

Independent Reporting Mechanism

Results Report:
Germany 2021-2023

Open
Government
Partnership



Independent
Reporting
Mechanism

Executive Summary

Germany's third action plan led to positive but moderate early results in open data and public procurement. Germany continued to show high levels of implementation of its OGP commitments. Going forward, the IRM recommends continuing commitments and policy areas across action plans, improving co-creation and implementation practices, and adopting an overarching open government strategy.

Early Results

Nine commitments led to early results, though no commitment achieved significant early results. The level of ambition of this action plan was low but comparable to past action plans.¹ The Federal Chancellery explained that this could have been because the action plan was adopted shortly before an election and change in government.² The most successful commitments were part of the German government's digitalization efforts. This included Commitment 6.6 on open data knowledge sharing, Commitment 7.1 on an open-source platform for the public administration, and Commitment 7.2 on the digitalization of public procurement. The fourth action plan (2023-2025) featured more commitments with a higher level of potential for results.³ This is due to the continuation and expansion of past commitments, such as the digitalization of public procurement, and the inclusion of political promises from the government's coalition agreement, like the Federal Transparency Act.

IMPLEMENTATION AT A GLANCE

LEVEL OF COMPLETION	
10/14	Complete or substantially complete commitments
EARLY RESULTS	
9/14	Commitments with early results
0/14	Commitments with significant results
COMPLIANCE WITH MINIMUM REQUIREMENTS	
Acting according to OGP process.	

Completion

Key topics of this action plan were access to legal information, open data, digitalization of the administration, and citizen participation.⁴ Six were fully completed and substantial progress was made on four others. This is comparable to the second action plan.⁵ Most commitments involved technical measures without political intervention (such as the passage of laws), which contributed positively to completion.⁶ Several commitments were delayed due to lack of funding or staffing. Of the four commitments with limited progress, two were not planned to be completed within the action plan cycle (Commitments 6.2 and 6.3). Commitment 6.1 was delayed because the implementing agency underestimated the complexity of the required changes in data management of legislative information. For Commitment 6.7, consultation with stakeholder groups did not lead to new commitments for a national action plan on education for sustainable development.

Participation and Co-Creation

The OGP process is overseen by the Federal Chancellery. A number of civil society organizations coordinate their participation in the OGP process via the informal Open Government Network (OGN). The co-creation process featured two rounds of consultation. OGN members set up a digital platform to gather comments on the commitments and propose new ones.⁷ Due to the COVID-19 pandemic, the action plan was developed exclusively online. The platform set up by the OGN enabled easy participation, and the Federal Chancellery and the public bodies provided extensive feedback on the proposed commitments and changes. Civil society input led to the amendments of several commitments but not the inclusion of new commitments. Some OGN members have expressed civil society was not systematically involved in the implementation stage. Persistent discontent with the scope of the co-creation process and the lack of visible

outcomes of civil society participation has led to a decreasing interest in participation among OGN members. These issues should be addressed to ensure the sustainability of the OGP process. Recommendations to this end can be found in previous IRM reports.⁸

Implementation in context

Despite the COVID-19 pandemic and a change in government shortly after the adoption of the action plan, most commitments were fully or substantially completed. Germany's OGP process is established within administrative practice and is not significantly disrupted by external factors. Russia's military invasion of Ukraine in February 2022 started shortly after the new coalition government took office and led to a significant restructuring of their political priorities. This could also be attributed to the focus of most commitments on technical reforms, which ensured that they were not significantly affected by political developments.

¹ No commitment was coded as significant potential for results. For the assessment of the second action plan, see Open Government Partnership, Independent Reporting Mechanism, Germany Transitional Results Report 2019-2021, <https://www.opengovpartnership.org/documents/germany-transitional-results-report-2019-2021/>

² Open Government Partnership, Independent Reporting Mechanism, Germany Action Plan Review 2021-2023, <https://www.opengovpartnership.org/documents/germany-action-plan-review-2021-2023/>

³ Open Government Partnership, Independent Reporting Mechanism, Germany Action Plan Review 2023–2025, 9 July 2024, <https://www.opengovpartnership.org/documents/germany-action-plan-review-2023-2025/>

⁴ The report covers the implementation of Germany's 2021-2023 action plan and mainly focuses on activities carried out between August 2021 to August 2023 (the period of implementation of the action plan).

⁵ Open Government Partnership, Independent Reporting Mechanism, Germany Transitional Results Report 2019-2021, <https://www.opengovpartnership.org/documents/germany-transitional-results-report-2019-2021/>

⁶ As also argued by Jörn von Lucke (The Open Government Institute), interview by the IRM, 25 October 2024.

⁷ Open Government Netzwerk, Konsultation der Zivilgesellschaft zum 3. Nationalen Aktionsplan [Consultation of civil society for the third national action plan]. Adhocracy, <https://adhocracy.plus/ogpde/projects/ogp-konsultation/>

⁸ Open Government Partnership, Independent Reporting Mechanism, Germany Action Plan Review 2023-2025, 9 July 2024, <https://www.opengovpartnership.org/documents/germany-action-plan-review-2023-2025/>; Open Government Partnership, Independent Reporting Mechanism, Germany Co-Creation Brief 2022, <https://www.opengovpartnership.org/documents/germany-co-creation-brief-2022/>

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Section I: Key Observations

Observation 1: The submission of the action plan shortly before a national election limited its ambition and political ownership.

The third action plan was passed just a few months before Germany's national election which led to a change in government in October 2021. According to the IRM Action Plan Review, this was a key factor in limiting the ambition of the co-creation process.¹ In addition, according to the point of contact (PoC) at the Federal Chancellery, this limited the new government's political ownership of the action plan.² Political priorities of the new coalition were included in the fourth action plan (2023-2025), with several commitments directly aligned with the coalition agreement.³ The PoC favored maintaining the current scheduling of action plans, to keep the OGP process ongoing. Interviewed OGN members also do not advocate for a change in scheduling.⁴ It will be important to maintain momentum in the OGP process, while ensuring sufficient time for the new government to include their political priorities. Commitments could also be discussed at an early stage, to increase stakeholders' involvement in monitoring and evaluation.

Observation 2: The technical focus of the commitments enabled their completion, despite a change in government and political disruptions.

This technical focus of the commitments ensured a stable degree of completion, despite the change in government and significant political disruptions during the implementation period. The coalition government was marked by persistent debates over funding and political priorities, intensified by the fiscal pressure following Russia's invasion of Ukraine in February 2022.⁵ While the technical focus enabled stable implementation, it resulted in lower levels of willingness of external stakeholders to participate in co-creation and implementation. Civil society stakeholders have proposed significant additions to the commitments and have repeatedly remarked on the need for wider reaching reforms.⁶ One OGN member advocated for greater continuity between action plans to increase their ambition.⁷

Observation 3: Commitments continued across multiple action plans show higher potential for results and enable better learning.

Commitment 6.6 on open data knowledge sharing is a continuation from the second action plan, and Commitment 7.2 on standards-based access to public procurement is continued in the fourth action plan. The implementing agencies have a high degree of awareness for the potential for reform under the OGP framework and are willing to expand their activities within these policies. The continued work on these areas enables longer term considerations for these policies. The OGP process, including IRM reports and the self-assessment, provide a space for monitoring, evaluation, and learning, that can positively contribute to the level of ambition.

In addition to featuring ongoing reforms within the government, the government and civil society partners could actively invite previous participants of the OGP process to gather their follow-up ideas. The Centre of Competency for Open Data (CCOD), for instance, has undertaken several steps on open data, such as involving municipalities, hosting in-person events, and launching a forum to connect open data enthusiasts in civil society and the administration outside of their commitment in this action plan. Including more of such measures in the action plan could encourage the individuals actively engaged in open government reforms and build competences.

Observation 4: Commitments have led to positive incremental changes but are not connected to holistic reforms.

Several commitments improved existing practices but did not take a holistic approach to the underlying issues. For example, Commitments 6.5 and 6.6 involved knowledge sharing on open data and a registry of data sets held by the public administration. Both commitments achieved positive early results but were limited by a lack of sufficient basic IT infrastructure and skilled professionals within this field.⁸ Commitment 7.1 involved the creation of Open CoDE, a central platform to host and collaboratively develop open-source software (OSS). It would have benefited from an overarching strategy to support OSS, including a reform in software procurement rules, and better connection with local civic tech communities.

According to the PoC, achieving significant results is difficult within Germany's current approach to OGP. Commitments are developed primarily through internal discussions between federal ministries. Members of the OGN have noted there are too few opportunities to actively participate in the process.⁹ In turn, some have argued that a whole-of-government overarching open government strategy could improve the effectiveness of reforms.¹⁰ Some members of the Organisation for Economic Co-operation and Development (OECD), for example, have developed or are developing long-term open government strategies, such as Argentina, Finland, and Romania.

In addition, Germany could use the OGP process to pursue existing strategies (e.g., the digital sovereignty strategy adopted by the IT planning council¹¹ or the open data strategy¹²) and develop overarching visions for emerging topics (e.g., open judiciary). The OGP process, including the self-assessments and the IRM assessments, could evaluate and improve these strategies over multiple action plan cycles and contribute to effective and sustainable change within policy areas.

¹ Open Government Partnership, Independent Reporting Mechanism Germany Action Plan Review 2021-2023, <https://www.opengovpartnership.org/documents/germany-action-plan-review-2021-2023/>, p. 3.

² Sebastian Haselbeck (OGP Point of Contact at the Federal Chancellery), interview by the IRM, 11 September 2024.

³ Open Government Partnership, Independent Reporting Mechanism, Germany Action Plan Review 2021-2023, <https://www.opengovpartnership.org/documents/germany-action-plan-review-2021-2023/>

⁴ Jörn von Lucke (The Open Government Institute), interview by the IRM, 25 October 2024.

⁵ Tagesschau. Was das Ampel-Aus bedeutet [What the end of the traffic light coalition means], <https://www.tagesschau.de/inland/innenpolitik/ampelkoalition-krise-fragen-antworten-100.html>

⁶ Open Government Netzwerk, Konsultation der Zivilgesellschaft zum 3. Nationalen Aktionsplan [Consultation of civil society for the third national action plan]. Adhocracy, <https://adhocracy.plus/ogpde/projects/ogp-konsultation/>.

⁷ Oliver Rack (OGN Member), interview by the IRM, 19 January 2024.

⁸ Stefan Kaufmann (Open Data and Policy Advisor at Wikimedia Deutschland), interview by the IRM, 8 October 2024.

⁹ Open Government Partnership, Independent Reporting Mechanism, Germany Action Plan Review 2021-2023, <https://www.opengovpartnership.org/documents/germany-action-plan-review-2021-2023/>

¹⁰ Stefan Kaufmann (Open Data and Policy Advisor at Wikimedia Deutschland), interview by the IRM, 8 October 2024.

¹¹ IT-Planungsrat, Strategie zur Stärkung der Digitalen Souveränität für die IT der Öffentlichen Verwaltung [Strategy to strengthen digital sovereignty for IT in public administration], https://www.it-planungsrat.de/fileadmin/beschluesse/2021/Beschluss2021-09_Strategie_zur_Staerkung_der_digitalen_Souveraenitaet.pdf

¹² Federal Ministry of Interior, Open-Data-Strategie der Bundesregierung [Open data strategy of the federal government], https://www.bmi.bund.de/SharedDocs/downloads/DE/publikationen/themen/moderne-verwaltung/open-data-strategie-der-bundesregierung.pdf?__blob=publicationFile&v=4

Section II: Implementation and Early Results

The following section looks at the three commitments or clusters that the IRM identified as having the strongest results from implementation. To assess early results, the IRM referred to commitments or clusters identified as promising in the Action Plan Review as a starting point. After verification of completion evidence, the IRM also took into account commitments or clusters that were not determined as promising but that, as implemented, yielded predominantly positive or significant results.

Commitment 6.6: Promotion of knowledge-sharing in the open data-environment [Federal Ministry of the Interior, Building and Community (BMI)/Federal Administration Office (BVA) – Centre of Competency for Open Data (CCOD)]

Context and Objectives:

This commitment, a follow-up to a commitment from the second action plan (2019-2021), addresses the lack of sufficient expertise on open data within the administration. The commitment expands the knowledge-sharing and networking events of the Centre of Competency for Open Data (CCOD). This involved an annual open data roundtable, during which participants would propose and vote on three priority topics for the following year. The CCOD then organized information sessions with experts on these topics. The events series aimed to provide a central networking and information service for the administration and contribute towards the expertise and open data culture.

Early Results: Moderate results

The commitment has achieved moderate results in improving the expertise and networking opportunities on open data for the public administration. All milestones were completed with minor delays. The participation rate steadily increased from around 90 participants at the beginning to a peak of 330 participants at a recent expert session on high-value data sets.¹ This shows a significant demand for information on open data reforms. While the commitment provided a central source of information to the administration and addressed a key inhibitor of open data, it did not address the underlying issue of lack of concern for basic infrastructure and the need for more networking opportunities.

The lack of competences and expertise within the administration is a central hindrance to open data efforts.² The new dialogue format of the CCOD selects its topics through a bottom-up process. The annual open data roundtable enables participants (exclusively members of the administration) to suggest and choose three topics. The CCOD organizes sessions on these topics with selected experts the following year. This approach helps ensure that the information needs of the administration are met. The first iterations of the roundtable only allowed members of the federal and state levels to participate, but the 2024 roundtable was opened to municipal administration. The limitation originated out of the disproportion of municipalities to other levels (Germany has over 10,000 municipalities). The CCOD plans to maintain the option for municipal actors to participate. This is an important change because municipal actors often struggle with funding and expertise on open data.³ Providing centralized and quality information is an important element in facilitating the build-up of knowledge at all levels.

As lack of expertise is a significant factor, an open data expert at Wikimedia argues that the information sessions are already too advanced. Instead, what is missing is concern for the basic IT infrastructure necessary to host the data environment. This argument coincides with a 2022 survey by Bertelsmann Stiftung, in which municipalities list the access to and expansion of IT infrastructure as the main factor driving open data efforts.⁴ The current format of the information session provides little room for these fundamental topics, as they are often not among the priority topics. The CCOD could integrate information sessions on these basic issues either through a permanent information session and by restating the central importance of building basic infrastructure first.

On the other hand, the increasing rate of participation also signals a growing sensibilization to the benefits and need of open data. In the latest official evaluation of Germany's open data reforms from 2019, the most stated lever for more open data by members of the federal administration was more information on the benefits of open data.⁵ In addition to rising participation, a member of the CCOD sees more interest in the thematic and deeper questions on open data and less on the fundamental questions of whether open data is necessary.⁶

A common issue with digitalization and open data reforms in Germany is the lack of awareness of other projects and actors engaging with similar topics and issues. The events generally are 2.5- to 3-hour information sessions, and the format often does not provide sufficient opportunities for participants to network and be made aware of similar efforts. Another key limitation is the absence of civil society participation. The event series is currently only open to the administration, with civil society only featured as invited experts. In the future, the event series, including the development of thematic priorities, could be opened to the open data community. The expert at Wikimedia recommends calling on the administration to join the wide variety of civil society fora, like the Code for Germany network, large conferences like the Chaos Communication Congress, and digital forums. Participation and discussion in events could help the administration to build connections with the active open data community in Germany and to develop common projects.

A key enabling factor of the commitment was the 2021 reform of the open data law at the federal level. The new law stipulates that every federal administration must appoint an open data coordinator. The CCOD sees this as an important addition as it provides them with a central point of contact to coordinate activities and events.

Looking ahead:

The CCOD is aware of the limitations of the current forum and event series and is expanding its activities. In fall of 2024, a new open data forum was launched and opened to civil society.⁷ The aim of the forum is to enable the open data community to signal requests for data and to enable thematic discussions and networking. In addition, the CCOD is looking into creating in-person events to better facilitate networking.

Structural changes are required to improve the state of open data in Germany. In addition to the mentioned need for improvements to IT infrastructure and skills, it is important to create structures for collaboration between different administrations and with civil society. The current format does not provide sufficient opportunities for exchange and networking. Berlin and Schleswig-Holstein are working collaboratively on Linked Open Budget Data, which are commitments in the 2023-2025 action plan, and show the potential benefits for cooperation. The upcoming fifth action plan could be used to develop new commitments in collaboration with the open data community.

Commitment 7.1: An open-source platform for the federal administration [Federal Ministry of the Interior, Building and Community (BMI), State of Baden-Wuerttemberg, State of North Rhine-Westphalia]

Context and Objectives:

This commitment aimed to develop Open CoDE, a platform for the public administration to host and collectively develop open-source software projects. The commitment is part of Germany's ambition to lessen its structural dependencies on software suppliers.⁸ Open-source software is commonly seen as a central mechanism to strengthen the digital sovereignty of the German state and as a means to provide a sustainable digital infrastructure.⁹ The establishment of its own platform for the public administration aimed to create an infrastructure for code development that is independent of external actors – the most widely used platform Github is owned by Microsoft – and be adaptable to the needs of the administration. This includes legal certainty that code can be shared and reused, as well as the ability to curate and highlight projects for reuse.

Early Results: Moderate results

The commitment was fully implemented and achieved moderate results in strengthening the infrastructure and transparency of open-source software. Open CoDE is a functional clone of GitLab and enables members of the administration and invited third parties to create and collectively manage code repositories. Code repositories can further be curated to highlight interesting projects that can be reused. Since 2022 Open CoDE has been managed by the Centre for Digital Sovereignty ZenDIS (“Zentrum für Digitale Souveränität der öffentlichen Verwaltung”).¹⁰ ZenDIS is a publicly owned company that acts as a competence centre for open-source software.¹¹ This ensures continued operation of the project.

Open CoDE plays an important role in Germany’s open-source ambitions. Despite the stated goal of increasing the use of open-source software, less than half of public administrations surveyed in a recent study are open to using more open-source software.¹² Key concerns are IT security and lack of qualified personnel, while 9 percent also worry about legal issues with licenses.¹³ An interviewed civil society expert further cites a lack of awareness of open-source within the administration.¹⁴ Open CoDE as a platform can act as a central source of information and help alleviate concerns over open-source software, as argued by a representative of ZenDIS.¹⁵ It increases the visibility of successful open-source projects, provides information tailored to the needs of the administration in a wiki, and provides a central registry of ongoing projects available for reuse. Open-source efforts often hinge on the effort of motivated individuals within the administration.¹⁶ In the future, these individuals can refer to Open CoDE as an authoritative platform to pursue open-source projects, which acts as an infrastructure, makes use cases visible, and can act as a point of contact.¹⁷

At first, several OGN members were worried that the administration would limit their connections with existing platforms in the open-source community.¹⁸ The ZenDIS representative argues instead that it is necessary to operate independently from large software companies like Microsoft.¹⁹ Using a dedicated platform could mean that projects are less likely to be found by the open-source community. Collaborative development is only open to invited parties. As such, the platform breaks with established principles of the open-source community but can also better meet the demands of the public administration. Given the gap between open software communities and the public administration this is an understandable choice that will help increase the awareness of open-source.

The platform has continually grown and has 4,900 users and over 1,900 code repositories. Open CoDE hosts openDesk, an open-source office suite for the public administration.²⁰ Despite persistent growth, the platform does not host all open-source projects of the public administration as use currently is voluntary. Kugler from ZenDIS advocates that publicly procured software should be required to be hosted on Open CoDE, at least as a mirror from other platforms.²¹ In the future, it will be important to continue to promote wide uptake of Open CoDE to help strengthen its role as a central player in Germany’s open-source ecosystem.

Looking ahead:

The project could be integrated into a broader open-source strategy. ZenDIS is currently involved in the development of new features. This will include automatic IT security checks, which can help further alleviate the present concerns.²² A central remaining issue is the procurement of open-source software.²³ Independence and the ability to switch suppliers is currently not sufficiently a factor in procurement decisions. An amendment of procurement rules, also as regards the long-term operation and contributions to existing open-source projects, will be a significant factor in aiding Germany’s open-source ambitions. ZenDIS has released a policy paper with concrete recommendations.²⁴

Two interviewed civil society experts recommended furthering the contact with civil society and the open-source community.²⁵ Networks like Code for Germany are actively involved in local civic tech projects. A persistent issue in the community is the lack of contact with the public administration and the failure by the administration to pick up beneficial projects. Open CoDE could integrate such projects, increase their visibility, and help find an administration willing and able to sustain the project. The administration should also actively involve themselves in civil

society spaces, as a representative from the German Wikimedia chapter recommends. Increasing the connection between public open-source efforts and motivated members of the community will be key in sustaining open-source efforts, which requires the active involvement of a large community.

Commitment 7.2: Standards-based simplification of business access to public procurement [Federal Ministry of the Interior and Community (BMI) / Procurement Office of BMI (BeschA), Free Hanseatic City of Bremen]

Context and Objectives:

This commitment is the only commitment assessed as a promising commitment in the IRM Action Plan Review.²⁶ It aimed to create a central digital platform to access and browse tenders by the public administration, using a new data standard. Previously, tenders in Germany were announced via various local portals that were generally not interoperable. The new publications service based on new data standard aimed to make tenders searchable on a single platform. The commitment also prepared compliance with new EU legislation mandating the use of the eForms data standard from October 2023 onward. In addition, the newly standardized data was to be made available as open data. Digital and open procurement is a priority for both the government and civil society. More transparency of tenders was expected to benefit businesses by facilitating their search for tenders. In addition, the increased accessibility of tenders could lead to increased competition in public procurement.

Early Results: Moderate results

The commitment was fully implemented and has achieved moderate results. The new platform was developed in a joint project of the BMI, the Procurement Office of BMI and the Free Hanseatic City of Bremen. The Procurement Office of BMI has provided the publication service and Bremen has been the primary pilot partner. It contains a data conversion tool that transforms procurement information into the new eForms-DE data standard and thereby makes them accessible in the central portal (Bekanntmachungsservice - BKMS). Since 1 July 2022, the pilot can be reused by public administrations outside of Bremen. This process was completed before October 2023, when the use of the new data standard became mandatory for all tenders above thresholds set by the EU. This threshold makes up around 75 percent of market volume and 10 percent of all tenders.²⁷ Voluntary compliance beyond the threshold varies, with no precise figures available.

The commitment is a positive and sustained improvement in procurement practices. The new portal facilitates access to tenders which were previously fragmented across a diversity of portals.²⁸ The new data standard supports better analysis of the public procurement market and for strategic planning by the public administration as it enables analyses across a significant section of the German public procurement market. The follow-up commitment in the fourth action plan aims to capture the added value of data analysis. The procurement data collected by the new publication platform is available as open data, which is also provided in the format of the Open Contracting Data Standard (OCDS). This ensures that users can easily analyze the data across different international markets and reuse existing tools for analysis.

The main expected benefits of this commitment were accessibility for businesses and positive effects on competition. Studies show that open procurement can increase the competition for tenders, as more companies can easily access the public procurement market.²⁹ At this stage, it is too early to evaluate the effects of this commitment on competition. The official statistical report on public procurement is only available for the reporting year 2022 (as of October 2024).

The main hindrance to the commitment was its voluntary cooperation for below-threshold tenders. As argued in the Action Plan Review, obtaining the full benefits of the new standard and portal will require wide uptake at all administrative levels. Municipalities and the Länder (compared to the federal level) disproportionately engage in below-threshold tenders. Increasing the transparency and competitiveness of this market requires working toward a wide uptake of the new service. This action plan cycle did not feature sufficient measures to this end, limiting this commitment to moderate early results.

Given the changes to EU law, the measure will be sustained in time. As part of the fourth action plan, the implementing institutions are working toward integrating their data into a new European portal, where the tenders will also be accessible.

Looking Ahead:

This commitment is an important step in the German government's digitalization efforts and sets the foundation for new reforms on open procurement. The follow-up commitment in the fourth action plan³⁰ addresses many limitations of this commitment, notably the reuse of the newly available data and participation of lower administrative levels. The IRM recommends working toward a single platform which also enables companies to reply to tenders, more cooperation with data users, and continuing to work toward wide uptake. The use of eForms-DE could also be mandated below-threshold to increase the potential benefits of data analysis and open data.

¹ Jonas Schmitz (CCOD), interview by the IRM, 5 September 2024.

² Federal Government, Erster Bericht der Bundesregierung über die Fortschritte bei der Bereitstellung von Daten (1. Open-Data-Fortschrittsbericht) [First report by the Federal Government on the progress in the provision of data (1st Open Data Progress Report)], Deutscher Bundestag.

<https://dserver.bundestag.de/btd/19/141/1914140.pdf>, p. 27. ; Tobias Bürger, Mario Wiedemann, & Christian Raffer, Kommunalbefragung Open Data 2022 [Municipal open data survey 2022], Bertelsmann Stiftung, p. 12.

³ Tobias Bürger, Mario Wiedemann, & Christian Raffer, Kommunalbefragung Open Data 2022 [Municipal open data survey 2022], Bertelsmann Stiftung, p. 12.

⁴ Tobias Bürger, Mario Wiedemann, & Christian Raffer, Kommunalbefragung Open Data 2022 [Municipal open data survey 2022], Bertelsmann Stiftung, p. 10.

⁵ Federal Government, Erster Bericht der Bundesregierung über die Fortschritte bei der Bereitstellung von Daten (1. Open-Data-Fortschrittsbericht) [First report by the Federal Government on the progress in the provision of data (1st Open Data Progress Report)], Deutscher Bundestag, <https://dserver.bundestag.de/btd/19/141/1914140.pdf>

⁶ Jonas Schmitz (CCOD), interview by the IRM, 5 September 2024.

⁷ See

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

⁸ IT-Planungsrat, Strategie zur Stärkung der Digitalen Souveränität für die IT der Öffentlichen Verwaltung [Strategy to strengthen digital sovereignty for IT in public administration], https://www.it-planungsrat.de/fileadmin/beschluesse/2021/Beschluss2021-09_Strategie_zur_Staerkung_der_digitalen_Souveraenitaet.pdf

⁹ IT-Planungsrat, Strategie zur Stärkung der Digitalen Souveränität für die IT der Öffentlichen Verwaltung [Strategy to strengthen digital sovereignty for IT in public administration], https://www.it-planungsrat.de/fileadmin/beschluesse/2021/Beschluss2021-09_Strategie_zur_Staerkung_der_digitalen_Souveraenitaet.pdf

¹⁰ ZenDIS, <https://zendis.de/>

¹¹ OpenDesk, Über [About us], <https://opendesk.eu/ueber/>

¹² Bitkom Open-Source-Monitor, Studienbericht 2023 [Open-source monitor. Study report 2023], <https://www.bitkom.org/sites/main/files/2023-09/bitkom-studie-open-source-monitor-2023.pdf>, p. 48.

¹³ Bitkom, Open-Source-Monitor, Studienbericht 2023 [Open-source monitor. Study report 2023], <https://www.bitkom.org/sites/main/files/2023-09/bitkom-studie-open-source-monitor-2023.pdf>, p. 50.

¹⁴ Stefan Kaufmann (Open Data and Policy Advisor at Wikimedia Deutschland), interview by the IRM, 8 October 2024; and Patricia Leu (Prototype Fund), interview by the IRM, 27 September 2024.

¹⁵ Leonhard Kugler (Lead Open-source platforms at ZenDIS), interview by the IRM, 16 September 2024.

¹⁶ Patricia Leu (Prototype Fund), interview by the IRM, 27 September 2024.

¹⁷ Patricia Leu (Prototype Fund), interview by the IRM, 27 September 2024.

¹⁸ Open Government Netzwerk, #03 - Eine Open Source-Plattform der Öffentlichen Verwaltung [#3 – An open-source platform for public administration], Adhocracy, <https://adhocracy.plus/ogpde/topicprio/2021-04784/>

¹⁹ Leonhard Kugler (Lead Open-source platforms at ZenDIS), interview by the IRM, 16 September 2024.

²⁰ openCode, The Platform for Digital Sovereignty, <https://opencode.de/de>

²¹ Leonhard Kugler (Lead Open-source platforms at ZenDIS), interview by the IRM, 16 September 2024.

²² Leonhard Kugler (Lead Open-source platforms at ZenDIS), interview by the IRM, 16 September 2024.

²³ Leonhard Kugler (Lead Open-source platforms at ZenDIS), interview by the IRM, 16 September 2024.

²⁴ ZenDIS, Digitale Souveränität im Vergaberecht. Wirksamer Hebel für mehr Handlungsfähigkeit in der digitalen Welt [Digital sovereignty in public procurement law. Effective leverage for greater capacity to act in the digital world], https://zendis.de/2024_06_05-zendis_positionspapier-dis-und-vergaberecht_a4_web.pdf

²⁵ Patricia Leu (Prototype Fund), interview by the IRM, 27 September 2024; and Stefan Kaufmann, Open Data and Policy Advisor at Wikimedia Deutschland), interview by the IRM, 8 October 2024.

²⁶ Open Government Partnership, Independent Reporting Mechanism, Germany Action Plan Review 2021-2023, <https://www.opengovpartnership.org/documents/germany-action-plan-review-2021-2023/>

²⁷ Federal Ministry for Economic Affairs and Climate Action, Vergabestatistik: Bericht für das erste Halbjahr 2021 [Procurement statistics: Report for the first half of 2021], Federal Ministry for Economic Affairs and Climate Action, <https://www.bmwk.de/Redaktion/DE/Publikationen/Wirtschaft/bmwk-vergabestatistik-2021.html>, p. 13.

²⁸ www.oeffentlichevergabe.de

²⁹ Monika Bauhr, Ágnes Czibik, Jenny de Fine Licht & Mihály Fazekas, Lights on the shadows of public procurement: Transparency as an antidote to corruption, Governance: International Journal of Policy, Administration, and Institutions, 13 August 2019, <https://onlinelibrary.wiley.com/doi/10.1111/gove.12432>, p. 495–523.

³⁰ Open Government Partnership, Independent Reporting Mechanism, Germany Action Plan Review 2021-2023, <https://www.opengovpartnership.org/documents/germany-action-plan-review-2021-2023/>

Section III. Participation and Co-Creation

The co-creation process for Germany's third action plan took place entirely online due to the COVID-19 pandemic. This format worked well but did not lead to new commitments. Since the third action plan, participation from civil society has decreased over discontent with the possibilities for participation, which risks future interest in the OGP process and civil society participation.

Germany's OGP participation has remained stable despite a change in government in December 2021. Since Germany joined OGP in 2016, the point of contact has been in the Federal Chancellery. The government of December 2021 included the continuation of their open government efforts in their coalition agreement.¹ There were no major procedural changes for the organizational leadership of OGP in Germany between the second, third, and fourth action plans.

Civil society participation in the OGP process is principally organized via the informal Open Government Network (OGN). Non-OGN members can also participate in the co-creation process, as the consultation is open to the public. The OGN meets regularly to discuss open government-related topics, though only a part of its work directly concerns OGP. The PoC at the Federal Chancellery sometimes participates in its meetings. The OGN governs itself through an elected steering committee, which decides the network's membership. In principle, the OGN is open to all interested parties. OGN membership has decreased since the third action plan and some members are no longer interested to participate in OGP-related activities due to discontent with the co-creation.² The PoC notes that OGN's mobilization capacity and resources to involve civil society in the consultations is a growing problem for the OGP process.

The co-creation process for the third action plan involved two phases. Ministries first submitted a non-binding list of commitment ideas for public consultation. Non-governmental stakeholders could leave remarks and propose additional commitments. In the second phase, the ministries selected the final list of commitments and in some instances integrated comments from the feedback round. This second phase included the opportunity to leave remarks, before the final action plan was adopted. Commitments from the states (Länder) were not part of the Federal Government's consultation process. The Federal Chancellery explained that this was due to coordination difficulties across administrative levels and different time schedules.³ In principle, the Länder are invited to participate in the OGP process, and their commitments can be included in the action plans. No new commitments were added following the first consultation. Some commitments continued ideas that had been mentioned in past consultation rounds, such as Commitment 6.2 on providing open access to the Joint Ministerial Gazette. Before the adoption of the action plan, the Federal Chancellery submitted an extensive reasoned response on the selection of the commitments.⁴

The German OGP process does not feature any formal participation of civil society in the implementation phase. Some commitments in the third action plan included input from stakeholders, though this was organized by the implementing agencies and not through the OGP process or the OGN. The level of co-creation or co-implementation at the commitment level was low in this action plan. The Federal Chancellery provided the opportunity to monitor progress of the commitments on its open government website, as well as a midterm and final self-evaluation which were open to a round of public comments.⁵ In addition, the IRM has recommended expanding the scope for participation through co-creation fora with a thematic focus, which would bring together implementing agencies and civil society experts to develop commitments on priority policy areas (see Co-Creation Brief).⁶

Participation in the OGP process was comparable to previous action plans, despite the COVID-19 pandemic. The Federal Chancellery noted that the purely digital format may have limited the quality of the comments.⁷ The consultation period for the fourth action plan (2023-2025) saw fewer proposed commitments compared to the third action plan. OGN members explained that they were unsure what influence their inputs had on the action plan.⁸ The extensive reasoned

response of the third action plan helped alleviate these concerns. The IRM recommends returning to this practice for future action plans.

There were no major changes to the third action plan after its adoption, despite the change in government. The PoC remarked that the level of ambition may have been limited by the upcoming election cycle. The choice to adopt an action plan regardless was based on the consideration to not let the OGP process come to a halt, which could risk future participation.⁹ The government that took office in December 2021 had little political ownership in the third action plan and instead focused on the fourth.¹⁰ However, the continuation of the monitoring and the delivery of a final self-assessment report indicated that the new government maintained an ongoing commitment to OGP process. Despite a lack of political ownership, the level of completion is high, as most commitments focused on actions at the administrative level.

New elections were scheduled for September 2025, shortly after the usual adoption date for a new action plan. Due to a collapse of the government coalition, new elections took place in February 2025 and are likely to lead to a change in government. In September 2024, the Federal Chancellery stated that it would like to continue with the current OGP cycle, to not halt the OGP process.¹¹ Two OGN members favor a four-year action plan.¹² Instead of delaying the OGP process, it could be worthwhile to invite participation from ongoing projects and to connect them with civil society, e.g., in the field of open-source and open data. Continued commitments show a higher awareness of the needs and benefits of open government reform and could be supported in their current efforts through inclusion in a national action plan.

Compliance with the Minimum Requirements

The IRM assesses whether member countries met the minimum requirements under OGP's Participation and Co-Creation Standards for the purposes of procedural review.¹³ During co-creation, Germany acted according to the OGP process. The two minimum requirements listed below must achieve at least the level of 'in progress' for a country to have acted according to OGP process.

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

Acted according to OGP process during the implementation period?	
The government maintained an OGP repository that is online, updated at least once during the action plan cycle, and contains evidence of development and implementation of the action plan. ¹⁴	Green
The government provided the public with information on the action plan during the implementation period. ¹⁵	Green

¹ SPD, Bündnis 90/ Die Grünen, & FDP, Mehr Fortschritt wagen. Koalitionsvertrag 2021-2025. [Daring more progress. Coalition agreement 2021-2025], https://www.spd.de/fileadmin/Dokumente/Koalitionsvertrag/Koalitionsvertrag_2021-2025.pdf, p. 4.

² Open Government Partnership, Independent Reporting Mechanism, Germany Action Plan Review 2023-2025, <https://www.opengovpartnership.org/documents/germany-action-plan-review-2023-2025/>

³ Sebastian Haselbeck (OGP Point of Contact at the Federal Chancellery), interview by the IRM, 29 January 2024.

⁴ Federal Chancellery, Rückmeldung der Bundesressorts zu neuen Vorschlägen aus dem Konsultationsprozess zur Erarbeitung des dritten Nationalen Aktionsplans im

Rahmen der Teilnahme an der Open Government Partnership (OGP) [Reasoned response to the consultation for the third national action plan], Open Government Deutschland, <https://www.open-government-deutschland.de/resource/blob/1591100/1946966/9edb47c6fbdb438217efd3e9f8013a5/response-nap3-data.pdf?download=1>

⁵ These can be accessed via the section in the third national action plan on the Federal Government's open government website, <https://www.open-government-deutschland.de/opengov-de/ogp/aktionsplaene-und-berichte/3-nap>

⁶ Open Government Partnership, Independent Reporting Mechanism, Germany Co-Creation Brief 2022, <https://www.opengovpartnership.org/documents/germany-co-creation-brief-2022/>

⁷ Open Government Partnership, Independent Reporting Mechanism, Germany Action Plan Review 2021-2023, <https://www.opengovpartnership.org/documents/germany-action-plan-review-2021-2023/>

⁸ Jörn von Lucke (The Open Government Institute), interview by the IRM, 25 October 2024; Open Government Partnership, Independent Reporting Mechanism, Germany Action Plan Review 2023-2025, <https://www.opengovpartnership.org/documents/germany-action-plan-review-2023-2025/>

⁹ Sebastian Haselbeck (OGP Point of Contact at the Federal Chancellery), interview by the IRM, 11 September 2024.

¹⁰ Sebastian Haselbeck (OGP Point of Contact at the Federal Chancellery), interview by the IRM, 11 September 2024.

¹¹ Sebastian Haselbeck (OGP Point of Contact at the Federal Chancellery), interview by the IRM, 11 September 2024.

¹² Jörn von Lucke (The Open Government Institute), interview by the IRM, 25 October 2024.

¹³ Please note that future IRM assessments will focus on compliance with the updated OGP Co-Creation and Participation Standards that came into effect on 1 January 2022, <https://www.opengovpartnership.org/ogp-participation-co-creation-standards/>

¹⁴ BSCW, <https://bscw.bund.de/pub/bscw.cgi/228911281>

¹⁵ Monitoring was provided in the form of a progress tracker on the Federal Government's open government website, as well as a midterm and final self-assessment, <https://www.open-government-deutschland.de/opengov-de/ogp/aktionsplaene-und-berichte/3-nap/>

Section IV. Methodology and IRM Indicators

This report supports members' accountability and learning through assessment of (i) the level of completion for commitments' implementation, (ii) early results for commitments with a high level of completion identified as promising or that yielded significant results through implementation, and (iii) participation and co-creation practices throughout the action plan cycle. The IRM commenced the research process with the development of a research plan, preliminary desk research, and verification of evidence provided in the country's OGP repository.¹

Completion

The IRM assesses the level of completion for each commitment in the action plan, including commitments clustered in the Action Plan Review.² The level of completion for all commitments is assessed as one of the following:

- No Evidence Available
- Not Started
- Limited
- Substantial
- Complete

Early Results

The IRM assesses the level of results achieved from the implementation of commitments that have a clear open government lens, a high level of completion or show evidence of achieving early results (as defined below). It considers the expected aim of the commitment prior to its implementation, the specific country context in which the commitment was implemented, the specific policy area and the changes reported.

The early results indicator establishes three levels of results:

- **No Notable Results:** According to the evidence collected (through desk research, interviews, etc.), the implementation of the open government commitment led to little or no positive results. After assessing the activities carried forward during the period of implementation and its outcomes (if any), the IRM did not find meaningful changes towards:
 - improving practices, policies or institutions governing a policy area or within the public sector,
 - enhancing the enabling environment to build trust between citizens and the state.
- **Moderate Results:** According to the evidence collected (through desk research, interviews, etc.) the implementation of the open government commitment led to positive results. After assessing the activities carried forward during the period of implementation and its outcomes, the IRM found meaningful changes towards:
 - improving practices, policies or institutions governing a policy area or within the public sector, or
 - enhancing the enabling environment to build trust between citizens and the state.
- **Significant Results:** According to the evidence collected (through desk research, interviews, etc.) the implementation of the open government commitment led to significant positive results. After assessing the activities carried forward during the period of implementation and its outcomes, the IRM found meaningful changes towards:
 - improving practices, policies or institutions governing a policy area or within the public sector, or
 - enhancing the enabling environment to build trust between citizens and the state.Significant positive results show clear expectations for these changes (as defined above) will be sustainable in time.

This report was prepared by the IRM in collaboration with Ben Burmeister and was reviewed by Germán Emanuele, IRM external expert. The IRM methodology, quality of IRM products and review process is overseen by the IRM's International Experts Panel (IEP).³ For more information on IRM methodology and processes, refer to the IRM website,⁴ Action Plan Review methodology section, or the OGP glossary.⁵

¹ Germany OGP Repository, date accessed 19 October 2024, <https://bscw.bund.de/pub/bscw.cgi/228911281>.

² The IRM clusters commitments that share a common policy objective during the Action Plan Review process. In these instances, the IRM assesses “potential for results” and “Early Results” at the cluster level. The level of completion is assessed at the commitment level. For more information on how the IRM clusters commitments, see Section IV on Methodology and IRM Indicators of the Action Plan Review.

³ For the latest information on the IRM International Experts Panel, <https://www.opengovpartnership.org/about/who-we-are/international-experts-panel/>

⁴ Open Government Partnership, IRM Overview, <https://www.opengovpartnership.org/irm-guidance-overview/>

⁵ Open Government Partnership, OGP Glossary, <https://www.opengovpartnership.org/glossary/>

Annex I. Commitment Data¹

Commitment 6.1: Improving access to legal information

- | | |
|--|--|
| <ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Modest | <ul style="list-style-type: none"> • Completion: Limited • Early results: No notable results |
|--|--|

Previously, laws, court decisions, and administrative decisions were available on separate websites. These portals were outdated, and their data could not easily be reused.² With this commitment, the Federal Ministry of Justice (BMJ) aimed to unite these three portals and establish a new data standard.

Progress on this commitment was limited. The development of the centralized portal started in August 2023.³ However, as of October 2024, the portal is not yet accessible to the public. The contracted company planned to launch the public version before the originally planned end of the legislative period in autumn 2025, but this was postponed to autumn 2026.⁴ The start of the project was delayed six months, mainly due to its complexity.⁵ The project first focused on the creation of a data management system for legislative information.⁶ Clear and consistent data is critical for sustainable data management practices and to enable unification in the new portal. This documentation environment contained unforeseen complexities due to the diversity of information and actors. One challenge, for example, is the development of a metadata standard to enable tracking of legislative changes.

Despite progress, there are no notable results as the portal is not yet available to the public. For court decisions, the project has been in a pilot phase since November 2023, in cooperation with the Federal Court (Bundesgerichtshof).⁷ This required establishing a functional data standard for court decisions and the migration of over 1 million prior decisions, as these are frequently cited and linked. The new documentation environment is a key element in opening legislative information in Germany.

Easy access to legal information is an important area of reform (see Commitment 6.2) that could be pursued further. For example, New Zealand has embarked on a similar project and used multiple action plan cycles to fully develop its platform.⁸ The IRM recommends including in the portal a legislative footprint feature that allows users to track the development of laws before and after their adoption. This could include all relevant data, such as lobby statements, legislative proposals, and later amendments.⁹

Commitment 6.2: Improved access to the Joint Ministerial Gazette

- | | |
|--|--|
| <ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Modest | <ul style="list-style-type: none"> • Completion: Limited • Early results: No notable results |
|--|--|

Under this commitment, the Federal Ministry of the Interior (BMI) aimed to publish the Joint Ministerial Gazette, the official publication for federal ministries to publish directives, guidelines, and other relevant decisions, free of charge. This commitment's implementation was scheduled to finish beyond the action plan period, at the end of 2024.

There have been no notable results from this commitment. The BMI engaged in discussions with the private publisher to negotiate free public access to the Joint Ministerial Gazette. Due to the budgetary situation, funding is not possible, and the project of free provision could not be continued. The publisher held exclusive concession rights to the Joint Ministerial Gazette

until the end of 2024, and the new tender is running until 31 March 2025, in cooperation with the Federal Procurement Office.¹⁰ The publisher provides a free service to federal ministries by collecting and publishing the Joint Ministerial Gazette, charging its users an access fee.¹¹ The portal gmbi-online.de provides access to the Joint Ministerial Gazettes for a subscription fee.¹² In the meantime, FragDenStaat, a CSO working in the field of freedom of information, released all 2,713 editions that were published until 13 November 2023, free via their website.¹³

Commitment 6.3: Transparency approval procedures for major transport projects

- | | |
|--|--|
| <ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Modest | <ul style="list-style-type: none"> • Completion: Limited • Early results: No notable results |
|--|--|

With this commitment, the Federal Ministry for Digital and Transport (BMDV) aimed to set up a public platform to apply for approval of major transportation infrastructure projects, to provide information on these projects for the public, and enable the public to participate in consultations. The completion of this commitment was scheduled beyond the action plan period for Q4/2024. The platform has been available online since February 2023.¹⁴ The platform allows infrastructure operators to apply for permits for their projects. Public participation has also been possible online since August 2024. The first procedures will be consulted online at the end of the Q1 2025. There is no legal obligation for infrastructure operators to use the platform.

The platform is live but currently does not list any projects.¹⁵ As such, there are no notable results. The IRM Action Plan Review recommended to expand options for data access,¹⁶ which could include open data in a standardized format. In addition, it will be important to promote uptake of the platform.

Commitment 6.4: Federal government's integrity report as open data

- | | |
|--|---|
| <ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Modest | <ul style="list-style-type: none"> • Completion: Complete • Early results: Moderate Results |
|--|---|

With this commitment, the Federal Ministry of the Interior (BMI) aimed to consolidate their reporting on integrity management into one report and release the data as open data. The commitment was fully implemented. Starting with the reporting year 2020 (published Q3 2021), the BMI publishes an annual consolidated Integrity Report and publishes the information in the tables as open data via the national open data portal.¹⁷

The availability of a single report increases the accessibility of information on integrity management. However, the publication of open data in the Integrity Reports could be improved. Currently, the BMI publishes the data from its tables which are often already aggregated at the ministry level. More granular data, like the data set on individual contributions over 5.000€, enables additional insights to external stakeholders. The new reporting practice marginally increases transparency. During the consultation, OGN members recommended that the release of data on integrity management could be more frequent (e.g., monthly) and thereby advance the reporting.¹⁸ This aligns with the G20 anti-corruption open data principles, which recommends data to be of high quality, easily accessible, and timely, to help fight corruption.¹⁹ However, the BMI argues that a higher frequency of queries is not necessary to draw conclusions about the implementation of the legal provisions, as the data sets are collected over a period of almost four months.²⁰ Civil society organisations like

Transparency International advocate for more and higher quality open data.²¹ A more detailed disclosure needs to respect the right to privacy. The guidelines for disclosure could be developed with civil society and the data protection and freedom of information office, to balance the want for ambitious disclosure, the needs of civil society and researchers, and privacy concerns.

Commitment 6.5: Continued development and enhancement of the government data information platform (VIP)

- | | |
|--|---|
| <ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Modest | <ul style="list-style-type: none"> • Completion: Complete • Early results: Moderate results |
|--|---|

This commitment aimed to expand the government data information platform (German acronym “VIP”) by adding an indicator on open-data-suitability. The VIP provides a meta data catalogue of data sets held by the government in compliance with legal requirements.²² The platform is run by the Federal Statistical Office and legally embedded in § 5a BStatG. Before federal statistics are created or changed, the Federal Statistical Office must verify whether these statistics cannot be obtained through existing data sets.²³ The VIP was established to enable this verification. As this law only covers federal statistics, the VIP only contains information on data sets held based on EU and federal law, though there can be differences at the state level in how these data sets are managed. As the basis for inclusion is a legal obligation, the VIP does not provide an overview of the data sets that the administration uses for purely internal administrative purposes, as well as data sets operated based on subnational laws.

The commitment was fully implemented with delays of around six months.²⁴ The indicator on open-data-suitability was developed in cooperation with the Centre of Competency for Open Data (CCOD) of the Federal Office of Administration (BVA) and drew on exchanges with civil society experts, including Wikimedia Germany, and the Open Data Coordinators within the federal administration (established under § 12a (9) EGovG).²⁵ The indicator is assessed through a questionnaire: The VIP first researches the data set and makes an initial assessment as to whether any exceptions from the Open Data law § 12a EGovG apply (e.g., personal information), as well as under what license and in what format the data is operated. This questionnaire is then sent to the Open Data coordinator, who makes their own assessment and sends the information back to the VIP, to be included on the website.

The indicator had a positive impact on the overall open data landscape in Germany. The VIP argues that the assessment helps raise awareness of open data and contributes to a cultural change toward more openness.²⁶ The VIP portal improves transparency for citizens regarding the data sets held by the public administration and why they are or are not open to the public. The VIP states that they are frequently contacted by citizens and companies seeking access to data sets, signaling a broader use of the platform beyond the administration.²⁷ However, there are no verified usage statistics. The assessment of the open-data-suitability creates an additional check which could help increase the pressure to open data.

The added value of the indicator remains limited. First, open data does not primarily suffer from a lack of awareness but from the lack of a clear legal obligation to publish data as open data²⁸ and the lack of necessary infrastructure and personnel.²⁹ An open data expert at Wikimedia Germany is critical of the approach of a metadata catalogue, arguing that it would be beneficial to first invest in basic IT infrastructure within the public administration, so that the disclosure of data sets does not create any additional burden on the administration.³⁰

Secondly, the indicator currently only allows to be coded as a binary “yes” or “no”. Many of the data sets include data points that should not be made available, such as personal data. Of the 94 data sets whose open-data-suitability has been assessed, only 19 are coded as suitable.³¹

This includes many data sets with a high possible benefit for the public, such as a registry of registered medical practitioners. Rather than a binary category, it could assess which data points must be protected and which could be opened up, including an assessment of their expected benefit to the wider public, as the open data expert at Wikimedia recommends.³² The VIP states that in some cases it already includes such a recommendation, but the assessment remains voluntary and its implementation rests with the Open Data Coordinators within the data holding institution.³³ If an efficient data management system was already in place, it would be technically possible to code individual parts of the data sets as containing exceptional reasons that do not enable the data to be shared, while other parts could be made accessible to the public. The VIP could consider expanding their questionnaire to that end, by collaborating with the CCOD and the open data community to develop clear indicators on public interest and exceptional factors.

Lastly, the indicator and the VIP currently only cover a part of all data sets held by the public administration. The VIP is still being expanded, including by continued assessment of the open-data-suitability.³⁴ The infrastructure could be used to include other data sets based on subnational legal requirements and data sets not operated based on legal requirements. Data sets of interest could be included based on public interest in collaboration with the open data community. This could increase the value regarding the transparency of which data is held by the public administration, and which can be opened to the public.

Commitment 6.6: Promotion of knowledge-sharing in the open data environment

- | | |
|--|--|
| <ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Modest | <ul style="list-style-type: none"> • Completion: Completed • Early results: Moderate results |
|--|--|

This commitment is assessed in Section II above.

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

- | | |
|--|--|
| <ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Modest | <ul style="list-style-type: none"> • Completion: Limited • Early results: No notable results |
|--|--|

With this commitment, the Federal Ministry of Education and Research (BMBF) aimed to involve the public in developing the next national action plan on education for sustainable development. Interested parties were invited to answer two questions on education for sustainable development through an online survey and at two events in May and August 2022.³⁵ The survey received more than 150 entries, which were published on the BMBF website.³⁶ The survey results were discussed at the annual meeting of the national multistakeholder forum on education for sustainable development. However, the survey results did not lead to the creation of new commitments for the updated action plan. The BMBF states that it failed in reaching the broader public during the process.³⁷ OGN members warned of insufficient specifications regarding the outreach strategy and the measure for participation.³⁸ This addresses a persistent issue to participatory formats of the public administration, for which no clear guidelines and shared approaches exist.³⁹

Commitment 6.8: Maintaining dialogue on trace substances

<ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Modest 	<ul style="list-style-type: none"> • Completion: Substantial • Early results: Moderate results
<p>With this commitment, the Federal Ministry for the Environment, Nature Conservation, Nuclear Safety and Consumer Protection (BMUV) aimed to continue to institutionally embed dialogue format on micropollutants in water sources (trace substances). The format involves an expert council that determines the list of substances to be discussed. Roundtables comprising producers, water management services, civil society, and other stakeholders, discuss and develop voluntary commitments to reduce the level of pollution. A new public office, the Federal Centre for Trace Substances (Spurenstoffzentrum des Bundes), manages the format.</p> <p>The commitment has achieved moderate early results. The institutional embedding ensures that the format will be sustained over time. The multi-stakeholder approach is an important source of information on trace substances, a subject of growing relevance and public attention,⁴⁰ by helping build verifiable information and helping to expose potential gaps in knowledge and regulation. The dialogue format has led to voluntary commitments from participants to mitigate trace substances. For example, a public awareness campaign was launched to lessen the pollution of water through creams containing Diclofenac, and three to four pilot projects launched to lessen the retention of X-ray contrast agents by implementing urine bags and separating toilets in hospitals.⁴¹</p> <p>The Fraunhofer Institute research centre positively evaluated the format, and it will be continued in the future.⁴² However, the evaluation highlights that CSOs are critical of the non-binding nature of the commitments and the absence of formal evaluation mechanisms. Nonetheless, the majority of participating stakeholders, including civil society, favored continuing the format. In the future, the format could incorporate the results from the evaluation. In addition, it could be investigated whether the Federal Centre for Trace Substance could develop collaborations at the local level and implement them with local stakeholders and citizens, including through citizen science approaches, as included in the commitment text.</p>	
Commitment 6.9: National Centre for Biodiversity Monitoring	
<ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Unclear 	<ul style="list-style-type: none"> • Completion: Substantial • Early results: No notable results.
<p>In January 2021, the National Centre for Biodiversity Monitoring was established with the goal of uniting biodiversity monitoring efforts and making data on biodiversity more accessible. With this commitment, the centre aimed to host two events on “Application and Research in Dialogue” to connect with stakeholders. The commitment also involved expanding the centre’s website. During the action plan period, the centre organized two conferences in May 2022 and 2023, where experts from the field presented their work.⁴³ Third conference took place in November 2024 focusing on the development of the portal.⁴⁴ Progress on the long-term goal of the centre (increasing the accessibility of biodiversity data) is difficult to attribute to this commitment. The commitment features a statement on support for a citizen science project. In November 2024, after the implementation period, the centre and the Museum of Natural History in Berlin, organized a workshop where participants discussed the key points and framework for citizen science projects to integrate them into nationwide biodiversity monitoring.⁴⁵ The centre also provides financial support for citizen science projects (so-called “lighthouse projects”).⁴⁶ However, it is unclear if these projects have led to notable results toward biodiversity monitoring or the wider practice of open government.</p>	

The centre is currently developing a portal to provide access to monitoring data following a participatory approach.⁴⁷ The portal aims to make monitoring data available in a central location.⁴⁸ A future expansion could be included in the fifth action plan to strengthen its ambition on participation and community involvement.

Commitment 7.1: An open-source platform for public administrations

- | | |
|--|---|
| <ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Modest | <ul style="list-style-type: none"> • Completion: Complete • Early results: Moderate results |
|--|---|

This commitment is assessed in Section II above.

Commitment 7.2: Standards-based simplification of business access to public procurement

- | | |
|--|---|
| <ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Modest | <ul style="list-style-type: none"> • Completion: Complete • Early results: Moderate results |
|--|---|

This commitment is assessed in Section II above.

Commitment 8.1 (Free and Hanseatic City of Hamburg): Digitalization of administrative services for participation and provision of plans in spatial planning

- | | |
|--|---|
| <ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Modest | <ul style="list-style-type: none"> • Completion: Complete • Early results: Moderate results |
|--|---|

With this commitment, Hamburg aimed to provide a digital solution for public participation in the construction planning process. The initiative was part of Germany's digitalization efforts under the Online Access Act (Onlinezugangsgesetz-OZG), a federal law mandating all services of the public administration to be available digitally. All milestones were completed with minor delays. The Hamburg Office for Urban Development and Housing states that financing and coordination across jurisdictions contributed to the delays.⁴⁹ The platform is available in Hamburg⁵⁰ and is available for reuse by interested municipalities. Municipalities in Bavaria have begun adopting the new service.⁵¹ There is no comprehensive list publicly available of all municipalities that have adopted the new digital solution.

The new platform provides a digital solution to an administrative procedure of interest to residents. However, it is not a significant improvement on previous administrative practices as many administrations already offered digital participation tools, mandated by § 3(2) BauGB. In Hamburg, early participation in city planning occurs via a separate portal and runs on a different software, despite notable similarities, like navigation via a map and disclosure of planning documents.⁵² A single platform for early and formal participation could increase accessibility for citizens and increase participation. The platform developed by North Rhine-Westphalia under Commitment 8.3 provides a single-access point for citizen participation, including in planning procedures. This points to a persistent issue in Germany's digitalization efforts: Solutions developed in one state are not necessarily easily reusable in other administrations as there are no mandatory standards for administrative procedures and data management.⁵³

Commitment 8.2: (North Rhine-Westphalia): Improve the quality and quantity of data from public service entities, and of election data

- | | |
|--|--|
| <ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Modest | <ul style="list-style-type: none"> • Completion: Substantial • Early results: Moderate results |
|--|--|

Under this commitment, North Rhine-Westphalia (NRW) aimed to enable public companies to share their data via the state's open data portal, to improve the quality of data through trainings and technical tools, and to develop a new data standard for election data. The milestones on quality and quantity of data were completed. However, the milestones on election data were not started, as the project was moved to the federal level.⁵⁴

The inclusion of public data by public companies improves the availability of central data sets of interest. Public companies hold many key data sets of interest, including high-value data sets defined under the EU PSI-directive. Their contribution to the open data portal is an important step in advancing available data. Whereas the publication of the high-value data sets is mandatory, disclosure of other data remains voluntary. Public companies could be motivated to share their data sets following the principle of open by default.

To improve the quality of data, NRW has implemented new training modules and a Metadata Quality Assessment-tool, that can detect issues with metadata.⁵⁵ The criteria were developed along an existing tool by the EU open data portal. An automatic assessment of metadata quality contributes positively to data quality, which is key in ensuring data is accessible and reusable.

Commitment 8.3: (North Rhine-Westphalia): Online approaches to increase public participation

- | | |
|--|--|
| <ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Modest | <ul style="list-style-type: none"> • Completion: Substantial • Early results: Moderate Results |
|--|--|

With this commitment, North Rhine-Westphalia aimed to introduce a central platform for participation and to develop guidelines and trainings to improve the quality of participation. The platform would be developed in collaboration with the Free State of Saxony.

All milestones were completed. The new platform enables local administrations to conduct participatory measures, such citizen dialogues and surveys, events, and consultations processes.⁵⁶ In addition, more than 50 different administrative services can be offered via the platform.⁵⁷ The use of the platform by local administrations is voluntary. However, as of January 2025, 302 local administrations have adopted the platform.⁵⁸ Local administrations were supported through training workshops, with 400 participants as of August 2023, according to the implementing agency.⁵⁹ The platform was launched with a series of information events between January and March 2022.⁶⁰

As of writing, many of the possible administrative services are technically implemented but not offered via the local platforms. For example, it was not possible for the IRM researcher to submit a citizen's petition via the portal. While this service is fully developed and can be used, local administrations currently hesitate to implement the service.⁶¹ The portal features a significant number of events with no relationship to participation. The implementing agency states that they are improving the portal by working with other states and integrating user feedback.

¹ Editorial note

1. For commitments that are clustered: The assessment of potential for results and “Early Results” is conducted at the cluster level, rather than the individual commitment level.
2. For more information on the assessment of the commitments’ design, see Germany’s Action Plan Review: <https://www.opengovpartnership.org/documents/germany-action-plan-review-2021-2023/>

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⁵ See <https://www.open-government-deutschland.de/opengov-de/ogp/aktionsplaene-und-berichte/3-nap/grundstein-fuer-die-verbesserung-des-zugangs-zu-rechtsinformationen-1968768#tar-1>

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¹² Federal Ministry, Joint Ministerial Gazette. <https://www.gmbi-online.de/>

¹³ Joint Ministerial Gazette, <https://fragdenstaat.de/dokumente/gemeinsames-ministerialblatt/>,

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