

18th Session of the Committee of Experts on Public Administration (CEPA)

8 to 12 April 2019

Written Statement by German Research Institute for Public Administration

Agenda item 5: Relating the principles of effective governance for sustainable development to practices and results

Bringing effective governance for sustainable development to practices and results by connecting legislation to the Sustainable Development Goals through regulatory impact assessment tools

Sustainable Development Goal 16 has a specific relation to regulation and the performance of state institutions. Among other things, compliance with the rule of law, effective and accountable institutions and inclusive decision-making are required. Target 17.14 emphasizes once again the need to improve policy coherence for sustainable development. This poses challenges for the process of policy formulation and legislation. In the individual legislative process, sustainability-focused alignment can only be achieved by integrating the parliament and the government first and foremost through integrated knowledge management. Of particular importance are ex ante regulatory impact assessments, which ensure that the UN Sustainable Development Goals and national sustainable development goals are taken into account for each legislative procedure.

The German Federal Government takes this into consideration and makes every effort to implement both the integrative and the inclusive approach of the sustainable development goals as well as key individual target dimensions in regulatory impact assessment tools. In the development and operation of such integrated regulatory impacts and associated knowledge management, cooperation with academia is providing important support.

Integrated electronic regulatory impact assessment tool

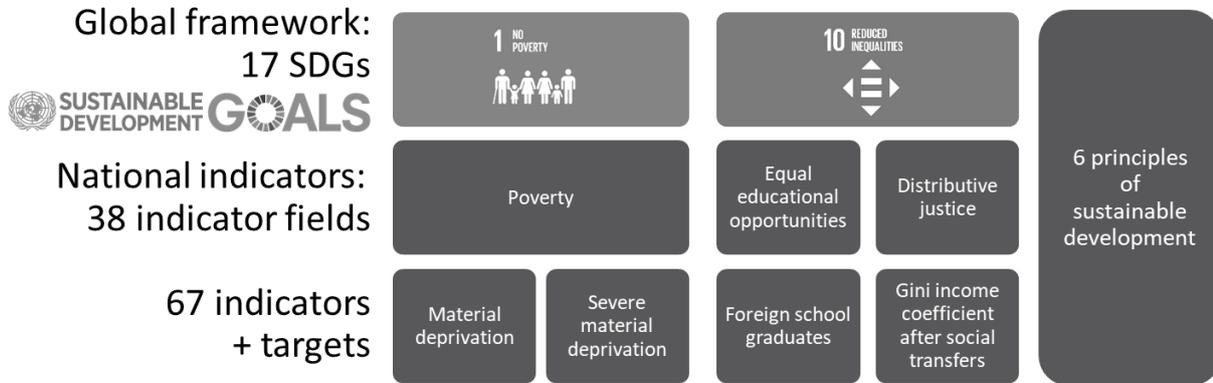
The German Government is currently developing an integrated electronic regulatory impact assessment tool that is intended to support the entire legislative process. This tool will contain all the individual elements of a comprehensive regulatory impact assessment. Additionally, all the data and factual information that have arisen in the course of the legislative process can be stored in a knowledge database. Thus all the dimensions of sustainability, from the beginning of the legislative process – the draft law by the responsible ministry – to its finalization – the adoption of the law by the parliament – , will be taken into consideration in the case of each law.

Electronic sustainability impact assessment

A sustainability impact assessment is mandatory for all government drafts of laws and regulations in Germany. It is part of the larger regulatory impact assessment that has to be conducted for each piece of legislation. The sustainability impact assessment examines the impacts of a planned legislation with regard to sustainable development across policy fields and is based on the German Sustainable Development Strategy. The strategy comprises a sustainability management system which sets up a framework of 67 national indicators and corresponding targets for the 17 Sustainable Development

Goals. Indicators are grouped into 38 thematic areas called indicator fields. In addition to the indicator framework, the strategy specifies six principles of sustainable development which state general requirements towards sustainable policymaking.

Figure 1: Sustainability management system of the German Sustainable Development Strategy

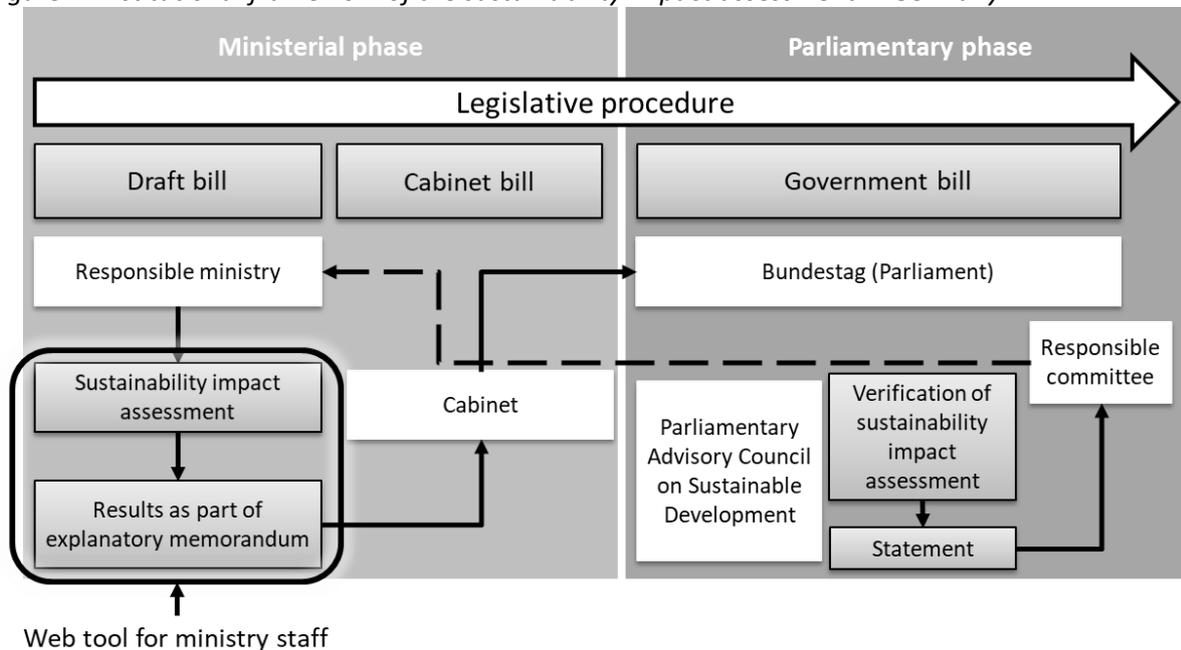


The electronic sustainability impact assessment (eNAP) is a web tool (www.enap.bund.de) that guides users systematically through the sustainability management system and provides comprehensive information on national indicators – including both definitions and explanations as well as data on their recent development. The purpose of the web tool is twofold: first, to support ministry staff in conducting the assessment with a user-friendly tool that guides them step by step. Second, the tool is an attempt to increase the quality and specificity of sustainability impact assessments. By ensuring that users go through all of the indicator fields and principles of sustainable development as a minimum requirement, the tool tries to draw their attention to a wide variety of possible impacts that a draft legislation could have. These impacts should be clearly stated and described as specifically as possible. Ultimately, considerations on the conflicts of different sustainability goals should also lead to a reconsideration of proposed policies.

When a user starts a sustainability impact assessment for a specific legislative proposal within the tool, he or she has to go through all of the Sustainable Development Goals and their indicator fields, and the principles of sustainable development, to identify relevant policy fields for the proposal. The idea is that legislation often has unintended effects on other policy fields, and that these are not always easily recognized. Basically, this draws on the holistic understanding of sustainability as embodied in the Agenda 2030. In order to sensitize users to become aware of such effects, each indicator field and each principle of sustainable development must be marked within the tool as either relevant for the proposal or not. If the user has identified an indicator field as relevant for the draft legislation at hand, he or she has to describe the impact on that field. In order to do that, the user can select one or more of the indicators belonging to the field and describe the specific impact of the proposal or refer to the indicator field as a whole. A third option is to describe the impact of the proposal on a goal without further specifying the indicator field or indicator. This setup of the tool is intended to encourage users to be as specific as possible when describing impacts – by referring directly to indicators whenever possible. When a user has gone through all of the indicator fields and principles of sustainable development and described the impact on all those considered to be relevant, he or she can review the overall assessment.

The draft of the sustainability impact assessment becomes part of the explanatory memorandum of the bill in question. It is then presented to the Parliamentary Advisory Council on Sustainable Development, which is responsible for verifying that the sustainability evaluation is in order. If it is found to be deficient, the council will call for it to be revised by the responsible ministry.

Figure 2: Institutional framework of the sustainability impact assessment in Germany



Youth Check

The Youth Check is a regulatory impact assessment tool, serving to highlight the expected effects of planned legislation on young people and their future (www.jugend-check.de/english/). By identifying those effects, this assessment tool also aims to raise political and public awareness for the needs and concerns of the young generation. Thus, the Youth Check contributes to the UN effort to adjust the implementation of the Sustainable Development Goals to the recognition of young people as holders of rights and the facilitation of transparency, accountability and responsiveness from governments toward young people (www.un.org/sustainabledevelopment/youth).

The potential impact of future legislative acts on young people is analyzed systematically by the Competence Centre Youth-Check in Berlin. Accordingly, the Youth Check is not just a list of simple yes-or-no questions, but a detailed qualitative examination of (draft) bills. The Youth Check hereby highlights intended and unintended effects on specific groups of young people in order to provide a better basis for debates and legislative decisions. A standardized tool is used to examine the draft bills. The tool differentiates between six 'life settings' and eleven general indicators impacting young people.

Figure 3: Standardized methodology of the Youth Check

Standardized Methodology



Once a Youth Check is finalized, it is passed on to the responsible ministry and published on www.jugend-check.de. Those publications are a contribution to the public debate as well as a basis for decision-making in the legislative process.

The Youth Check continues to be developed further with the involvement of young people. This is to ensure that the tool is optimized by the participation of young people as experts in their own case. The first such event took place in May 2018 in a three-day workshop, with young people from all over Germany coming together in Berlin and discussing the tool. Many of the resulting suggestions for improvements have since been adopted.

Cooperation with academia

For all three regulatory impact assessment tools mentioned here, the German Government has worked closely with academia to ensure a high methodological standard for coherent policymaking for the implementation of the Sustainable Development Goals.

The Institute for Regulatory Impact Assessment and Evaluation, a unit of the German Research Institute for Public Administration, is in charge of the conceptual development and structuring of this integrated regulatory impact assessment tool under close cooperation with the constitutional bodies. The electronic sustainability impact assessment has also been developed in cooperation between the German Government and the Institute for Regulatory Impact Assessment and Evaluation. The Youth Checks of the individual bills are carried out on a scientific-methodological basis by the Competence

Centre Youth-Check, based in Berlin. The competence centre is a division of the Institute for Regulatory Impact Assessment and Evaluation and is funded by the Federal Government, Ministry of Youth.

Conclusion

Regulatory impact assessment tools are an appropriate means of complying with the Sustainable Development Goals in legislation. On the one hand, these tools need to be methodologically and technically sound enough to meet the complexity of the Sustainable Development Goals. On the other, they must be easy to use to achieve the desired effects in practice. Cooperation between the government and academia can support this task.