



OFFICE OF TECHNOLOGY ASSESSMENT
AT THE GERMAN BUNDESTAG

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Sustainability and Parliaments: Survey and Perspectives RIO +20

Summary

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SUMMARY

On the occasion of the United Nations' Conference on Environment and Development in Rio de Janeiro in 1992, sustainability was declared to be the political guiding principle for the 21st century. In June 2012, representatives of 191 countries explicitly reaffirmed their commitment to the goals of sustainable development at the United Nations' Conference on Sustainable Development. The Agenda 21 of 1992 and the subsequent development of sustainability strategies marked the beginning of implementing this guiding principle. An earlier survey of the Office of Technology Assessment at the German Bundestag (TAB) for the 1990s showed that the establishment of institutions and processes for shaping sustainable development was initiated primarily by the executive. Parliaments, however, showed a rather observing and accompanying behaviour.

Against this background and in view of the subsequent processes of the »Earth Summit« 2012 in Rio to be expected, the Office of Technology Assessment at the German Bundestag (TAB) has been commissioned by the Committee on Education, Research and Technology Assessment to carry out a TA project with regard to the role of the legislative in sustainability policy.

POLITICAL MANAGEMENT AND DESIGN OF SUSTAINABLE DEVELOPMENT IN GERMANY

In 2002, the German Federal Government adopted the National Sustainable Development Strategy. This strategy focuses on four comprehensive guiding principles: intergenerational equity, quality of life, social cohesion and international responsibility. 21 indicator areas as well as the assigned indicators and goals open a long-term time horizon and define requirements regarding the different policy areas. Moreover, corresponding indices serve the monitoring and the measurement of results with regard to the implementation of the sustainability strategy as well as to its further development. So far, the progress achieved concerning the implementation of the strategy has been documented in reports by the German Federal Government as well as in indicator reports by the »Statistisches Bundesamt« (German Federal Statistical Office). On this basis, the sustainability strategy has been further developed.

Since the adoption of the sustainability strategy, different institutional and procedural innovations have been launched in order to get closer to the self-defined



sustainable development goals. Many of the committees and procedures that have been created can be found at the government level or can be assigned to this level.

The implementation of the sustainability strategy is coordinated by the German Federal Chancellery and is controlled by the State Secretary Committee for Sustainable Development chaired by the Head of the Federal Chancellery. Members are all ministries at the Permanent State Secretary level. Moreover, in November 2010, a division for »Sustainable Development« started its work in the German Federal Chancellery.

With the German Council for Sustainable Development – an advisory board of the German Federal Government currently consisting of 15 representatives of civil society – the Federal Republic’s sustainability policy also involves participatory elements. The German Council for Sustainable Development advises the German Federal Government on all questions of sustainable development. It shall make an active contribution to the further development of the National Sustainability Strategy and foster social dialogue on the issue of sustainability.

Finally, by introducing a sustainability check for draft laws and ordinances, the German Federal Government has improved the knowledge base of the German sustainability policy. Thus, since 2009, the respective ministries in charge are obligated to check also the impacts of legislative initiatives on the sustainability goals within the framework of the obligatory regulatory impact assessment.

Sustainability policy in the German Bundestag

In 2004, the German Bundestag responded to the governmental institutionalization process with an institutional innovation. With the Parliamentary Advisory Council on Sustainable Development (German abbreviation: PBNE), a body was created aiming at strengthening the sustainability policy of the parliament and thus emphasizing the significance of the guiding principle of sustainability in political decision-making processes. The Parliamentary Advisory Council on Sustainable Development (PBNE) consists of 22 members who are delegated by the parliamentary groups according to their size in parliament. As far as possible, the Advisory Council makes decisions in a consensual way. The PBNE accompanies and evaluates the sustainability policy of the German Federal Government, the implementation of the sustainability strategy and – since 2010 – also the ministries’ sustainability check. However, the PBNE does not have a leading role in any of the political areas. Under formal aspects, it is rather the Committee on the Environment that is in charge of monitoring the sustainability strategy. However, the

PBNE may participate in the debate regarding draft laws and other drafts in an advisory way though it is not a preparatory decision-making body itself.

The PBNE offers the German Bundestag possibilities of critically monitoring the Federal Government's sustainability policy. Moreover, the PBNE's participation in the sustainability check underlines the significance of sustainability in the legislative procedure. The opening of the Council's deliberations beyond the parliamentary reference framework is a contribution to improving the communication with the public on the issue of sustainability.

Though the parliament is provided with improved possibilities of shaping German sustainability policy due to the PBNE, there is the question of whether or not the options for action provided are sufficient to ensure that the committees of the German Bundestag will deal with issues of sustainability in a more detailed way. Thus, the human resources and financial capacities of the PBNE currently are rather limited. Though it is supported by an own secretariat, the PBNE is provided neither with an own scientific staff nor with the necessary means to obtain external scientific expertise. Moreover, to date, the PBNE as a committee is not set out in the Rules of Procedure of the German Bundestag. For this reason, it has to be reconvened at the beginning of each legislative period. This might result in the Parliamentary Advisory Council on Sustainable Development becoming operational only with some delay. However, practice up to now mainly shows that the role of the PBNE in the institutional framework of the German Bundestag is not yet stable enough and that the capacity of the PBNE to become involved in the work of the parliamentary groups and committees needs to be improved.

Sustainability policy of the Länder

The German Länder have certain competencies and options for action in essential fields of action of sustainable policy such as regional planning, transport, promotion of regional economic development or education. Moreover, with regard to environmental protection, they have the right of deviating legislation, e.g. concerning soil and nature protection, landscape preservation or water management. The Länder have made use of these competencies in different ways so that sustainability policy at the level of the Länder shows deviating thematic priorities as well as different institutional configurations.

Currently, eight Länder have documented their efforts with regard to sustainability policy in a strategy and partly have assigned indicators to them: Baden-Wuerttemberg, Bavaria, Hesse, Lower Saxony, Rhineland-Palatinate, Saxony-Anhalt, Schleswig-Holstein and Thuringia. Five other Länder partly have been work-



ing on a sustainability strategy for a long time already: Brandenburg, Mecklenburg-West Pomerania, North Rhine-Westphalia, Saxony and Saarland. Hamburg so far only has given political commitments to developing a strategy. In Berlin, disagreements between the Berlin Senate, the House of Representatives and the Agenda Forum resulted in ceasing the efforts regarding a sustainability strategy. Bremen explicitly does not aim at developing a sustainability strategy.

Mostly, the Ministry for the Environment, the Senate Chancellery or the State Chancellery are playing the leading role with regard to sustainability policy. However, also interministerial steering committees or such committees at the level of the state secretaries have been deployed. Furthermore, in some of the Länder also committees consisting of non-governmental players as well as advisory and participatory bodies have been established. Thus, advisory councils consisting of citizens, scientists and entrepreneurs support the work of several Länder governments by pooling their expertise as well as by contributing the positions of the social groups involved. Moreover, these bodies play an important role as social agencies and advocates of sustainability policy.

A particular form of participatory committees are the sustainability conferences of Baden-Wuerttemberg and Hesse which also involve players from civil society with an equal ranking in shaping sustainability policy. The meetings of these conferences are chaired by the Minister-President of the respective Land and involve representatives from rural districts («Landkreise») and local authorities, the churches, economy, science and non-governmental organizations as well as – in Hesse – parliamentarians from all parliamentary groups. These committees shall ensure that the issue of sustainability is better shared across society.

Since 1st January 2011, in Baden-Wuerttemberg, a sustainability check must be carried out for numerous regulatory initiatives. Before making a decision on a draft regulation in the cabinet, the results of this check are submitted – among others – to the President of the Länder parliament («Landtag») and to the branch offices of the parliamentary groups. The essential results of the sustainability check are to be documented in the preamble of the law and are to be included in its explanatory memorandum. Seven years after the law has come into effect at the latest, the ministry in charge is obligated to verify whether or not the assessed impacts have occurred.

The role of the German Länder parliaments

In general, the participation of the German Länder parliaments in sustainability policy is relatively weak. With regard to policy formulation and strategy devel-

opment, the majority of the Länder parliaments are rather reactive to initiatives of the executive. Moreover, the presence of members of parliament in the central committees of sustainability policy is rather poor. Most often, parliamentary sustainability policy focuses on monitoring the government. For this purpose, however, the parliaments have not institutionalized any specific committees. Moreover, the corresponding procedures such as reporting obligations of the government regarding sustainability policy have not been established in most of the German Länder. Furthermore, consultative and participatory committees are assigned exclusively to the governments of the Länder. Currently, initiatives of the Länder parliaments aiming at strengthening the knowledge base of parliamentary sustainability policy can be found only occasionally such as e.g. in Saxony-Anhalt.

Against this background of a rather weak parliamentary characterization of sustainability policy, measures are worth considering which would initiate a stronger mobilization of the Länder parliaments with regard to sustainability policy.

Here, one option would be an informal networking with the Parliamentary Advisory Council on Sustainable Development (PBNE) of the German Bundestag. Within this framework, it could be possible to initiate an exchange of information on key issues of sustainable development and on perspectives concerning the institutionalization of a specific committee for sustainability in the Länder parliaments. By means of existing parliamentary structures and instruments, the Länder parliaments could deal with the issue of sustainability in a more active and public way. One instrument for this purpose are the reporting obligations of the executive. Together with other parliamentary procedures, each parliament has possibilities of making sustainability its own subject, of developing own contributions and of fulfilling its control function. However, measures and perspectives like the ones mentioned above assume that the Länder parliaments develop a different understanding of their role as players of sustainability and that they make full use of the possibilities open to them.

Vertical integration of the sustainability policies by the Federal Government and the Länder

So far, sustainability policies of the Federal Government and the Länder are coordinated exclusively by institutions of the executive such as the Federal Government/Länder working groups of the German Conference of Environment Ministers or the Sustainability working group within the State Secretary Committee for Sustainable Development of the Federal Government. Parliamentarians are not represented in these committees.



SUMMARY

The Federal Government/Länder working groups of the Conference of Environment Ministers consist of the Heads of Department of 16 Länder ministries dealing with environmental and climate protection as well as of the Federal Ministry for the Environment. Several of the totally eight Federal Government/Länder working groups are dealing with subjects relevant for sustainability. The Federal Government/Länder working group for Climate, Energy, Mobility – Sustainability, which is operational since 2008, is dealing with the issue of sustainability comprehensively.

In 2008, the State Secretary Committee for Sustainable Development established for coordinating the sustainability-related work of the Federal Ministries met for the first time with participation of representatives of the Länder. Within this framework, the appointment of the joint working group for sustainability was concluded in order to develop ideas for further improvement of cooperation. For example, in 2009, the Alliance for Sustainable Procurement was launched in order to make use of the public budgets' power of demand for sustainability-related goals when it comes to public procurement orders.

However, the differences between design and practice of the sustainability policies of the Federal Government and the Länder makes it difficult to intensify cooperation. The introduction of sustainability strategies in the Länder is progressing only slowly. Moreover, the progress regarding the development of structures and procedures for politically shaping sustainable development varies. For this reason, the Parliamentary Advisory Council on Sustainable Development (PBNE) has recommended that the Länder shall create organizational structures at the Länder level – by assigning the sustainability strategy to the State Chancellery or Senate Chancellery as well as by appointing parliamentary advisory councils at the Länder level – which can be compared to those at the levels of the Federal Government and of the German Bundestag.

Due to the heterogeneous character of the sustainability policies of the Federal Government and of the Länder, their harmonization with regards to program and content is a major challenge. However, it would be possible at least to shape selected elements of sustainable policy together, for example if the Länder would apply uniformly the environment indicators concluded by the German Conference of Environment Ministers. In the medium or long term, the indicators used at the Federal level and those used at the Länder level should be harmonized. A continuation of the work of the Sustainability working group could improve the possibilities regarding an exchange on common challenges and best-practice models.

PARLIAMENTS AND SUSTAINABILITY IN OTHER COUNTRIES

A written survey showed that many national parliaments have established specific methods and/or committees for dealing with complex, interdepartmental and long-term subjects. The majority of the parliaments, however, consider their influence on sustainability policy and the control of the executive sustainability policy to be still insufficient. This results in the impression that the parliaments look upon sustainability also as an institutional challenge.

In order to clarify the impression gained, there has been a detailed investigation of institutionalization processes of sustainable policies in eight countries which are characterized by an advanced sustainability policy: Belgium, Finland, France, the Netherlands, Poland, Sweden, the United Kingdom and Canada. The comparison reveals substantial differences regarding the thematic orientation as well as the institutional handling of the issue of sustainability.

Most of the countries examined have introduced a strategy-based sustainability policy: Canada (1995), the United Kingdom (1999), Belgium (2000), Sweden (2002), France (2003) and Finland (2006). The Netherlands and Poland, however, do not have any or no valid sustainability strategy. In all countries which have enacted a sustainability strategy, indicators are used to monitor the progress made.

The sustainability policies of the countries considered are characterized by different thematic priorities. Thus, it can be observed that some countries have abandoned the »three-pillar concept« which integrates economic and ecological aspects equally: The sustainability policy of the Netherlands focuses on environmental protection, that of Sweden is primarily committed to climate change and Poland focuses on its economic development.

Furthermore, there are differences between the countries considered with regard to the legal integration and further development of sustainability policy. In Belgium, France, Poland and Sweden, the principles of sustainable development have constitutional status. In the constitution of the Netherlands, aspects of sustainability, environmental protection and the habitability of the country are given the status of national objectives. The constitutions of Finland and Canada, however, do not refer to sustainability at all. Even the United Kingdom's constitutional framework, which is inspired by many different sources, does not involve any principles of sustainable development.



SUMMARY

In some countries, the conversion of the sophisticated three-pillar concept of sustainability into concrete policies proved to be a challenge. Thus, problem analyses e.g. from France, the Netherlands or Finland consider the concept to be too vague to convert it into a political program and tangible recommendations for action. According to them, many players in politics and administration did not see the benefits of a sustainability strategy. Furthermore, there was only an insufficient debate on the conflicting objectives resulting from the integration of the social, economic and ecological dimension of sustainability. Altogether, measures related to sustainability policy were too superficial and were only focused on one single dimension of sustainability.

The countries responded to such findings with different measures. First, they see the need to merge partial strategies to one integrated national strategy. In Canada, for example, the unsuccessful system of sectoral strategies was replaced by an integrated federal sustainability strategy. Comparably, Belgium's third Federal Plan for Sustainable Development intends to merge the strategies of the Belgian Federal Government and those of the federal units to one national sustainability strategy.

Secondly, sustainability as an interdisciplinary subject shall be increasingly integrated into governance. Thus, the United Kingdom intends to integrate the issue of sustainable development into the entire work of the government («mainstreaming»). For this purpose, it is planned to ensure a stronger monitoring and management of the government's internal decision-making processes by the Secretary of State for Environment as well as to ensure the control of obligations entered into by a ministerial steering group. In Sweden, the Ministry of Sustainable Development was suspended and the responsibilities with regard to national, regional, European and global sustainability policy were distributed to five ministries and the office of the Prime Minister.

Thirdly, attempts are made to increase the efficiency of sustainability policy by reducing the complexity of the strategies. Thus, in Finland, a strategy which is as concise as possible and which does not integrate all objectives and measures anymore shall make sustainability policy more evident and more effective. Moreover, the sustainability policies of the Netherlands and Sweden increasingly focus on ecological aspects again.

Fourthly, there are efforts to increase the impact of the sustainability strategy by increasingly involving players from civil society. In France, the sustainability strategy has been integrated more strongly into society and at the local level due to the introduction of comprehensive participatory elements, the extension of

»Agenda 21« projects as well as the institutionalization of a body supported by civil society – the National Committee for Sustainable Development and Environmental Issues («Comité national du développement durable et du Grenelle de l’environnement»). In the Netherlands, due to the limited success of programs so far and due to budgetary restrictions, a withdrawal of the state from sustainability policy can be observed. Supported by incentive programs, the responsibility as well as the costs arising shall be borne increasingly by social groups.

The role of the parliament

Altogether, the involvement of the parliaments in the sustainability policy of the countries examined is poorly developed. In fact, the parliaments of Belgium, France, Finland, Canada, Poland, Sweden and Northern Ireland partly were involved in the strategy process and in Poland and Canada the development of a sustainability strategy originates from a mandate of the parliament. However, in most cases, the legislatives are lagging behind and are involved only passively. As a rule, the parliaments discuss drafts and reports formulated by the government. An active involvement, e.g. by developing contents or commissioning the development of a sustainability strategy, mostly occurs to a limited extent and only once.

Moreover, none of the parliaments considered has an influence on the composition of the central sustainability bodies. In all countries, the members of the sustainability councils are nominated by the government. However, the Finnish and French parliaments delegate members to major sustainability committees and the Belgian parliament can commission the Federal Council for Sustainable Development, an advisory committee of parliament and government, to take action. In this respect, except for the parliaments of Finland and France, the legislatives generally are not involved systematically and regularly in the work of the national sustainability bodies.

The focus of parliamentary sustainability policy is on monitoring the government. For this purpose, the parliaments of Belgium, Finland, France, Canada and of the United Kingdom regularly receive reports of the government regarding progress made in sustainability policy. The Dutch sustainability strategy also includes such reports. Possibilities to support executive sustainability policy above and beyond the ones mentioned above occasionally result from the involvement of parliamentarians in the bodies of sustainability policy or from competencies of the committees dealing with sustainability issues or institutions assigned to the parliament such as the Canadian Commissioner of the Environment and Sustainable Development. Except for Poland, all legislatives have



created committees for supporting the work of the government in environmental and sustainability policy. However, not all of these committees are dealing with the issue of sustainability regularly and intensively. An effective support and monitoring of the government's work can be observed for the Finnish »Committee for the Future«, the British Environmental Audit Committee as well as for the Standing Committee on Environment and Sustainable Development of the Canadian parliament. These committees ensure an informed critical support of the governments' work e.g. by creating own factual and audit reports or by institutionalizing an independent authority committed to the parliament in order to monitor the executive. Due to its membership in the National Committee for Sustainable Development and Environmental Issues (»Comité national du développement durable et du Grenelle de l'environnement«), the French parliament has a direct access to relevant information and can influence the sustainability-specific regulatory initiatives of the government by means of specialized supervisory committees and procedural rules of the French National Assembly.

Interparliamentary associations

Worldwide, there are approximately 70 interparliamentary associations which mainly differ in their geographical reach and thematic orientation. The majority of these interparliamentary associations is dealing actively with environmental and sustainability issues. For this, they use various methods and institutional structures in order to develop and to keep available knowledge and competencies in this field and to integrate this into national political processes.

However, it can be observed that the possibilities of interparliamentary networking are not used to their full potential. Thus, the development of common positions is not always followed by a strategic communication to national decision-makers and to the public. Moreover, the numerous possibilities of making available the results of this work and of integrating them into the national political process often are not used to their full potential. Particularly the potentials of new media are still used insufficiently to merge the work of the parliamentarians even beyond common conferences and to communicate it transparently to the outside world. Furthermore, reports from the interparliamentary associations often are taken note of without any debate and rarely are prominently appreciated through plenary debates. Thus, the potential of interparliamentary networking to stimulate parliamentary debates, to gain public attention and to initiate a social discourse on sustainability issues is not fully exploited yet.

PARLIAMENTS AND SUSTAINABILITY IN THE MULTI-LEVEL SYSTEM OF THE EUROPEAN UNION

In 1999, the issue of sustainable development was declared to be a key element of the missions of the European Union by the Amsterdam Treaty and then, in 2009, was enshrined as a cross-sectional task by the Treaty of Lisbon. The participation of the European Parliament and the national legislatures in shaping EU policy and thus also sustainability policy was extended step by step by the Single European Act (1987) as well as by the Treaties of Maastricht (1993), Amsterdam (1999), Nice (2003) and Lisbon (2009).

Meanwhile, in the political process, the European Parliament is widely on a par with the Council and no law may be adopted without the consent of the European Parliament. However, this only applies to regulations adopted within the framework of the so-called ordinary legislative procedure. Though, many fields relevant for sustainability policy are determined by longer-term strategies such as the European energy strategy. These strategies are suggested by the European Commission, negotiated by the Member States and adopted by the Council. In these processes, the European Parliament has only the right to be heard.

Starting with the Treaty of Maastricht in 1993, the enshrinement of rights of the national parliaments in the European Treaties has developed more slowly than it was the case for the European Parliament. Today, however, in the so-called European »multi-level parliamentarism«, the legislatures of the Member States have comprehensive rights to information and powers of control. Thus, the European institutions are obligated to forward all consultation documents, legislative programs and draft laws of the European Commission directly to the national parliaments for information purposes. Within the framework of the so-called »early-warning mechanism«, the national parliaments have both the right to raise objections against initiatives of the Commission, if from their point of view these initiatives violate the principles of subsidiarity and proportionality, and the right to take action subsequently against infringements of the subsidiarity principle before the European Court of Justice. Moreover, since 2006 and based on the informal »political dialog«, the European Commission forwards all consultation documents and draft legislation directly to the national parliaments combined with the invitation to comment on these. This exchange complements the early-warning mechanism and the subsidiarity monitoring, because here political contents are up for discussion, strategic documents such as green or white papers are involved and there is the possibility to participate in the consultation procedures of the European Commission.



Moreover, the national parliaments have established partnerships among each other as well as with the European Parliament. Worth mentioning here are mainly the Conference of Community and European Affairs Committees of Parliaments of the European Union as well as the interparliamentary networking between the European Parliament and the national legislatures which is practiced in manifold forms.

The structures and procedures mentioned result in numerous approaches for the national parliaments for being involved in the shaping of sustainable development in the European multi-layer system. At the same time, sustainability issues also could be used to strengthen the public and representative function of the Parliament by means of public-oriented debates in plenary and in the committees. On the one hand, whether or not and, if so, how it is made use of this possibility depends on the capacities provided. The use of information rights, monitoring rights and participation rights in sustainability policy, however, mainly is determined by the awareness developed by the parliaments with regard to their role as players of sustainability.

Specific procedures of the EU's sustainability policy

Since 2005, the impacts of political measures in the European Union are assessed on a regular basis. Among others, this assessment shall ensure the coherence and consistency of the impacts with the principles of sustainability. For this purpose, ecological, economic and social impacts of legislative proposals and other initiatives of the European Commission are analyzed by means of an integrated examination procedure. This examination procedure involves the European Commission, the Council as well as the European Parliament. The European Parliament as well as the Council have the possibility to critically examine the regulatory impact assessments of the European Commission. Moreover, they can carry out regulatory impact assessments themselves. For this purpose, the European Parliament can draw on internal expertise as well as on external scientific expertise. So far, however, the impact assessments have featured very little in the decision-making process of the Council and the Parliament.

Though the framework conditions for regulatory impact assessment have improved significantly since the introduction of the procedure, a more consistent application currently is impeded among others by the scarcity of time and financial resources. Even in cases of considerable requests for modification regarding regulatory proposals in the course of the parliamentary process, the European Parliament currently cannot comply with the need for a renewed impact assessment in an optimum way.

Plans regarding a further development of the existing structures and own reform proposals show that the European Parliament intends to further strengthen its influence on legislation by means of the procedure of regulatory impact assessment. The option of establishing a sustainability committee or a comparable body, however, has not been pursued so far. Thus, there is no specific parliamentary authority monitoring the sustainability strategy of the European Commission and decidedly contributing to the vertical coordination of the sustainability policies of the European Parliament and the national parliaments.

PERSPECTIVES OF SUSTAINABILITY POLICY IN THE GERMAN BUNDESTAG

With the establishment of the Parliamentary Advisory Council on Sustainable Development (PBNE) and its work so far, the German Bundestag has taken an important step forward with regard to a parliamentarization of sustainability policy in Germany. With its objectives and working principles, this Advisory Council is a remarkable institutional innovation and, in this respect, plays a pioneering role in international comparison.

In the following, options are put up for discussion which might contribute to a further integration of sustainable development as a guiding principle into the political processes of the German Bundestag.

Sustainability check and its evaluation by parliament

With its procedure of a sustainability check, Germany is setting an example with regard to the institutional level: In no other country and even not at EU level, the parliament is involved in the audit process and in quality assurance to a comparable degree. However, it is not convincing that the sustainability checks are submitted to the German Bundestag only as very brief assessments in a section of a law's preamble and possibly in the explanatory memorandum. Methods, data and their sources as well as assumptions and conclusions which form the basis of the ministerial examinations so far are made available neither to the Members of the Bundestag nor to the public.

An improved substance and transparency of the sustainability check in substantive and procedural respect as well as easily accessible materials might contribute to give more weight to the procedure in general and, furthermore, to achieve a quality-assuring effect. Moreover, parliamentary groups and committees thus would have the possibility to better understand the assessments of the ministries



in charge and to evaluate them with regard to their content. This also could enrich the debates on sustainability goals and long-term impacts on policy both within parliament and in the public.

An improved sustainability check would result in the possibility of a further optimized evaluation with regard to the practical application of the sustainability check by the parliament. If respective requirements are complied with, the Parliamentary Advisory Council on Sustainable Development (PBNE) could assess both the processes and the knowledge base of the sustainability check more substantively. Moreover, it could be possible to follow the example of the United Kingdom and of the European Union where the system of impact assessment is verified by the National Audit Office or the European Court of Auditors, respectively. In the medium term, it would be appropriate to determine more precisely the relation between regulatory impact assessment and sustainability check with regard to the content and procedures.

Another approach aiming at the parliament playing a more active role in the sustainability check would be to carry out own sustainability checks for the initiatives of the parliamentary groups in the German Bundestag or of the Länder in the German Bundesrat (Federal Council) with regard to their impacts on the objectives of sustainability policy. In individual cases, it could be also decided to have an assessment carried out regarding policy impacts and impacts on sustainability goals, if according to the Parliamentary Advisory Council on Sustainable Development (PBNE) a government bill is insufficient or if bills shall be substantially modified. Moreover, the option to have a consultation procedure carried out for the sustainability check by the PBNE or by an experts committee would be an innovative step. To begin with, the corresponding capacities could be provided in a flexible manner. Furthermore, it would be an option to test the practice of the European Parliament of concluding framework contracts with research institutions relating to the provision of ad-hoc expertise and to adopt it, if applicable.

Further institutional integration of the German PBNE

So far, the Parliamentary Advisory Council on Sustainable Development (PBNE) as a committee as well as the assessment of the sustainability check by the PBNE are not set out in the Rules of Procedure of the German Bundestag. The role of the PBNE would be strengthened, if the PBNE and its functions with regard to the assessment of the sustainability check, to the parliamentary consultation and monitoring of the (German and European) sustainability strategy as well as to its advisory involvement in other parliamentary processes would be included in

the Rules of Procedure of the German Bundestag. This would also create a more binding basis to ensure that the committees responsible would deal with the advisory opinions of the PBNE. For an extension of the PBNE's competencies, it should be clarified to what extent its operational capabilities and resources are sufficient for this purpose.

Enshrinement of sustainability in (constitutional) law?

Article 20a of German Basic Law (German abbreviation: GG) assigns to the state the task of protecting natural resources and the animals assuming our responsibility for future generations. Often, these topics are considered to be major aspects of sustainability as a guiding principle. However, Article 20a of German Basic Law predominantly is categorized as being rather inappropriate to ensure the comprehensive aspects of sustainability. Moreover, there is a controversial debate on whether or not obligations will result from this with regard to legislation and, if so, which ones. In view of the obvious indetermination of consequences, it has been advocated in scientific literature to define in a new Article 20b the obligation of the State to take into account the necessity of the sustainability principle for all measures taken. Correspondingly, it would be necessary to establish appropriate procedures and committees in order to ensure and to implement the integration of the three pillars of sustainability into politics and administration. However, it is open whether or not the value of sustainability policy would be increased. Nevertheless, it would be possible for the parliament as legislative authority to verify whether or not a corresponding amendment to the constitution would be appropriate.

In order to strengthen the sustainability check as a procedure, it would be also an option to constitute it as a simple sub-constitutional law. Similar to the legislative foundation of the work of the German National Regulatory Control Council, this would help to emphasize the goal of sustainability and its obligatory character and strengthen the players involved.

Examination of the budget taking into account sustainability aspects

Budgetary law is considered to be the key right of the parliament. However, the instrument of the sustainability check has not yet been applied to consultations and decision-making regarding the budget. The monitoring and design possibilities resulting from budgetary authorization could be used to increasingly enhance the criteria of sustainability.



For selected projects, the Federal Government could be requested to assess the corresponding project or budgetary title with regard to the aspects of sustainable development. Moreover, supplementary examinations with regard to certain indicators could be carried out or commissioned by the Budget Committee. A further possibility would be a sustainability analysis of the financial policy in the form of »generational accounting«.

Public-oriented and participatory procedures

With the »public hearings« according to § 70 of the Rules of Procedure of the German Bundestag, there is an established form of participation for players from society with regard to current and controversial issues or legislative projects. Similar to the »extended public committee deliberations« according to § 69a of the Rules of Procedure of the German Bundestag, they would offer the possibility of intensive exchange and increased cooperation with players from society with regard to sustainability issues and issues for the future by involving representatives from social initiatives and scientific experts. The German Bundestag also could promote active citizenship for sustainable development within society by establishing a continuous dialog with non-governmental players of sustainability policy in the midst of parliament. The use of both session types would also serve the objective to support public discourse on sustainability. Moreover, in order to improve the visibility of the German Bundestag in the discourse on sustainability, it would be appropriate to have a plenary debate on the status quo of German sustainability policy on an alternating basis.

Public information and awareness

In the general public and in political discourse, the issue of sustainability is rarely broached corresponding to its complexity. The media are sceptical about the issue of sustainability, as – from their point of view – it proves to be too unwieldy and difficult to communicate. Issues related to sustainability such as the promotion of innovations or climate protection mostly are communicated to the public without any reference to sustainability as a guiding principle. If the goal was to integrate this guiding principle more strongly into the public information activities of the parliament and the parliamentary groups, the development of a coherent communication strategy would be helpful. However, even without an elaborated concept, much would be gained already, if first of all – on the occasion of guided tours of the parliament, youth parliaments, open days or specific public events – attention would be drawn pragmatically to the complex challenges of sustainable development and to the role of the parliament in meeting these challenges.

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