their comments. They are therefore asked not to include any personal data in their comments, or to submit comments from which any personal data have been redacted. At the same time, if any personal data are nonetheless submitted with their comments, they are asked to provide evidence that the data subjects have provided consent to the publication of their personal data in the comments. If an association objects to the publication of its comments, it is simply noted that the association submitted comments.

(c) The federal ministries decide on their own responsibility and in accordance with the relevant law whether to publish any comments that were submitted without having been requested.

(d) Until a central platform is established, the central Federal Government website contains a link to the website of the responsible ministry where the draft legislation and comments are published.