

# Laws for Sustainability

Proposals for the 20th  
Legislative Period of the  
German Parliament



# **Laws for Sustainability**

**Proposals for the 20th Legislative Period of the German Parliament**

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Dear reader,

the 2030 Agenda and the SDGs could be considered a milestone in the collaboration of humanity. Only the Charta of the UN or the Universal Declaration on Human Rights come to mind as documents of similar scale and depth. All UN member states came together to write this impressive manifest of international cooperation in an effort to make the world a better, more equal place for both humans and nature.

While there are aspects in the agenda we as civil society see as problematic or not far-reaching enough – such as the weak language on “access to” instead of “right to” – there has been a wide consensus by civil society worldwide that the 2030 Agenda is the best document we could get at that point in time. Today, with only 7 years passed, it seems unfathomable that the international community could once again agree on such a comprehensive and, in parts, even radical political agenda.

The continuous decline of international cooperation between states as well as the careless way the SDG implementation has been presented at the High Level Political Forum (HLPF) by most, if not all, states with empty touristic videos or promises of policies that will never get implemented – this is truly disappointing for all of us who are calling for governments to step up and give us what they have promised: A peaceful and sustainable world for all.

It is also in sharp contrast to the activities of many civil society organisations and activists worldwide who have used the SDGs to link their calls for justice, battling the climate crisis, global equality and economic reforms. The SDGs have brought civil society together, with new alliances coming up, networks and cooperation thriving and a community that shares and learns from each other.

With this publication, we want to strengthen those civil society actors that have continuously fought to make governments pay up. We want to help them and you with a new tool in your call and in your work to implement the SDGs. All of us know all too well: We cannot count on voluntary commitments. We need binding legislation! This must be the case for the SDGs as well.

With over 100 suggestions for laws to be implemented by the current German parliament, we have tried to build a bridge, between the political recommendations of the SDGs, civil society’s call for action and the legal structures of our democracy. The suggestions focus on German law and the German parliament, as this English version is a translation of the publication we designed for the German Bundestag around the 2021 elections. Yet, we hope that it may serve you as a source of inspiration and courage to ask for a binding implementation of the SDGs in your country as well.

Let’s keep reminding governments of their promise for a world that leaves no one behind. The way to an SDG-world is still so very long, yet there is so little time left.

Yours,

Marie-Luise Abshagen

# How-To: Laws for Sustainability

## Step 1: Urgency drives ideas

One of the core problems in implementing the 2030 Agenda in Germany is its non-binding nature. If the government does or doesn't implement the SDGs has little consequence. Except for the planet of course. But sustainability needs rules and a legal framework. So, we were wondering: how can we put pressure on the government to actually do what they promised in the 2030 Agenda: Transform our world into something better for everyone. The idea to create "Laws for Sustainability" was born.

## Step 2: Finding the problem, finding the expert

With this idea of binding SDG laws in mind, we went down two avenues. Firstly, we reflected on our own political demands as civil society guided by the following questions: What problems in Germany come to mind? What are the current most urgent things civil society is talking about right now? What solutions do they call for? Secondly, we went back to the SDGs and compared our demands with the targets of the agenda. Can we find parallel topics and pathways in the SDGs? What targets still need to be implemented in Germany? As our excel sheets filled up with topics, problems and proposed solutions, we started to see something: Many of the demands of civil society weren't as far-fetched as some politicians make them out to be, but could actually be found in the SDGs as well. We needed to know more and contacted as many experts we could find.

## Step 3: I know something you don't know

Fortunately, many experts responded to our inquiries and we were able to conduct dozens of interviews. Our main question to all of them was: What do you need for a legislative process to solve the problem you are raising? We quickly realized the complexity of the questions as many of the civil society experts normally would not think in terms of implementation of a law, a change in the law or a legislative process. Civil society advocacy in Germany rather focuses on clear demands, and often leaves it to the legislator to provide the legal framework. But one after the other the experts came up with very concrete solutions or ideas, shared their incredible knowledge or referred us to other colleagues for more details. Often, best practice examples from other countries were shared, so we included them in our work as well.

## **Step 4: Write, rewrite, rerewrite, rererewrite...**

After having conducted many interviews, everything had to eventually be put on paper. In some cases, experts wrote parts themselves, presenting concrete legislative proposals. For other parts, we came up with suggestions, and developed them further with experts. In addition to the interviews, we also did a lot of research ourselves, finding new ideas, solutions and challenges. To counter the ever so prevalent skepticism of “but this will never be implemented anyway”, we dove deep into the German legal history, looking for laws that had been passed even against opposition, had once seemed impossible and were now a part of our legal canon, or that had changed our world forever. Our publication grew quickly.

## **Step 5: Review makes the heart grow fonder**

To make sure we had understood our experts' suggestions, an intensive review process followed. All experts were asked to read their suggestions once again. Was everything as it should be? Were there suggestions that contradicted each other? Did any changes occur in the past months to be included or reconsidered? Finally, after a year's work, we arrived at a final draft.

## **Step 6: Art is political!**

As we looked at the final draft, it quickly became clear that it was way too technical to be actually read by anyone. Unless we had a layout and design, that guided the reader through the publication and added creativity to the mind. In cooperation with a great visual designer, we shaped art collages for each SDG to inspire and help build yet another bridge between the SDG targets and our legal texts. We also included some infographics and pictures throughout the publications. More than a year after the first idea for Laws for Sustainability, we were finally able to publish. As with every publication, more work followed: We created a social media campaign, wrote newsletters,

## **Step 7: We are watching you!**

When the current German government published their coalition agreement, we were pleasantly surprised: More than half of our 100 legislative proposals could be found in the agreement in some way or other. But will they actually be realized? To keep an eye on what the parliament is doing, we developed an “[SDG-Law-Tracker](#)” to show which of our legislative proposals the government wants to implement in the next four years according to the coalition agreement and discussions in parliament. With this tool, we are able to take a closer look at the work of the parliament, provide further information and analyses and monitor which laws the parliament is debating, if those proposed laws sufficiently represent the SDGs, and if they are actually implemented. You can find the tracker under: [www.en.2030watch.de/sdq-gesetzetracker](http://www.en.2030watch.de/sdq-gesetzetracker).

# Introduction

Six years after the adoption of the 2030 Agenda and its Sustainable Development Goals (SDGs), the implementation of the SDGs in Germany continues to face major obstacles. Although Germany is said to have a large sustainability architecture that encompasses governmental decision-making, parliamentary debate and the inclusion of expert opinions, there is a basic lack of political action towards the SDGs. This is particularly the case in those policy fields in which Germany is a long way off from the SDG goals and targets and transformative sustainability. For example, hardly, if any, progress worth mentioning has been made over the last few years in the areas of sustainable energy production and climate protection, agriculture, biodiversity conservation, strengthening and inclusion of marginalised groups, poverty alleviation and social participation as well as trade policy or in reducing Germany's global footprint. Neither can the SDGs be found in measures following the Covid-19 pandemic to the extent in which they were presented by the responsible government bodies as frameworks to stimulate the economy or implement recovery plans.

## **The core problem of the 2030 Agenda is its non-binding nature**

Already during the negotiations over the SDGs, civil society organisations both in Germany and worldwide called for an ambitious agenda and implementation of the goals. Since the adoption of the SDGs, numerous implementation proposals have been submitted to the German government, and the prevailing need for the goals has been pointed out repeatedly given the national, global, social and environmental crises. Civil society organisations have taken part in government consultations and in committees, continuously

drawing attention to the potentials and weaknesses of the prevailing implementation policy such as the German sustainability strategy. Despite this interaction with the German government, civil society sees little if any progress in achieving the SDGs. There is growing concern that in 2030, the world will once again be facing an unsuccessful UN agenda and have thus simply failed to realise important, internationally agreed political recommendations to create a sustainable world.

One of the core problems in implementing the 2030 Agenda in Germany continues to be its non-binding nature. Both the sustainability strategy, which many civil society organisations criticise for not being adequate to implement the SDGs as well as other SDG implementation projects within the government are by and large non-binding. Thus: Non-compliance is without consequence. However, as long as sustainability is only implemented if it does not collide with existing policies and does not truly lead to transformation processes relevant for society, politics and the economy, any warm words about the importance of the SDGs mean little. Only when any government begins taking steps towards sustainability in problematic policy areas, will they do justice to the 2030 Agenda.

## **The SDG Decade of Action must become a Decade of Commitment**

Along with the Decade of Action proclaimed by the UN Secretary General for the next ten years, we need a Decade of Commitment as well. We can no longer accept the non-binding, unspecific, ignored, failed or constantly revised sustainability compromises. Without commitment, we see no prospect for change. This publication features proposals for laws for the 20th legislative period of the German parliament. They are based on the understanding that we need legally binding, regulatory processes to achieve the SDGs.

## **Laws create a level playing field**

This is especially important in light of the political debates in Germany and the EU over the last few years. Since the economic and financial crisis at the latest, cutting red tape, fitness checks, deregulation and “better law-making” have been used as a means of promoting growth. Legal curbs on the economy are rejected, being viewed as “freedom restrictions”. In order to create environmental and climate protection, social justice and a level playing field for sustainable practice among actors in the economy e.g., laws and bureaucracy are needed to enable regulation, enforcement and control.

Over the last few years, however, the German government has been trying to limit any impediments for the economy. This is accomplished via the “one-in one-out” principle (OIOO). In new legislation, the compliance costs, i.e. the entire costs and the total measurable time effort that

follows compliance with a German government legal provision, have to be compensated by easing the burden on small and medium-sized enterprises (SMEs) in the area concerned. Yet, there is no legal requirement to consider costs and benefits for citizens and public administration.<sup>1</sup> Germany’s introduction of a so-called “bureaucracy brake”, including OIOO regulations, has given rise to concern that adopting new legislation will become increasingly difficult with further watering down social and environmental standards. In 2021, urged by the German Ministry of Economics and Energy (BMWi), the European Commission has included OIOO in its regulatory fitness and performance programme (REFIT).<sup>2</sup>

Sustainability doesn’t need an unlimited market, but requires rules. It needs legal framework conditions, and due diligence of businesses to be established at national and international level as a binding requirement. The erosion of environmental regulations, employee and consumer rights has to be stopped, and instead, binding legal provisions have to be put in place to strengthen social, ecological and economic sustainability.

# Structure and Methodology

The structure of this publication follows a simple pattern. For each SDG, we have identified some legislative processes which can substantially boost progress towards the respective SDG. The proposals are divided into three categories:

- 1) Proposals for a new law or amendment to a law
- 2) Inspiring examples from other countries, the Federal States<sup>3</sup> or the local community level which could also be implemented at national level
- 3) Laws which were adopted in the past (some even despite considerable resistance) and had a major impact

The legislative proposals and the inspiring examples serve the same purpose. They suggest laws, legal reforms or legislative processes with which the SDGs can be implemented. They are meant to show that many ideas and proposals exist which have been discussed by CSOs, in major alliances or even by the German parliament at one time and are of considerable relevance to the respective policy field. This includes not only creating new laws but also amending existing ones. At the same time, by listing inspiring examples, we want to show how much is already in existence and could find its way into the German national legislation. We have chosen proposals from other countries, particularly in Europe, to show that if countries with similar GDP, legal systems, demographics, population sizes and similarly governmental systems can do it, so can Germany. Furthermore, examples are given from the Federal States and local governments. Here, many sustainable transformations are already in place that could benefit everyone in Germany.

The third category we have chosen is a look at our legal past. One aspect we would like to demonstrate is that considerable changes have shaped our society leading to more justice, equality and sustainability. Some of these laws evolved in major crises and have changed the way we see ourselves as a country or economy. Some are results of long revolutionary struggles, others the consequence of decades-long campaigning by people. A glance at our history shows that what at one time seemed impossible is now a natural part of our legal canon. If we want to, we can always change our society and law for the better, even if the odds or the prevailing trends in our society might suggest otherwise.

## Initiating an SDG law debate

The proposals we present in this publication are not exhaustive. They merely comprise a selection of many ideas and stand for some of the most important changes needed. There was and is much more to add. We could have gone on for months researching further ideas. We owe the wealth of ideas and suggestions to the experts, who have contributed their experience and their knowledge. Thus the proposals are in large parts based on what civil society organisations in Germany are currently demanding and working on.

The proposals were chosen according to different criteria. 1) The most important one was what the expert CSOs suggested. 2) In addition, the focus had to be on a legislative process, a law or an amendment to a law for which the German parliament is, or could be, in charge. 3) The proposals would have to change policies towards more sustainability.

The SDGs were our guide. Not only are they the result of an intergovernmental negotiating process and hence accepted and deemed important by all democratic parties in the German parliament. But they also show sustainability as a truly holistic concept. They address wide ranging issues and policy measures such as environmental protection, poverty alleviation and global financial policy, and are the most far-reaching and concrete sustainability framework we have as a global society. Lets not forget how important and unique these goals are.

## Ordered along the SDGs

In some cases, choosing specific legislative proposals was rather straightforward logical, for example if a proposal directly corresponded with an SDG target. In other cases, a law could contribute to the implementation of an SDG, but was less obvious in the SDG itself. Finally, in some places we chose a slightly different mapping than the SDGs suggest, in order to arrange legislative proposals with similar topics side by side or because some SDGs included too large a number of different targets. Finally, many proposals would contribute to the implementation of different SDGs.

With this collection of laws for sustainability, we want to provide Members of the German parliament with a tool with which they can stand up for the implementation of the SDGs in its 20th legislative period. Depending on how detailed the proposals are, we regard them either as suitable for a direct implementation, or we are available for a further development of the laws. The publication expresses the hope, or perhaps even the direct request, for the German parliament to take the SDGs and its responsibility regarding their implementation seriously.

## Benefiting from expertise – assuming responsibility

This publication is based on the expertise of numerous civil society organisations, colleagues and experts – for which we would like to express our deepest gratitude. We are thrilled by the inspiring, creative and instructive cooperation. In order to ensure that our readers can make use of this expertise, we have provided links beneath all the legislative proposals for further reading and discussion. While most of the proposals have been worked out together with experts, the German NGO Forum Environment and Development holds sole responsibility for the contents. You will find an overview of the experts who have assisted us and who are available for further discussion at the end of this publication.

We want to measure the German parliament by the sustainability of its decisions. Our proposals are both an offer and a checklist in terms of how ambitious the German parliament and the government are.

**We will no longer accept inactivity and a lack of accountability in the SDG Decade of Action.**





SDG 1

# End poverty in all its forms everywhere

**The fight against poverty is one of the most important goals of the 2030 Agenda. With SDG 1, the international community agreed to end poverty in all its forms. This includes combating and overcoming both extreme and relative poverty. Talking about poverty in the European Union means talking about relative poverty. A person is considered relatively poor or at risk of poverty if they have less than 60 per cent of the median income at their disposal.**



However, the threshold for poverty risk varies across the EU as it is set individually by each country. For example, in Germany the threshold for a one-person household was set at 14,109 euros per year in 2019 whereas in Spain the amount was already deemed to start at an annual income below 9,009 and in Poland below 4,275 euros.<sup>4</sup>

Certain population groups are exposed to a particularly high risk of poverty. These include families with children - especially large families and families with only one parent - older people, people with disabilities and people with a migration background. Women are more severely affected than men.<sup>5</sup> In many cases, neither work nor social security systems offer sufficient protection. Reasons for the rising risk of poverty include the increasing number of temporary jobs and the growth of the low-wage sector. In Germany as well as in other countries of the EU, low wages are a major problem, leading to the impoverishment of more and more people. Also among the unemployed, with 73.7 per cent the at-risk-of-poverty rate is higher in Germany than in any other country. The EU average, by comparison, lies at 48.6 per cent.<sup>6</sup> The high amount of low wage jobs in Germany is due to the effects of labour market reforms. In particular, the introduction of the

so-called Hartz IV in 2005, with very low basic unemployment benefits,<sup>7</sup> has led to difficulties to sufficiently finance a proper living and is in urgent need of reform.

Essentially, not all people have had the same opportunity to benefit from the economic growth in recent years. Inequality is growing and the European goal of lifting at least 20 million people out of poverty and social exclusion by 2020 has yet to be achieved.<sup>8</sup> The following proposals aim to address some of the core problems of poverty and to better protect groups affected by poverty.

## § \_\_\_\_

## Introducing a Basic Security for Children

Around 20 per cent of all children and young people in Germany grow up in poverty or are threatened by poverty. Poverty jeopardises the material and health well-being of children and reduces their opportunities for cultural development and social participation. There are various state measures in place to lift children out of poverty, both in terms of infrastructure as well as financial support. Regarding the latter, while there is a wide range of benefits, they are often not attuned to one another, difficult to understand for many beneficiaries and often very unfair. It is for this reason that a basic security for children combining benefits has to be introduced. It should largely take priority over other social welfare benefits so that children can be taken out of the stigmatising receipt of SGB II (German Social Code) benefits. With a basic child security, it will be possible to reduce the poverty risk rate of children and young people to below four per cent. In March 2022, the German government launched the development of a concept for a basic child security by setting up an inter ministerial working group. The working group should consider the following four key criteria that an effective basic child security must fulfil. It must 1) ensure the minimum subsistence level is adequate and equally secure for all children. This means that the amount of money a child needs to grow up well must be determined realistically and appropriately. This minimum subsistence level then has to serve



Bild: Theme Inn / unsplash.com

as a guiding principle for children's entitlements in social welfare, tax and maintenance law; 2) reflect a socially balanced concept setting out from measuring the income level of the household which the child is living in – this will usually be the family; 3) has to be paid as directly as possible – the goal is to have it benefit 100 per cent of those entitled to it, i.e. all children and youths; and 4) promote vertical equity, i.e. a method of taxation wherein the income tax liability of an individual increases in relation to the person's income. In 2021, the sociocultural subsistence minimum was at 695 euros. For children whose parents have a high income, this amount is already recognised today through the child-related tax allowances in tax law per child and month. As long as this amount is not realistically measured in a different way and applied in tax law, this is the minimum amount to which every child must be entitled.

For further reading and discussion:

→ <http://www.kinderarmut-hat-folgen.de/>

## § \_\_\_\_

### **Legal entitlement to provision of childcare at off-peak times**

Two thirds of all parents state that they need additional care for their children outside regular working hours. For many families, it is difficult to reconcile childcare and work. People with professions involving shift-work and weekend shifts as well as single parents are particularly hard-hit, since they have to assume chief responsibility for looking after their children while earning money at the same time. Therefore, country-wide entitlement to adequate supplementary and free-of-charge childcare at off-peak times early in the morning, in the evening and at weekends up to the age of 14 years has to be legally established e.g. in SGB VIII (German Social Code). Additionally, measures need to be taken to create a more family-friendly working environment, for instance through flexible working hours and places, taking operational requirements into account.

**For further reading and discussion:**

→ [https://www.vamv.de/fileadmin/user\\_upload/lv\\_nrw/VAMV\\_Wirksamkeit-und-Nutzen-ergaenzender-Kinderbetreuung\\_2018.pdf](https://www.vamv.de/fileadmin/user_upload/lv_nrw/VAMV_Wirksamkeit-und-Nutzen-ergaenzender-Kinderbetreuung_2018.pdf)

## § \_\_\_\_

### **Extending child support advance payments**

Child support advance payments are government benefits for children of single-parent mothers and fathers. They are paid if a parent can fulfil its maintenance obligation only in part, on an irregular basis or not at all. Around 50 per cent of single parents receive no maintenance, while a further 25 per cent do receive it, but at a level below the legally prescribed minimum level. Unlike with regular maintenance, which has to be paid up to the end of a first vocational training, child support advance payments end by the age of 18 years at the latest. Furthermore, child benefits are deducted 100 per cent from the child support advance payments, but only 50 per cent from regular maintenance. Therefore, the legal regulations governing child support advance payments need to be reformed and adapted to the regulations referring to regular maintenance.

**For further reading and discussion:**

→ <https://familienportal.de/familienportal/familienleistungen/unterhaltsvorschuss> → <https://www.vamv.de/positionen/themen/familienpolitik/unterhaltsvorschuss>

## § \_\_\_\_

## Raising the Hartz IV standard rates

In Germany, nearly 6 million people are living completely or partly on basic unemployment benefits called Hartz IV. The present Hartz IV standard rates do, however, not cover basic needs. Largely, the standard rates lie significantly below the poverty line. Living on Hartz IV means permanent lack and denial of normal participation in society. There needs to be a new calculation of the minimum subsistence level. Establishing standard support needs has to be oriented on the usual social standards and must not result in needs not being covered. Therefore, in addition to an appropriate establishment of benefits, a control mechanism has to be installed to check whether participation in society really is possible with the newly calculated minimum subsistence level. Furthermore, so-called white goods (refrigerators, washing machines, etc.) should not be referred to in the standard rate but paid as a once-off benefit. Moreover, the electricity rate, presently set at a very low level, should urgently be raised and oriented on true costs. In addition, with its 2010 verdict, the German Constitutional Court has ruled that the need for education and participation in society is also reflected in the standard rates for children. For many children and youths, the minimum subsistence level is not covered.

Everyone depending on government support should be guaranteed security and live without fear. Right now, the job centres can impose sanctions in the shape of cuts in financial support. For those hit by such cuts, sanctions represent a threat to their livelihoods – possibly even ending in homelessness. Each year, the job centres cut people's minimum subsistence level around one million times. In order to protect people from poverty, not only must the Hartz IV standard rates be raised significantly, but the Hartz IV sanctions must be abolished.

### For further reading and discussion:

- <https://www.wir-sind-paritaet.de/wir-berichten/blog/armut-abschaffen-nur-moeglich-mit-hoeheren-hartz-iv-leistungen>
- [https://www.zukunftforum-familie.de/wp-content/uploads/20201028\\_Stellungnahme\\_Ermittlung\\_Regelbedarfe\\_ZFF.pdf](https://www.zukunftforum-familie.de/wp-content/uploads/20201028_Stellungnahme_Ermittlung_Regelbedarfe_ZFF.pdf)
- [www.sanktionsfrei.de](http://www.sanktionsfrei.de)



Bild: Casalia Tolano / unplash.com

## § \_\_\_\_

## Improving the level of social security provided by statutory pensions

By the beginning of the 2030s, the general performance level of statutory pensions will have dropped by around 20 per cent. The security gap arising from this is to be filled by government-supported company and private pension schemes. Over the last few years, however, it has become apparent that this partial privatisation of pension schemes is contributing to an aggravation of income inequality in old age and is raising the risk of poverty for the elderly. In order to avoid this, the security level of statutory pensions needs to be raised again and amount to 53 per cent in perspective. The basic pension has to protect people from poverty in old age and be developed correspondingly. Pension benefits related to bringing up children ought to be strengthened and in future be developed towards promoting shared care work of both parents.

Therefore, it should be stipulated by law that pensions in the future should again be based on the standard of living and not on considerations of contribution stability. Pension levels need to be tied to the trends of wages and salaries, attenuation and reduction factors have to be abolished. The pensionable age should not be raised further and should not be linked to statistical life expectancy. Additionally, improvements which have been adopted regarding disability pensions must be extended to existing regular pension entitlements. A good pension requires that the statutory pension insurance has sufficient funds, which should be provided by contributions from employees and employers in equal parts. In this manner, both employees and employers meet their social responsibilities. Basic provision for the elderly has to be ensured for all people in Germany, irrespective of their country of origin and residence status.

### For further reading and discussion:

→ [ver.di – Zentrale Anforderungen an die Parteien zur Bundestagswahl 2021](https://www.verdi.de/presse/downloads/pressemappen/+++co++7dafb9ea-6491-11eb-81f2-001a4a16012a)  
<https://www.verdi.de/presse/downloads/pressemappen/+++co++7dafb9ea-6491-11eb-81f2-001a4a16012a> → <http://www.portal-sozialpolitik.de/index.php?page=fuer-eine-rente-mit-niveau> → [https://www.vamv.de/fileadmin/user\\_upload/bund/dokumente/Stellungnahmen/VAMV\\_PP\\_Alterssicherung\\_2019.pdf](https://www.vamv.de/fileadmin/user_upload/bund/dokumente/Stellungnahmen/VAMV_PP_Alterssicherung_2019.pdf)



Bild: Josh Apple / unsplash.com

## § \_\_\_\_

### **Improving the level of social security provided by statutory pensions**

The Asylum Seekers' Benefits Law (AsylbLG) is a special social welfare system according to which costs of living is covered for certain groups of foreign nationals. In July 2012, the German Constitutional Court declared the then level of basic benefits in accordance with § 3 AsylbLG unconstitutional, since these were evidently insufficient to ensure a minimum subsistence level enabling people to live a decent life. It says: "Both German and foreign nationals residing in the German Federal Republic" were "equally entitled to this". In March 2015, the legislator fundamentally reformed the AsylbLG in order to implement the provisions of the German Constitutional Court. Since then, however, far-reaching restrictions have once again been adopted in several amendments.

In August and September 2019, further severe tightening of the law entered into force, extending cuts in benefits in accordance with § 1a AsylbLG to numerous new groups (e.g. Dublin cases), cutting standard rates for all single persons in communal accommodation by ten per cent, subtracting the needs for domestic energy supply and home maintenance from the standard rate. This led to the cutting of standard rates, extension of the needed period of residence to receive some benefits from 15 to 18 months and, for certain refugees, denial of any entitlement to benefits. Experts deem many of these restrictions unconstitutional. The law discriminates against asylum-seekers and does not offer sufficient protection from poverty, therefore it has to be abolished. Those entitled to benefits should instead be integrated into the regular social welfare systems.

**For further reading and discussion:** → [https://www.der-paritaetische.de/fileadmin/user\\_upload/Publikationen/doc/auszug\\_asylbewerberleistungsgesetz\\_soziale-rechte-2019.pdf](https://www.der-paritaetische.de/fileadmin/user_upload/Publikationen/doc/auszug_asylbewerberleistungsgesetz_soziale-rechte-2019.pdf)





SDG 2

# End hunger, achieve food security and improved nutrition and promote sustainable agriculture

**SDG 2 focuses on combating hunger, ensuring high-quality nutrition and promoting sustainable agriculture. The 2030 Agenda calls for an agricultural model that includes sustainability, global equity, and access to sustainable food systems for all people.**



The expansion of sustainable agriculture in the EU is progressing slowly but steadily. For instance, the area of land used for organic farming in the EU has risen continuously in recent years. Some countries, such as Austria, Sweden and Estonia, already use 20-25 per cent of their land for organic farming and are thus well above the EU average of about 9 per cent (as of 2020).<sup>9</sup> The EU recently announced its intention to increase the overall share of organic land to 25 per cent by 2030 and to promote animal welfare and sustainability in the agricultural sector.<sup>10</sup> This should also include a reorientation of the Common Agricultural Policy.

But this is by far not enough. For decades, agricultural policy has focused primarily on strengthening the international competitiveness of the food industry and neglected environmental and animal welfare concerns. EU subsidies such as per-hectare payments, which Member States such as Germany award indefinitely per farm, favour large farms as well as those with the lowest investments in environmental protection, animal welfare, and rural diversity. Market rules and trade agreements tailored to the interests of the export-oriented dairy and meat industries prevent farmers from

actively responding to supply and demand. A reform of agricultural policy is therefore urgently needed.

SDG 2 also aims to ensure sustainable and high-quality nutrition for everyone. While chronic malnutrition is extremely rare in the EU today, the number of overweight and obese people is continuously rising. Currently, 53 per cent of adults in the EU are considered overweight and the share of overweight young adults is increasing, too. Moreover, many people in the EU are deficient in important nutrients and as a result suffer from so-called "hidden hunger", which can lead to impaired brain development, stunted growth, and other illnesses.<sup>11</sup> Among other things, unbalanced and unhealthy food is responsible for the malnutrition of many people. It is the responsibility of politicians to protect consumers from this health risk.

Many countries have already taken measures. For instance, in 2017 France introduced the food traffic light Nutri-Score which aims to increase transparency regarding the health impacts of certain foods. Several other European countries - namely Spain, Switzerland, Germany, Belgium, the Netherlands and Luxembourg - have followed. However, the Nutri-Score is not yet mandatory for food producers and further measures are necessary.

## § \_\_\_\_

## A land market reform, inter alia through amendments to the law on land transfer tax

A broad distribution of ownership of land in the hands of farmers is the basis of a healthy agricultural structure and is the German government's declared goal. In Germany, independent farmers or businesses have to pay a land transfer tax between 3.5 per cent and 6.5 per cent, depending on the Federal State, when acquiring cropland or pastureland. This tax does not apply to share deals, meaning that if investors do not directly buy the land but shares of less than 90 per cent of e.g. a public limited company, a corporation or a cooperative which the land belongs to, they are neither liable to pay a tax, nor are they required to obtain a permit. The acquisition is handled outside the scope of application of the Real Property Transactions Law. This unequal treatment discriminates against farms and promotes the sell-out of agricultural land to non-farming investors. Furthermore, it raises purchasing and tenure prices. The Real Property Transactions Law urgently requires regulation in accordance with the report of the German national and State governments' Working Group on "Land Market Policy". Share deals have to become subject to approval and the criteria for this must be guided by the common good. At the national level, an effective reform of the land transfer tax has to be implemented. One option to avoid further concentration processes on the land market would be a progressive land transfer tax in analogy to income tax. In a nutshell, whoever already owns much land pays a higher land transfer tax than those with little or no land. Business founders, young people, special farm structures (e.g. organic farms, farms with an especially large number of employees, etc.) could additionally be exempted from land transfer tax. Corresponding



Bild: Gabriel Jimenez / unsplash.com

criteria have to be discussed with the relevant interest groups. Here, special consideration has to be given to the German government as landowner and its responsibility for maintaining rural agriculture. Sustainable criteria for tenure would support farmers, have a particular impact and represent a political signal. A reform of land market policy and land allocation practice ought to be carried out along the lines of internationally recognised standards, in particular the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests adopted by the UN Committee on World Food Security (CFS). These universally valid standards ought to be established in assessing key land policy aspects such as a "healthy agriculture structure".

### For further reading and discussion:

→ [http://www.abl-nrw.de/uploads/media/2020-07-10\\_Ackerland\\_in\\_Baurenhand\\_-\\_Vorschlag\\_der\\_AbL\\_zu\\_regulierung\\_des\\_Bodenmarktes.pdf](http://www.abl-nrw.de/uploads/media/2020-07-10_Ackerland_in_Baurenhand_-_Vorschlag_der_AbL_zu_regulierung_des_Bodenmarktes.pdf)

→ [https://www.abl-ev.de/apendix/news/details/?tx\\_ttnews%5Btt\\_news%5D=2314&cHash=75f050dd5f06df9c4f1c656b8b9e91c9](https://www.abl-ev.de/apendix/news/details/?tx_ttnews%5Btt_news%5D=2314&cHash=75f050dd5f06df9c4f1c656b8b9e91c9)

§ \_\_\_\_

## Legal implementation of the Borchert Commission proposals on a transformation of livestock farming

The Multi-stakeholder Competence Network on Livestock Farming (Borchert Commission) was initiated in 2019. In February 2020, it presented its recommendations for a transformation of livestock farming. Both the German parliament and the German Council of States approved the implementation of the resolutions in 2020. The feasibility study published by the German Ministry of Food and Agriculture (BMEL) early in March 2020 and the impact assessment demonstrate that the Borchert Commission recommendations are both legally possible and structurally necessary. This called for a further elaboration of the recommendations in the working groups, for example with a genuine appraisal of the weaknesses of an export-oriented

agricultural model regarding the economic security of farms and a widening of the scope beyond the pork and poultry farming sectors, which were given particular attention by the Borchert Commission, to include cattle and dairy farming. However, by April 2022, no progress has been made in this regard, prompting the Commission to reiterate some of its proposals in a new publication. At least, the BMEL has developed a mandatory labelling for animal husbandry that takes animal welfare and environmental concerns into account, and announced that it will provide financial support for farmers during the transition.

### For further reading and discussion:

- [https://www.abl-ev.de/apendix/news/details/?tx\\_ttnews%5Btt\\_news%5D=3346&cHash=81e3281ec7a142459cdf57d964d58cae](https://www.abl-ev.de/apendix/news/details/?tx_ttnews%5Btt_news%5D=3346&cHash=81e3281ec7a142459cdf57d964d58cae)
- [https://www.abl-ev.de/apendix/news/details/?tx\\_ttnews%5Btt\\_news%5D=3307&cHash=6cf1e4e249189bab21cae1727f7b0ba](https://www.abl-ev.de/apendix/news/details/?tx_ttnews%5Btt_news%5D=3307&cHash=6cf1e4e249189bab21cae1727f7b0ba)
- [https://www.bmel.de/SharedDocs/Downloads/DE/\\_Tiere/Nutztiere/machbarkeitsstudie-borchert.html](https://www.bmel.de/SharedDocs/Downloads/DE/_Tiere/Nutztiere/machbarkeitsstudie-borchert.html)



## § \_\_\_\_

## Creating progressive German CAP laws

The Common Agricultural Policy (CAP) of the European Union has to create the transition towards a system of income-effective remuneration of services for the public good. To this end, it is necessary to step-by-step reduce direct payments to a zero level and accordingly annually raise the budget for Eco-Schemes, which is to be introduced as an obligatory measure for all Member States. The forthcoming drafting of CAP provisions in the context of a national, legally established strategy plan has to be approached, and the eco-regulations adopted at EU level need to be enforced in Germany with an impact on income and also with an effect regarding environmental and animal welfare law. So far, the resolutions of the EU Council and Parliament as well as the government and the Conference of Ministers of Agriculture have not been sufficient to address pressure on farms to change, the tense situation livestock farming is in and the necessary transformation of agriculture towards more climate protection and animal welfare, for a major share of CAP support is to continue to be awarded without proof of recipients' eligibility. The Eco-Schemes are particularly suitable to reward farmers' efforts regarding climate and environmental protection as well as animal welfare.

re. One possible approach to the implementation of the CAP is the introduction of a points-based public goods premium, which would allow the CAP funding system to be fully aligned with the principle of "public money for public services" in the future. Thus farms would be remunerated for their area- or animal welfare-related services, instead of, as has so far been the case, mainly via a flat rate depending on the volume of area in hectares eligible for financial support.

**For further reading and discussion:**

→ [https://www.abl-ev.de/uploads/media/2020-10-21\\_AbL\\_-\\_GAP-Kompromisse\\_geben\\_keine\\_Antwort\\_auf\\_Herausforderungen\\_f%C3%BCr\\_Bauern\\_\\_Umwelt-\\_und\\_Tierschutz.pdf](https://www.abl-ev.de/uploads/media/2020-10-21_AbL_-_GAP-Kompromisse_geben_keine_Antwort_auf_Herausforderungen_f%C3%BCr_Bauern__Umwelt-_und_Tierschutz.pdf) → [https://www.abl-ev.de/uploads/media/2020-10-19\\_PM\\_zur\\_GAP\\_-\\_AbL\\_fordert\\_mehr\\_Wille\\_zur\\_Ver%C3%A4nderung.pdf](https://www.abl-ev.de/uploads/media/2020-10-19_PM_zur_GAP_-_AbL_fordert_mehr_Wille_zur_Ver%C3%A4nderung.pdf) → <https://www.dvl.org/projekte/projektetails/gemeinwohlpraemie> → [https://www.abl-ev.de/uploads/media/Punktepapier\\_Aufl\\_2\\_-\\_Webversion\\_Hinweis\\_Direktzahlungsrechner.pdf](https://www.abl-ev.de/uploads/media/Punktepapier_Aufl_2_-_Webversion_Hinweis_Direktzahlungsrechner.pdf)

## § \_\_

## A ban on food advertising and marketing of unhealthy products addressing children



Bild: Mae mu / unsplash.com

15 per cent of children in Germany are obese, more than six per cent are adipose. Studies show that obese children usually struggle with weight problems their whole lives. The probability for these children to develop diseases such as type II diabetes or hypertension is several times higher than among children of normal weight. Their life expectancy is correspondingly shorter. Children become obese because the environment in which they live encourages malnutrition. Studies show that most products advertised to children are sweets and snacks which do not correspond to the food recommendations of the World Health

Organization (WHO). The WHO has therefore long demanded that advertising addressing children should only be permitted for healthy food. For this purpose, the WHO has submitted a nutritional profile which precisely defines which food or recipes should be banned in advertising addressing children. This ban ought to cover both television and poster advertising as well as advertising on packaging and be guided by the WHO provisions. With such a law, Germany would be following an example already set by many other countries. The most comprehensive restrictions so far are in place in Chile, where unhealthy food may no longer be advertised to children below the age of 14 years. In addition to extensive bans on comic and cartoon figures on packages, the sale of unhealthy food to schools is prohibited.

**For further reading and discussion:**

→ <https://www.foodwatch.org/de/informieren/kinderernaehrung/mehr-zum-thema/foodwatch-marktcheck/> → [https://www.euro.who.int/\\_\\_data/assets/pdf\\_file/0005/270716/Nutrient-children\\_web-new.pdf](https://www.euro.who.int/__data/assets/pdf_file/0005/270716/Nutrient-children_web-new.pdf)

## § \_\_\_\_

## **Strict regulation of new genetic engineering methods and a moratorium on the release of gene drive organisms**

In Germany and at the European level, genetic engineering methods and the resulting genetically modified organisms (GVOs) must continue to be governed and labelled in accordance with the existing legislation on genetic engineering. For organisms modified with new genetic engineering methods too, licensing procedures involving comprehensive risk assessment have to apply. In accordance with the precautionary principle, the risks of technology need to be assessed in this context. Safeguarding freedom of choice and transparency for consumers, producers and trade as well as labelling, traceability of and liability for genetic engineering products have to be ensured, as must a rapid development of detection methods, also for new genetic engineering and the consistent checking of imported products for genetically modified plants, animals and products. A global, publicly accessible central register is required providing transparent infor-

mation on all GMOs which are released, cultivated or marketed. The aim has to be the elimination of genetically modified, herbicide-tolerant and insecticide-producing plants, and a ban on genetic engineering for livestock breeding and on patents on life. Rather, the loss of biodiversity has to be stopped, and genetic diversity, species diversity and diversity of biocoenosis need to be preserved and supported. In order to protect human health and biodiversity, a global moratorium must be imposed on the use of technology that will replace, decimate or completely eliminate species living in the wild with genetically engineered varieties. The European Parliament has called for this as well in a motion for a resolution tabled in January 2020 in response to a call by more than 200 organisations in Europe and worldwide. The German parliament and the German government ought to join the call for a moratorium and take the lead by banning the release of gene drive organisms in Germany.

**For further reading and discussion:**

→ <https://www.dnr.de/fileadmin/Positionen/2021-04-21-Positionspapier-Gentechnik.pdf> → [https://www.forumue.de/wp-content/uploads/2020/06/Open\\_Letter\\_to\\_the\\_EU\\_Commission\\_Please\\_support\\_a\\_global\\_moratorium\\_on\\_the\\_release\\_of\\_Gene\\_Drive\\_Organisms\\_30.06.2020.pdf](https://www.forumue.de/wp-content/uploads/2020/06/Open_Letter_to_the_EU_Commission_Please_support_a_global_moratorium_on_the_release_of_Gene_Drive_Organisms_30.06.2020.pdf)

## § \_\_\_\_

### **The law against food waste in France**

France was the first country globally to introduce a law in 2016 prohibiting supermarkets from throwing away unsold or unsellable but still edible food. This refers e.g. to products which have already exceeded the best-before date, bruised fruit or vegetables or bread left from the day before. From an area of 400 square metres upwards, markets are obliged to donate such food for charitable purposes, such as local food banks. Alternatively, they can provide the food to agriculture as animal feed or compost. Violations of this law entail a possible fine of up to 4,500 euros. Since the law was introduced, food banks and charitable organisations in France have reported that the volumes and variety of food which they receive have significantly increased, while quality has improved as well. The new regulation in France not only benefits food banks and those in need – supermarkets get 60 per cent of the purchase price of the food donated with its tax. Italy, the Czech Republic and Finland have followed the French example with similar laws. In Germany, bin raiding, i.e. saving unused food from the rubbish, is still illegal – despite the dramatic wastage of food.

**For further reading and discussion:**

→ <https://www.cec-zev.eu/de/themen/alltag-in-frankreich/>

[lebensmittelverschwendung-in-frankreich/](#)

→ <https://www.legifrance.gouv.fr/loda/id/JORFTEXT000032036289/>

## § \_\_\_\_

### **A tax on soft drinks in the United Kingdom**

In April 2018, a new tax on highly sugared drinks, the Soft Drinks Industry Levy, entered into force in the United Kingdom. Since then, depending on a beverage's sugar content, manufacturers have to pay a levy. For more than 5 grams of sugar per 100 millilitres, it amounts to 21 cents, and from 8 grams upwards 33 cents per litre is charged (for comparison, Fanta or Sprite in Germany contain around 9 grams of sugar per 100 millilitres). Tax revenue earned by this measure flows into subsidies for healthy school breakfasts, physical education and further preventive measures. Already before the law entered into force, a number of manufacturers had reduced the sugar content of their beverages. Between 2015 and 2018, the average value had dropped by around 30 per cent, from 5.4 to 3.9 grams of sugar per 100 millilitres. Sales of strongly sugared beverages fell by half in the same period showing that the soft drinks levy is having an impact.

**For further reading and discussion:**

- <https://www.foodwatch.org/de/aktuelle-nachrichten/2018/britische-hersteller-abgabe-auf-zuckergetraenke-wirkt/>
- <https://www.gov.uk/government/news/soft-drinks-industry-levy-comes-into-effect>
- <https://www.legifrance.gouv.fr/loda/id/JORFTEXT000032036289/>

## § \_\_\_\_

### **A ban on purchasing below the production cost in Spain**

In Spain, a food supply chain law has been in force since 2013. It is aimed at making the supply chain more competitive, transparent and efficient and strengthening agriculture while benefiting society and consumers. In February 2020, important changes were made. For the first time, there is an obligation to state the production costs in the contract. This means that the contracted price between producers in agriculture, forestry and fisheries or their associations and their first buyers must explicitly cover the actual production costs. The regulation applies to all commercial transactions with a value volume of more than 2,500 euros. Germany could take this as a guide, even better go a step further in legislation.

**For further reading and discussion:**

- [https://www.oxfam.de/system/files/documents/oxfam\\_spanien\\_verbot\\_einkauf\\_unterhalb\\_von\\_produkionskosten.pdf](https://www.oxfam.de/system/files/documents/oxfam_spanien_verbot_einkauf_unterhalb_von_produkionskosten.pdf)
- <https://www.boe.es/eli/es/l/2013/08/02/12/con>





SDG 3

# Ensure healthy lives and promote well-being for all at all ages

As outlined in the Universal Declaration of Human Rights, all people have the right to a standard of living adequate for their health and well-being. Accordingly, SDG 3 underscores that health is a human right. In recent years, many OECD countries have succeeded in ensuring comprehensive coverage of health care services for their populations, including doctor's visits, examinations and hospitalisation.



Not only has this had a positive impact on health, but people's life expectancies have also continued to rise. In 2019, life expectancy in the OECD countries averaged 81 years, 10 years higher than it was in 1970.<sup>12</sup> This is considered one of the greatest achievements of the century. However, the high life expectancy coupled with a declining birth rate leads to difficulties in the labour market and old-age provision. Globally, the number of old people will increase from 901 million to more than 1.4 billion between 2015 and 2030, which will raise the need for care.<sup>13</sup>

In Germany, too, the high average age of the population will lead to a further increase in the number of people in need of long-term care in the coming years and thus more places will be needed in long-term care facilities. At the same time, about 500,000 nursing staff will reach retirement age in the next ten years,<sup>14</sup> while at least 40,000 positions are already unfilled today.<sup>15</sup>

In addition, the increasing economisation of hospitals and the profit orientation of health care, especially in Germany, has led to a deteriorating situation for nursing staff, doctors, and patients and to smaller clinics being closed as they are not economically viable. This often affects rural areas in particular. While there

were 2,242 hospitals in Germany in 2000, in 2018 only 1,925 were left.<sup>16</sup> The COVID-19 pandemic has taught all societies how dangerous this trend is. The goal must be to ensure the best possible medical care everywhere at all times for everyone. This means that, in many OECD countries, health care systems need to adapt to an ageing population, in particular by expanding labour-intensive long-term care services. Nursing staff must receive the respect they deserve which implicates fair wages and equitable working hours. Finally, good health care also includes giving people with a migration background complete access to all health services.

Another challenge with regard to SDG 3 is the rise of modern diseases in many industrialised countries. Smoking, excessive alcohol consumption, and lack of exercise are major risk factors for falling seriously ill. In addition, chemical substances pose a new threat to human health. In order to protect consumers from these diseases, the state must fulfil its responsibility and enact appropriate measures.

## § \_\_\_\_

## Needs-based staff allocation systems in care

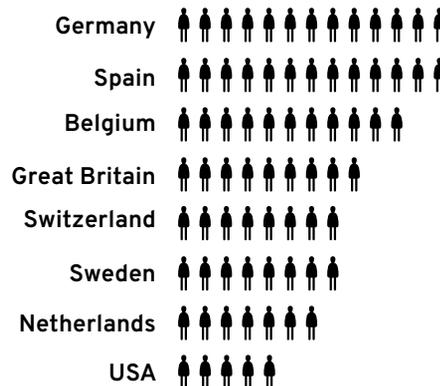
The COVID-19 pandemic has highlighted the deficits in health care. Significant reforms are required to permanently correct them. Initial steps towards more personnel in the care sector and better working conditions have been taken over the last few years with various legislative initiatives and the Concerted Action on Care (KAP). The survey commissioned by the Legislator on the development of scientific criteria to establish staffing demand in long-term care was another important step in this direction. Using this calculation base, a considerable demand for additional staff in long-term care was identified and will be addressed with initial measures. However, such initiatives are not enough to end the lack of care staff. What is still needed is a clear signal that tangible workload relief can be expected for bedside care staff. For the hospital area, a nationwide staff allocation system has to be introduced which enables staffing requirements to be worked out on

the basis of individuals to be cared for and which standardises Germany's prevalent patchwork. Only with greater volumes of personnel in all sectors can care staff be relieved of their present workload and correspondingly devote sufficient time to care. Such a measure can also counter the relocation of care staff to other professions, and care staff who have left the profession can be regained. In addition, wages need to be substantially raised. This could contribute to more young people opting for training in the caring professions. Only in this manner can the situation of both care staff and the people they are looking after be improved.

**For further reading and discussion:**

→ <https://deutscher-pflegerat.de/2018/11/09/deutscher-pflegerat-wir-brauchen-personalbemessung-fuer-pflegende-in-allen-arbeitsfeldern-auch-im-krankenhaus/> → <https://gesundheit-soziales.verdi.de/mein-arbeitsplatz/altenpflege/++co++1414c116-58ac-11ea-90d7-001a4a160100>

### Number of patients to be cared for per nurse in hospitals by country in 2018



Data source: Hans Böckler Stiftung, approximate numbers

## § \_\_\_\_

## Financially secure leave of absence to reconcile care work and professional work

The reconciliation of care and professional work is turning into a growing challenge in society. Out of the current roughly 3.4 million people in need of care in Germany, around three quarters are looked after at home, being cared for mainly by relatives. An increasing proportion of the caring relatives are of a working age. The current regulations on the reconciliation of care and profession, in which the time provided for care and family care is far too short, do not offer any sufficient financial security and are only rarely resorted to. Thus gainfully employed relatives of people in need of care are frequently left to their own devices. It is high time to provide better financial and social security for loss of employment time for care commitments. The “Independent Advisory Council on the Reconciliation of Care and Profession” appointed by the German Ministry of Family Affairs, Senior Citizens, Women and Youth (BMFSFJ) has proposed a good framework with conditions for caring relatives who are gainfully employed. The proposals centre on the option for a leave of absence for up to 36 months – given a minimum working time of 15 hours a week. Within this period, it would also be possible for up to six months to fully take leave from gainful employment or do so with a minimum

working time of below 15 hours a week. Individuals who are gainfully employed and provide care privately are to be supported financially by wage replacement benefits designed along the lines of parental allowance and to be claimed for up to 36 months.

### For further reading and discussion:

→ [https://www.zukunftforum-familie.de/wp-content/uploads/zff\\_vf\\_ausgabe30.pdf](https://www.zukunftforum-familie.de/wp-content/uploads/zff_vf_ausgabe30.pdf) → [https://www.wege-zur-pflege.de/fileadmin/daten/Beirat/Erster\\_Bericht\\_des\\_unabhaengigen\\_Beirats\\_2019.pdf](https://www.wege-zur-pflege.de/fileadmin/daten/Beirat/Erster_Bericht_des_unabhaengigen_Beirats_2019.pdf)

## § \_\_\_\_

## Banning poisonous additives in plastics

Many chemicals used to manufacture plastics are extremely poisonous. Since the chemicals are not firmly bonded in the plastic, they can gradually escape, enter into the environment and are also absorbed by the human body. Hormonally effective agents have especially far-reaching impacts in this context. Among them are plasticisers (phthalates), bisphenol A (BPA), brominated flame retardants and stannates. These and other agents are suspected to cause diseases such as diabetes, adiposity, sterility, cancer and heart diseases. The use of these agents, and their substitutes if they are identical in terms of their composition and/or effects, has to be banned by law, so that environmental and health protection along the entire life cycle of a product can be ensured. Special attention has to be given to particularly vulnerable groups such as pregnant people and children, who

are exposed to a considerable degree to dangerous agents in plastic products. A full declaration and disclosure has to be given of the substances contained in the products/their packaging and used during processing.

**For further reading and discussion:**

→ [https://www.bund.net/fileadmin/user\\_upload\\_bund/publikationen/chemie/chemie\\_achtung\\_plastik\\_broschuere.pdf](https://www.bund.net/fileadmin/user_upload_bund/publikationen/chemie/chemie_achtung_plastik_broschuere.pdf) → [https://www.wecf.org/de/wp-content/uploads/2018/10/wege\\_aus\\_der\\_plastikkrise\\_forderungen.pdf](https://www.wecf.org/de/wp-content/uploads/2018/10/wege_aus_der_plastikkrise_forderungen.pdf)  
→ <https://hej-support.org/hormongifte-stoppen/>

## § \_\_\_\_

### Ban on the export of illegal pesticides

Producers from Germany are exporting pesticides to countries outside the EU not allowed to be used within the EU because of their danger to humans and the environment. This double standard in pesticide trade is at the expense of people's health in the importing countries of Latin America, Asia and Africa. In France, a law has already been adopted (Act No. 2018-938 – EGalim Act) which, as of January 2022, outlaws the production, storing and trading of pesticides containing agents not approved in the EU for health and environmental protection reasons. In 2020, the Swiss Federal Council also passed an export ban on five pesticide agents prohibited in France. The European Union's planned chemicals strategy contains a commitment to preventing the export of dangerous chemicals banned in the EU and, for this purpose, to amend relevant legislation should this be necessary. Furthermore, a March 2020 report by the Research Services of the German parliament arrives at the conclusion that conditions exist in Germany for restrictions similar to those in France. For example, based on § 25 para. 3 cl. 2 of the Plant Protection Law, in certain circumstances, the German Ministry of Food and Agriculture (BMEL) has the power to prohibit the export of pesticides



Bild:  
James Wainscoat/  
unsplash.com

to Third Countries outside the EU. From this legal basis, a decree ought to be passed prohibiting the export of pesticides that are not authorised or permitted in the EU and/or Germany due to the environmental and health risks they pose.

**For further reading and discussion:**

→ <https://pan-germany.org/download/giftige-exporte-ausfuhr-hochgefaehrlicher-pestizide-von-deutschland-in-die-welt/> → <https://webshop.inkota.de/node/1605> → <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26063&LangID=E> → <https://www.ohchr.org/Documents/Issues/ToxicWaste/Communications/OL-DEU-09-02-21.pdf>  
→ <https://ec.europa.eu/environment/pdf/chemicals/2020/10/Strategy.pdf>

## § \_\_\_\_

## Amending the Blood Transfusion Law

Blood donations save lives. And yet, in Germany, certain groups are still banned from donations. The Transfusion Law and the German Medical Association's guidelines on obtaining blood and blood components and on applying blood products have to be changed, and discrimination must be abolished, so that every healthy person in Germany who would like to help can do so. Inquiries should no longer be made regarding sexual orientation when blood donations are offered. To ensure safety for recipients of blood donations, a statement could be required on the frequency of sexual intercourse partners changing and sexually risky behaviour – for this is what counts regarding an individual's belonging to a risk group. Many other countries, such as Bulgaria, Italy, Latvia, Poland, Portugal and Spain handle it in this manner.

**For further reading and discussion:**

→ [https://weact.campact.de/petitions/knappheit-der-blutreserven-durch-covid-19-diskriminierung-beim-blutspenden-stoppen?utm\\_source=post-twitter&utm\\_medium=social&utm\\_campaign=20-10-16%20%2F%20blutspenden-marcel-twitter](https://weact.campact.de/petitions/knappheit-der-blutreserven-durch-covid-19-diskriminierung-beim-blutspenden-stoppen?utm_source=post-twitter&utm_medium=social&utm_campaign=20-10-16%20%2F%20blutspenden-marcel-twitter) → <https://www.lsvd.de/de/ct/1321-Ausschluss-schwuler-und-bisexueller-Maenner-von-der-Blutspende>

## § \_\_\_\_

## Lifting patent protection for all essential medicine

With temporal monopolies, patents guarantee pharmaceutical industry high prices and corresponding profits worldwide. The research incentives this is supposed to create are unequally distributed. People's health problems in the Global South are neglected by the patent-driven research system owing to their lower purchasing power. The same applies to important but less lucrative research areas such as vaccination or antibiotics research. Above all, for people in the Global South patents prevent access to research results and new technologies and often make medicine unaffordable. The World Health Organization (WHO) estimates that one third of all patients worldwide has no access to necessary medications because of high prices and other structural obstacles. A legally established lifting of patent protection for all essential medications could counter this.

**For further reading and discussion:**

→ <https://www.patents-kill.org/deutsch/> → <http://med4all.org/images/downloads/Leitfaden-sozialvertrgliche-Verwertung-2018.pdf>



Bild:  
Ahmad Ardity /  
pixabay.de



Bild: Chris Johnson / unsplash.com

§ \_\_\_\_

## Banning conversion therapy

Medical and other interventions aimed at specifically changing or suppressing the sexual orientation or self-perceived sexual identity of an individual (so-called conversion therapies) and advertising such treatment have been prohibited since 2020. Germany is the second country in the European Union after Malta to have banned these dangerous fake “therapies”..

**For further reading and discussion:**

→ <https://www.bundesgesundheitsministerium.de/konversionstherapienverbot.html>

§ \_\_\_\_

## Lowering value-added tax on hygiene products

The reduced value-added tax rate of seven per cent applies to everyday consumer items. Since 2020, this has also included hygiene articles for menstruating persons, such as sanitary towels, tampons and menstrual cups. The tax rate was lowered from 19 per cent to 7 per cent. It remains to be researched to what degree the industry has put the low taxes on top of the previous price. For true equality, hygiene articles ought to be provided to everyone free of charge. This has, for example, been the case in Scotland since 2020, where menstruation items have to be made available in an easy in a dignified manner, to everyone needing them.

**For further reading and discussion:**

→ <https://www.bundesfinanzministerium.de/Content/DE/Bilderstrecken/Bilder-galerien/2019/> → <https://www.dw.com/de/tampon-steuer-hygieneprodukte-deutschland/a-51142312>



Bild: Monika Kozub / unsplash.com





## SDG 4

# Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all

Education is of immense value - for society as well as for each and every individual. A high-quality education opens up opportunities, it gives chances for advancement, but most importantly it allows participation in society in a self-determined way and to make the most of our lives. The COVID-19 pandemic has shown that, globally, access to education is still not something that can be taken for granted and opportunities for participation are often limited, even in many countries of the Global North. Thus, a transformation of the education system is inevitable and long overdue. →

Education that prepares for the future goes far beyond the mere transmission of knowledge and creates resilience as well as the ability to deal with complexities: It is inclusive and diverse, enables value-based and democratic action and involves teachers and students in finding solutions to global challenges. Youth participation should be strengthened by giving more appreciation to young people's voluntary work and initiating new opportunities for participation, for example through youth councils.

Unfortunately, access to higher education still depends far too often on socioeconomic backgrounds. All across OECD countries, disadvantaged children, such as first or second generation migrants, not only encounter more obstacles in accessing education. The education system also does not provide sufficient support to compensate for unequal starting conditions. As a result, these students struggle more with the lesson contents and, on average, achieve lower outcomes than their more advantaged peers.<sup>17</sup> In many countries, instead of levelling social inequalities, schools reinforce socio economic cleavages. While the relationship between educational opportunities and socioeconomic background is generally less strong in Northern European states, it is particularly pronounced in central

Europe. In Finland, for example, 34.8 per cent of children whose parents did not have secondary education have access to tertiary education, compared with only 17.3 per cent in France.<sup>18</sup>

In Germany this correlation is particularly strong compared to other industrialised countries. The level of the parents' income already plays a role in children's participation in early educational opportunities such as attending a daycare centre.<sup>19</sup> Parents with low incomes are more likely to care for their children at home, whereas parents with high incomes tend to send their children to a daycare centre. However, it is children with a low socioeconomic background that would benefit most from early education services. After attending elementary school, this correlation becomes even more apparent. Children of academics are significantly more likely to obtain higher educational qualifications than children from non-academic households - even with the same grades. Accordingly, they are less likely to obtain a university entrance qualification and to go to university. Children and adolescents with a migration background are particularly affected by this correlation.<sup>20</sup> The greatest challenge in education policy is therefore to create equal opportunities and equal chances for everyone.

## § \_\_\_\_

## Creating a level playing field and equal opportunities with a free education system

A precondition for more equal opportunities is an education system which leaves nobody behind. Governments at national, State and local level must develop a good-quality education system without fees. This includes free-of-charge provision of all teaching and learning material, such as schoolbooks, but also things like exercise books, pens and pencils, paint boxes and laptops. In addition, school buses should be free of charge. Free services such as supervising homework and coaching ought to be provided by the schools. This can ensure that a child's socioeconomic background does not determine accessibility to coaching or homework support. In this respect, Germany ought to be guided by countries such as Estonia, where there is a high level of equal opportunities despite low spending on education.

**For further reading and discussion:**

→ <https://www.gew.de/privatisierung-lobbyismus/lernmittelfreiheit/schule-und-lernmittelfreiheit/> → <https://deutsches-schulportal.de/expertenstimmen/estland-reise-ins-digital-wunderland/>



Bild: Jeswin Thomas / unsplash.com

## § \_\_\_\_

## Raising the the Basic Rate of Student Financial Aid

The Training and Education Assistance Law (BAföG) must allow as many people as possible to pursue higher education without financial worries. Therefore, persistent price increases and inflation must be taken into account in a continuous, annual adjustment of BAföG levels. The BAföG basic needs rate must be adapted to students' real life. To enable more students to receive BAföG, allowances have to be increased and the age limit must not be set too low. Furthermore, given that only 46 per cent of all students actually finish their studies in the fixed standard period of time, the maximum period of support has to be extended by at least one semester. In June 2002, the German parliament adopted a BAföG amendment covering some but not all of these demands. Raising the age limit to 45 is a welcome step, but increasing the basic needs rates by 5.75 and the allowances by 20.75 percent is not sufficient.

**For further reading and discussion:**

→ <https://www.bafoeg-rechner.de/Hintergrund/art-2178-bafoeg-2019-2020-2021.php#was-fehlt>  
 → [https://www.change.org/p/das-baf%C3%B6g-muss-zum-leben-reichen-petition-f%C3%BCr-eine-grundlegende-baf%C3%B6g-reform?recruiter=947194513&utm\\_source=share\\_petition&utm\\_medium=copylink&utm\\_campaign=share\\_petition](https://www.change.org/p/das-baf%C3%B6g-muss-zum-leben-reichen-petition-f%C3%BCr-eine-grundlegende-baf%C3%B6g-reform?recruiter=947194513&utm_source=share_petition&utm_medium=copylink&utm_campaign=share_petition)

## § \_\_\_\_

## A right to education and access to regular school for refugee children and youths

The right to education is a basic condition for participating in society as well as for a free development of an individual's personality. A guarantee of this right is to be found in Article 13 of the International Covenant on Economic, Social and Cultural Rights (UN Covenant I) and Article 28 of the UN Convention on the Rights of the Child (UN-CRC). In German law, equal participation in the public education system is part of the Welfare State Principle (Article 20, para. 1, Basic Law) and covered by Article 1, para.1. Access to the education institutions of the respective state is a human right and has to be granted irrespective of an individual's residential status. Thus underage refugees have the same right to education as German nationals and are entitled to equal treatment. Article 14, para. 1 and 2 of the European Union Receptions Conditions Directive stipulate that children of refugees who are minors as well as underage refugees themselves have to be granted access to the education system "in similar manner to the country's own citizens" three months after raising claim to asylum at the latest (provided that no deportation measures are being enforced against them or their parents). The three month limit is unconditional and does not provide for any exceptions. The children or youths concerned are entitled to access regular school.

Adjustments may merely be made regarding the modalities of access, which may justify e.g. grading based on previous education, language proficiency, achievement standards testing or temporary teaching in welcome or language tuition classes. Article 14, para. 1 and 2 of the Receptions Conditions Directive, according to

which lessons may also take place at accommodation centres, only provides for temporary schooling at accommodation centres if this is necessary and appropriate in terms of the asylum procedure and only if the curriculum is more or less the same as in regular schools. Segregated schooling for a longer period, i.e. for more than half a year or longer, is only appropriate in exceptional circumstances. The German Federal States deal with the implementation of these legal regulations in very different ways, often without observing the three-month limit. Thus the German parliament needs to address the topic of equal access for all people.

For further reading and discussion:

→ [http://infothek.paritaet.org/pid/fachinfos.nsf/0/03243c26e624ea20c12584b0002db1d6/\\$FILE/Gutachten\\_Parit%C3%A4tischer\\_Zugang\\_Regel-schule\\_Kinder\\_Aufnahmeeinrichtungen.pdf](http://infothek.paritaet.org/pid/fachinfos.nsf/0/03243c26e624ea20c12584b0002db1d6/$FILE/Gutachten_Parit%C3%A4tischer_Zugang_Regel-schule_Kinder_Aufnahmeeinrichtungen.pdf)

## § \_\_\_\_

## Right to Strike and Protest for Students

Students under the age of 18 years can join protests as part of their constitutional rights. Thus, protesting should be regarded as part of young people's political education. Currently, however, it is not clear whether or to what extent they may do so during school hours. In 1973, in the – legally non-binding – statement "On the position of school pupils in school", the Conference of State Ministers of Cultural Affairs presented an assessment of this problem stating that participating in protests does not justify absence from class and the right to protest may be only exercised when there are no classes. Yet, the right to strike is a basic right enshrined in the constitution Article 9, though the right to strike as stipulated in Article 9 of the



constitution exclusively refers to labour dispute measures taken by organised employees vis-à-vis employers. A “right to strike”, i.e. a right to collective absence from lessons, for entire groups of school pupils or classes, does not exist in German law. But young people ought to be entitled to a clear right to protest and strike during classes.

**For further reading and discussion:**

→ <http://www.kinderrecht-ratgeber.de/kinderrecht/schulrecht/streik.html>

## § \_\_\_\_

### **Adopting Child Rights in the Constitution to provide for more participation options**

Participation is a key pillar of education for sustainable development and is crucial to the implementation of the SDGs. Child rights, participation and democracy have to be lived and learnt. To ensure this, kindergartens and schools must become more democratic, and young people have to have the spaces to become more politically involved. In 2021, a draft law tabled by the German government aimed at enshrining child rights in the constitution failed to gain approval by the German parliament, because demands by the opposition for stronger wording and participatory rights for children were rejected by the conservative parties. The draft law does not consider the necessary sustainability aspects and will not be able to significantly boost child rights. Furthermore, the constitution falls short of the UN Convention on the Rights of the Child, which Germany ratified in 1992. Child rights have to be strengthened in a supplementary clause to Article 6 of the Basic Law. Enhancing the law in such a manner takes into ac-

count the self-determination capacity of children and youths as stated in § 8 SGB VIII, as well as a child’s explicit right to support in their development. The revised Article 6 of the Basic Law must guarantee children’s protection, right to support in their development, right to participation, and priority to a child’s welfare. The draft law needs to be elaborated and revised as follows: In § 2, following the word “children”, the words “respecting their personality and their growing independence” are inserted and in § 4a: “(4a) Every child enjoys the right to having support in their development. In all matters concerning the child, it is to participate according to its age and level of maturity; the will and, above all, the welfare of the child are to be considered as key aspects.”

**For further reading and discussion:**

→ <https://www.stiftungbildung.org/70-jahre-grundgesetz-stellungnahme/>

→ <https://www.stiftungbildung.org/bildung-fuer-nachhaltige-entwicklung/>





SDG 5

# Achieve gender equality and empower all women and girls

**Achieving gender equality is a fundamental principle of all democratic societies. It is the starting point for the implementation of SDG 5. All forms of violence and discrimination against women must be prevented, and women to be given the same opportunities as men - i.e. equal rights not only de jure but de facto. Women play a vital role in each SDG, with many targets explicitly encouraging women's empowerment and equality as both the goal and a means of achieving it.**



In recent years, there has been some progress in gender equality in most OECD countries, but there is still need for improvement. For example, the gender pay gap is still a striking marker of gender discrimination in the EU. On European average, women earn 14.1 per cent less than men, with the gender pay gap varying widely among the member states. While wage equality is close to achieved in Luxembourg, women in Estonia are paid almost 22 per cent less than men. In Germany, the gap is only slightly smaller at 19.2 per cent (as of 2019).<sup>21</sup> The difference in salary is, among other things, due to the fact that women often work in care professions, which are often not sufficiently remunerated. Additionally, women interrupt their employment more commonly for family reasons, and work part-time more frequently. Even when all these differences in the employment situations are taken out of the equation, the adjusted gender pay gap (i.e. the difference in salary between women and men with the same qualifications, occupation and employment history) is still six per cent in Germany.<sup>22</sup> As a consequence, women are economically disadvantaged, and tend to be more often affected by poverty in retirement.

During the Covid-19 pandemic violence against women has increased worldwide. In an EU survey, between 11 and 16 per cent of the respondents reported of knowing women in their circle of friends and family that had experienced violence during the pandemic.<sup>23</sup> In most cases, violence occurred in the form of online harassment, street harassment, domestic violence or

abuse, or economic violence. Accordingly, during the pandemic calls from affected women to national help hotlines have increased by 25 to 30 percent in many countries, especially in months when stay-at-home restrictions were in place.<sup>24</sup> In Spain, for example, the intimate-partner-violence helpline received 47 per cent more calls in the first two weeks of April 2020 than in the same period in 2019.<sup>25</sup>

The 1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) is the most important human rights instrument for women. Over the last decades, CEDAW has pushed many countries to change or abolish discriminatory provisions and to establish institutions concerned with women's rights and equality. Despite this progress there is still a long way to go to achieve gender equality. In particular, gender justice must explicitly include all genders and sexual orientations. Given that, according to 2020 surveys, 38 per cent (Germany 36%) of LGBTQIA\* people across the EU have experienced at least one form of harassment based on their sexual or gender identity in the 12 months prior to the survey, there is a need for assertive laws to protect against discrimination and assault.<sup>26</sup>

## § \_\_\_\_

## **A legal entitlement to protection and aid for women affected by violence**

As the Istanbul Convention entered into force in February 2018, Germany committed itself at all levels of government to prevent violence against women and to provide support and protection to victims. In order to fulfil this obligation, a legal entitlement to protection and aid needs to be introduced. Such a right would provide women affected by violence with a legal basis on which they can claim and possibly sue for protection, advice and support. It would put the state's general obligation to protect life and ensure freedom from bodily harm into concrete terms. This way, the state would meet its responsibility for the protection of women and for combating violence against women. Moreover, this legal entitlement would recognise the unlawfulness of gender-based violence also as a problem affecting society as a whole, and not merely as a private problem. The legal entitlement would give providers of women's shelters and special advice centres more funding and security. They would no longer depend on voluntary government allowances.

The German government's objection to Article 59 of the Istanbul Convention, which grants refugee or migrant women affected by violence an independent right of residence, has to be repealed so that all women in Germany are protected from violence. Another step in combating violence against women is a swift ratification of the ILO K-190 Convention, which addresses ending sexual violence at the workplace. The Convention presents a definition of sexual molesting and violence which is valid worldwide, and in doing so, it refers not only to the workplace, but to the professional world in general. Germany ought to sign the Convention. In Spain, violence against women already constitutes a criminal offence which provides for a special legal claim to protection and aid for female survivors of violence and offers survivors of gender-based violence protection. This is also much needed in Germany.

**For further reading and discussion:**

→ <https://www.frauenhauskoordination.de/arbeitsfelder/rechtsanspruch-auf-schutz/>

## § \_\_\_\_

## Introducing the criminal offence of verbal sexual harassment

In Germany, catcalling, i.e. (non)verbal sexual harassment in public is not a punishable offence. Only if insulting words are used in a given context can such harassment be punished as libel. Catcalling should be banned by law. This would be possible through an amendment of § 184i of the Penal Code, which governs the criminal offence of physical sexual harassment. Here, verbal sexual harassment ought to be added. At the same time, more comprehensive rules ought to be introduced for any forms of forced sexuality which intrude into an individual's sexual self-determination. Although providing proof may sometimes be difficult, adopting such a law can create awareness of the problem and provide a clear stance by the government and society. In various European countries (France, Portugal, Netherlands, Belgium), verbal sexual harassment has already been punishable for years and can be sanctioned with fines of up to 750 euros. In February 2022, the Finnish government too proposed an amendment of the Criminal Code to include non-physical sexual harassment.

**For further reading and discussion:**

→ <https://www.openpetition.de/petition/online/es-ist-2020-catcalling-sollte-strafbar-sein>

## § \_\_\_\_

## Deleting Paragraphs 218/219 on pregnancy termination from the Penal Code

Terminations of pregnancy are part of primary health care and have to be regulated outside the Penal Code. The current criminalisation with an obligation to obtain advice and a waiting period patronises pregnant people against their wish, is denying them the right to physical and sexual self-determination. In the former East German State (GDR), terminations of pregnancy were already possible without further preconditions up to the twelfth week of pregnancy. With the so-called compromise of 1995, pregnant people from Eastern Germany and consequently in the whole country were then robbed of this right to physical and sexual self-determination. Despite the amendment of § 219a, physicians seeking to perform abortions and wishing to inform their patients about them still face legal uncertainty. In order to provide an optimum of support and protection for unwanted pregnancies and for physicians, terminations of pregnancy have to be decriminalised and §§ 218/219 deleted from the Penal Code. In June 2022, the German parliament took the first step and voted for the abolition of § 219a. The highly problematic § 218, however, remains untouched. It must be deleted from the Penal Code, too. Furthermore, a right to good, sufficient healthcare close to where people are living is required, as are legal regulations according to which statutory health insurance has to bear the costs of pregnancy terminations as it does for other standardised health services.

**For further reading and discussion:**

→ <https://www.sexuelle-selbstbestimmung.de/15923/pressemitteilung-25-jahre-reformierter-paragraf-218-zeit-fuer-die-streichung-aus-dem-strafgesetzbuch/>

§ \_\_\_\_

## A law on equal pay for women and men in Spain and New Zealand

Since 2020, businesses in Spain have been legally obliged to pay women and men equally for work of equal value. This is ensured by transparent pay scales broken down according to gender and severe penalties of up to 187,000 euros if violated. In order to be able to measure the equal value of work, new principles are provided. New Zealand also unanimously passed an Equal Pay Law in 2018 to ensure equal pay regardless of an individual's gender. Both laws can serve as an example for Germany. Here, only the 2017 Transparency in Wage Structures Law has been in force so far. However, a survey by the German Office of Statistics shows that in 2019, the gender pay gap was still at 20 per cent. In accordance with the Transparency in Wage Structures Law, only those people who work in businesses with more than 200 employees are entitled to information on the remuneration of colleagues. However, two thirds of women in gainful employment work for small and medium-sized enterprises. Furthermore, the Transparency in Wage Structures Law does not prohibit different pay levels but only discloses them. Thus businesses don't have to fear any sanctions.

**For further reading and discussion:**

→ <https://www.fpi-lab.org/aktuell/fair-pay-neuseeland/> → <https://www.lw.com/thoughtLeadership/lw-new-spanish-employment-law-imposes-equal-opportunity-regs> → <https://www.deutschlandfunknova.de/beitrag/gender-pay-gap-spanien-erlaesst-neues-gesetz>  
 → <https://www.bmfsfj.de/resource/blob/137224/79c7431772c314367059abc8a3242a55/bericht-der-br-foerderung-entgelttransparenz-data.pdf>  
 → <https://www.legislation.govt.nz/bill/government/2018/0103/latest/LMS86440.html> → <https://www.boe.es/eli/es/rd/2020/10/13/902/con>

§ \_\_\_\_

## Gender Budgeting in Austrias constitution

Gender budgeting evaluates the impacts of fiscal decisions differentiated by gender. The different effects fiscal policy measures have on men and women can thus be made visible to identify possibilities for change. Austria adopted gender budgeting in its Constitution in 2009 (Article 13, para. 3; Article 51, para. 8) and committed to its implementation in 2013. The Berliner Senate, among others, has also adopted corresponding approaches.

**For further reading and discussion:**

→ <https://www.imag-gmb.at/gender-budgeting/rechtsgrundlagen-zu-gb.html> → <https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10000138> → <https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20006632>

## § \_\_\_\_

### **Third Gender in Birth Registers**

Since 2017, people now have the option to choose the term “diverse” alongside those of “male”, “female” or not enter a sex in the birth register.

**For further reading and discussion:**

→ <https://www.bundestag.de/dokumente/textarchiv/2018/kw50-de-geburtenregister-581364>

## § \_\_\_\_

### **Reform of the law on sexual offences**

With the inclusion of “no means no”, the reform of the law on sexual offences in 2016 significantly improved sexual self-determination. This reform represents a clear paradigm shift. Punishability of a sexual assault no longer depends on coercion but willingness of all parties. This very fundamentally changes the way in which the protection of sexual self-determination was previously viewed by the law. Nevertheless, there is a need for further reforms, also regarding improvements in the protection of sexual self-determination and the criminal offence of sexual abuse e.g. of minors.

**For further reading and discussion:**

→ <https://www.djb.de/presse/pressemitteilungen/detail/st19-06>

## § \_\_\_\_

### **Punishability of upskirting**

Since 2020, upskirting, i.e. image taking of another person’s genital area without their consent, has been a punishable offence in Germany. The launch by two women of a petition to ban upskirting in Germany in April 2019 led to more than 100,000 co-signatories within a short period. Consequently, the German parliament adopted a corresponding law. Now, upskirting can be punished with a fine or with up to two years’ imprisonment.

**For further reading and discussion:**

→ <https://www.bundesregierung.de/breg-de/aktuelles/persoenelichkeitsschutz-1690994>

§ \_\_\_\_

## Marital rape is a criminal offence

Since July 1997, marital rape has been a punishable offence. With the 33rd Law amending Criminal Law, the characteristic of extramarital was removed from the definition of rape as an offence, § 177 Penal Code, since then, marital rape has been punished as a criminal offence.

For further reading and discussion:

→ <https://www.bundestag.de/resource/blob/407124/6893b73fe226537fa85e9ccce444dc95/wd-7-307-07-pdf-data.pdf>







SDG 6

# Ensure availability and sustainable management of water and sanitation for all

**SDG 6, the 2030 Agenda's stand-alone goal on water, strengthens the right to water and sanitation that has been included in the canon of universal human rights since 2010. Access to water is the foundation for other SDGs, such as ending hunger, promoting sustainable economic growth, health and sanitation, ensuring sustainable consumption and production patterns and combating climate change and its impacts.**



In the EU, one million people do not have access to drinking water, eight million people lack adequate sanitary facilities. Against this backdrop and at the instigation of the citizens' initiative "right2water", the EU in 2020 revised its Drinking Water Directive to make clean, safe tap water available to all European citizens.

65 per cent of drinking water in the EU is obtained from groundwater,<sup>27</sup> in Germany it is even 74 per cent (as of 2022).<sup>28</sup> As the groundwater is often polluted by phosphorus and nitrate, which are commonly found in fertilisers and thus enter water bodies and the groundwater through agricultural soils, complex and expensive treatment is necessary to ensure the freshwater supply. Another consequence of excessive fertiliser use is the nutrient enrichment of originally nutrient-poor waters which causes algae and other aquatic plants to grow excessively and eventually deprive other plants of light so that they die. As a result, many living organisms lack oxygen.

More than half of the 110, 000 water bodies in the EU have poor water quality. Appropriate measures to protect water bodies and groundwater from inputs are thus urgently needed and would make expensive treatment processes to clean European waters obsolete.

But it is not only the poor quality of water that is putting pressure on Europe's freshwater resources. In terms of quantity, overuse and droughts also increasingly stress our rivers, lakes and groundwater. Currently, about 20 per cent of European territory and 30 per cent of Europeans are exposed to water stress in an average year.<sup>29</sup> When droughts occur, agriculture, for example, must use more groundwater in order to irrigate its fields. This, in turn, leads to a conflict with private consumption, as groundwater should mainly be used as drinking water. Water stress and water scarcity are thus becoming a major problem in the EU as well as globally.

European countries not only suffer from water scarcity but are also responsible for water shortage in other countries, especially in the Global South. In addition to private households, industry and agriculture consume large quantities of water. In the EU, people consume about 144 litres of water per person every day, in Germany, with 130 litres, the daily consumption is only slightly lower.<sup>30</sup> These numbers only refer to the direct use of water. In terms of the total water footprint, which also includes the water used indirectly by nations, companies or consumers, the daily consumption is about 3,900 litres per person in Germany<sup>31</sup> - water that is lacking in other parts of the world.

## § \_\_\_\_

**Priority for Drinking Water**

The impact of the climate crisis has become clearly visible in the water supply. In Germany, too, conflicts over water use are becoming more and more of a problem. Thus priority for all has to be the careful handling of water. First and foremost, a stable supply of water needs to be ensured for the environment, nature and humans. Furthermore, considering the functionality of water ecosystems, supplying drinking water has to be given precedence over all other forms of use. Access to clean water is vital and is a recognised human right, therefore ensuring access is a core responsibility of public services. The following ought to be added to § 8 WHG (National Water Law - Wasserhaltungsgesetz): “Taking § 6 into account, use for necessary public water supply takes priority over other forms of use.”

For further reading and discussion:

→ <https://aoew.de/umweltschutz/vorrang-fuer-trinkwasser/>

## § \_\_\_\_

**Extending the Agricultural Structures and Coastal Protection Law with regard to nature conservation, water and flood protection**

The Law on the “Joint Task for the Improvement of Agricultural Structures and Coastal Protection” (“GAK” Law) ought to be extended by a new “Joint Task” exclusively addressing the needs of nature conservation and water protection as well as flood protection given the major challenges in the ecological development of water bodies and flood protection as well as their significance for the public at large. This would require supplementing Article 91a Basic Law (GG) with a third Joint Task. This demand is also raised in the 2020 Environmental Assessment of the German Advisory Council on the Environment.

For further reading and discussion:

→ [https://www.umweltrat.de/SharedDocs/Downloads/DE/01\\_Umweltgutachten/2016\\_2020/2020\\_Umweltgutachten\\_Kap\\_04\\_Wasserrahmenrichtlinie.pdf?\\_\\_blob=publicationFile&v=6](https://www.umweltrat.de/SharedDocs/Downloads/DE/01_Umweltgutachten/2016_2020/2020_Umweltgutachten_Kap_04_Wasserrahmenrichtlinie.pdf?__blob=publicationFile&v=6)



## § \_\_\_\_

### A nation-wide definition of buffer strips

Most recent surveys have found too many nutrients and pesticides at 20 per cent of the measuring points and 40 per cent of the aquifers in some states, such as Lower Saxony. Nitrate discharge needs to be reduced. Also in the future, for agriculture, all bodies of water ought to have ten-metre buffer strips between the water and the areas in which chemical pesticides are used. If the buffer strip has a permanent green cover, a distance of five metres might be sufficient. A nation-wide definition has to ensure that nutrients and pollutants cannot enter the water and nitrate discharge is reduced. The starting point would be an amendment of the decree on the use of pesticides or alterations in the Water Management Law.

**For further reading and discussion:**

→ [https://www.bund.net/fileadmin/user\\_upload\\_bund/publikationen/naturschutz/analyseleitfaden\\_biotopenverbund.pdf](https://www.bund.net/fileadmin/user_upload_bund/publikationen/naturschutz/analyseleitfaden_biotopenverbund.pdf)

## § \_\_\_\_

### Standard nation-wide fees for withdrawal of water

The water abstraction fee is a levy on the withdrawal, extraction, drawing off or comparable use of groundwater from surface aquifers for the purpose of natural resource conservation. The European goal is that by 2027 at the latest, all bodies of water will be in a good ecological state. One of the reasons why Germany is still far from reaching this goal is the lack of financial and staff resources. Uniform criteria for water withdrawal fees could serve to fund measures such as renaturalisation, the removal of certain infrastructure and resettlement projects. One crucial aspect for a good regulation of fees is that the polluter pays principle applies consistently and equally to all users. Only then a steering effect can be achieved. Above all, those industry sectors that use water should not be exempted from paying water extraction fees or enjoy other preferential treatment. This applies in particular to agriculture or mining. These polluters ought to pay higher charges.

**For further reading and discussion:**

→ <https://www.bund.net/service/presse/pressemitteilungen/detail/news/bund-studie-zum-wasserentnahmeentgelt-einheitliche-regelung-fuer-gewaesserschutz-ueberfaellig/>

§ \_\_\_\_

## Right to drinking water in Slovenia

As the first country in the European Union, Slovenia has introduced the right to drinking water in its constitution. Everyone in Slovenia enjoys the right to drinking water, which is a public good and no longer a commodity. Privatising water is banned. Water supply has to be ensured by the government directly and non-commercially.

**For further reading and discussion:**

- <https://www.dnr.de/eu-koordination/eu-umweltnews/2016-wasser-meere/slowenien-recht-auf-trinkwasser-bekommt-verfassungsrang/>
- <http://www.pisrs.si/Pis.web/pregledPredpisa?id=USTA1>







## SDG 7

# Ensure access to affordable, reliable, sustainable and modern energy for all

With SDG 7, governments have agreed to ensure access to affordable, reliable, sustainable and modern energy for all. Within the European Union, a comprehensive infrastructure provides access to electricity for most households. Unfortunately, the share of renewable energies in final energy consumption is low with 22.1 per cent (as of 2020).<sup>32</sup> While this is two percentage points above its original target of 20 per cent, the EU still has a long way to go to be the first climate-neutral continent by 2050 as envisaged. Energy from wind and water currently account for the largest share with 36 and 33 per cent respectively. Other sources are solar power (14 per cent), solid biofuels (8 per cent) and other unspecified sources (8 per cent).<sup>33</sup>



A total of 23 countries in the EU have announced plans to phase out coal. 13 of them plan to close coal-fired power plants by 2030 at the latest. In its coal phase-out law, Germany set the far too late year of 2038 for its coal phase-out, placing the country second to last in the EU, just behind Bulgaria, which plans to do so in 2040.<sup>34</sup> However, the new German government has declared its intention to complete the coal phase-out “ideally” by 2030.<sup>35</sup> This is also necessary to achieve the nationally and internationally agreed climate and sustainability goals. Compliance with the Paris Agreement and the achievement of the 1.5 degree target by 2050 will become almost impossible with a late phase-out as by 2040, another 134 million tons of CO<sub>2</sub> will be released.<sup>36</sup> The decision of the German Constitutional Court in April 2021 can be seen as a crucial game-changer. It deemed the national climate protection targets and the annual emission volumes incompatible with fundamental rights, as sufficient requirements for emission reductions from 2031 onwards were lacking. The ruling shows: The German government must take timely measures of climate protection and amend the law accordingly in order to live up to its constitutional obligation of ensuring a liveable planet for future generations.

After decades of economic growth and energy overconsumption, it is the historic responsibility of all industrialised countries to support and implement a global green and social energy transition. The EU Fit for 55 package is a step in the right direction, yet it is crucial that all OECD countries increase their renewable energies ambitiously. The energy transition has to be fair, participatory and inclusive so citizens can continue to be part of it, for example as producers, energy communities or investors. However, it is also necessary that the energy transition follows strict ecological criteria to avoid greenwashing. This means no more subsidies for hydropower. While hydropower is classified as a renewable energy, it is often harmful to the climate through methane generation and the destruction of carbon sinks. This has dramatic consequences for people and ecosystems far downstream. Finally, energy conservation is central to the success of the energy transition. For an energy transition compatible with nature and society a reduction in overall energy consumption is necessary.

## § \_\_\_\_

## Suspension of the Law on the Promotion of Hydroelectric Power § 40 EEG and strengthening of the § 35 Water Management Law regarding hydropower utilisation

The Water Framework Directive and the Water Management Law (WHG) call for a good water status or, at least, significant water status improvements and a good ecological potential, while the Flora-Fauna-Habitat (FFH) Directive demands a good conservation status. Also, the environmental objectives laid down in the FFH Directive impose on the EU Member States to prevent deterioration of the status of all surface and groundwater bodies. Flowing water must be accessible for fish and other aquatic organisms ensuring that both fish making their way upstream and, in particular, those going downstream do not risk any harm. So far, numerous hydroelectric power plants still lead to high losses among fish going downstream. In addition, river impoundments reduce the entry of oxygen into the river water leading to a deterioration of water quality. Therefore, power from new hydroelectric power plants should no longer be remunerated under the Renewable Energy Sources Law. No further new hydroelectric power plants should be built, and remuneration for existing plants should be made conditional on proof of ecological quality. It is ten times more favourable

to save one kilowatt hour of electricity than to generate it with small plant hydropower. We can save ten times more electricity than hydropower as a whole can provide. In order to successfully implement the energy transition, we do not depend on further expansion of hydropower..

For further reading and discussion:

→ <https://www.bund.net/energiewende/erneuerbare-energien/wasserkraft/> → <https://www.bundestag.de/resource/blob/282388/7701acaf1b6a905020b1fae3c71cef80/stellungnahme---bund-fuer-umwelt-und-naturschutz-deutschland--bund--data.pdf>



## § \_\_\_\_

**A reform of the coal phase-out law**

The coal phase-out law adopted in 2020 stipulates that by 2022 the share of electricity generated by anthracite and lignite coal is to be reduced to 15 per cent respectively. Further reductions will follow by 2030: to around eight gigawatts of power for anthracite coal and nine gigawatts for lignite coal. Anthracite-fired power stations are to be decommissioned via tendering procedures. Open-cast mining or coal-fired power plant employees are to receive bridging support if they are laid off and are at least 58 years old. Furthermore, the goal of covering 65 per cent of energy consumption with renewables is prescribed by law. But the law does not correspond to the resolutions of the so-called Coal Commission which Germany in 2018 commissioned to draw up a plan for the gradual reduction and cessation of coal-fired power generation in Germany and which submitted concrete proposals for growth and employment in the affected regions. Germany can only achieve the level of greenhouse gas neutrality required to end the climate crisis if the country phases out coal by 2030, a target the new government has set in the Coalition Agreement, adding, however, the reservation "ideally". As the experts of the Coal Commission have repeatedly assured, a coal phase-out by 2030 is feasible in terms of technological, structural policy, and energy industry aspects. With the European climate target for 2030, including a reduction of GHG by 55 per cent, coal-fired power has to end much earlier in Germany than the law prescribes. A reform of the coal phase-out law has to abide by the Paris Agreement and the necessary obligations for Germany.

**For further reading and discussion:**

→ <https://www.bund.net/kohle/kohle-ausstieg/kohleausstiegsgesetz/>

→ [https://www.dnr.de/fileadmin/Positionen/2021-DNR\\_Kernforderungen\\_zur\\_Bundestagswahl.pdf](https://www.dnr.de/fileadmin/Positionen/2021-DNR_Kernforderungen_zur_Bundestagswahl.pdf)

## § \_\_\_\_

**Law against energy poverty**

Years of increases in energy prices have resulted in low-income households having difficulty to pay their electricity bills or to sufficiently heat their homes. This leads to negative impacts on mental and physical health. Measures such as cutting off electricity supply by the energy provider are particularly problematic in this regard. Energy poverty is multifaceted and includes debt for private households, critical life situations, poor housing or income poverty. Especially for women, energy poverty is an economic, health, and social risk. Good cooperation between all players (job centres, social security offices, debt counselling, further social assistance by charity institutions, consumer centres, energy suppliers) is enormously important for timely support. But energy poverty is above all due to a lack of proper income and has to be addressed with a law against energy poverty. The state's social security systems ought to ensure that households are provided with the necessary financial means to pay electricity bills and heating costs. The different treatment of electricity and heating in the social security systems needs to be abolished. For low-income households, lowering the electricity price by reforming the levy and pay-as-you-go system can result in a significant reduction in their financial burden, as the share of energy costs in the total household income is higher than it is among households with a high level of income.

**Zum Weiterlesen und Weiterdiskutieren:**

→ <https://www.bundestag.de/resource/blob/676950/1a9832351ce7317239b355b5d46be766/sv-busoch-data.pdf>

## § \_\_\_\_

## Nuclear power phase-out law

In 2002, the “Law on an Orderly Phase-Out of the Use of Nuclear Energy for Commercial Generation of Energy” fundamentally changed a legal situation which had existed in Germany since 1959. The previous Atomic Energy Promotion Law was replaced by a new Atomic Energy Phase-out Law, according to which all 19 German nuclear power plants were to be shut down by around 2021. The construction of new commercial nuclear power stations

and reprocessing plants were no longer allowed. In September 2010, the Conservative-Liberal Government Coalition decreed a lifetime extension of nuclear power plants by eight to 14 years. Following the Fukushima reactor disaster on March 11 2011, the so-called nuclear moratorium led to a three-month suspension of the lifetime extension and to the decision to decommission the seven oldest German reactors. The government then decided to phase out nuclear energy after all. On June 30 2011, the German parliament passed the nuclear phase-out law with a large majority.

For further reading and discussion:

→ [https://www.bundestag.de/webarchiv/textarchiv/2012/38640342\\_kw16\\_kalender\\_atomaustieg-208324](https://www.bundestag.de/webarchiv/textarchiv/2012/38640342_kw16_kalender_atomaustieg-208324)

## § \_\_\_\_

## Amendment of the Renewable Energy Sources Law

In the interest of climate and environmental protection, the objective of the Renewable Energy Sources Law (EEG) is, according to § 1, to enable the sustainable development of energy supply, lowering the cost of power generation for the economy as a whole, taking into account a reduction of long-term external impacts, conserving fossil energy sources and promoting technologies to generate power using renewable energies. § 2 EEG introduces the principles of effectiveness (completeness and quality of the objective achievement), efficiency (a minimum effort to achieve the objective) and maintaining the diversity of actors underlying the law. What is needed now is an amendment of the EEG with improved targets for renewables raised to a Paris-compatible level. By 2035, power demand will have to be fully covered by renewables. This requires an annual increase in the expansion of renewables. Until 2030, there needs to be an annual expansion of renewables by at least 10 GW of photovoltaics and 7 GW of land-based wind energy. The further promotion of renewables also calls for the introduction of an obligation to install solar power equipment on all suitable roofs of new

buildings and renovated roofs, uncomplicated regulations for citizens’ private consumption as well as the exemption from tendering for solar plants below one megawatt and wind power plants below 18 megawatts. In addition, all obstacles to individual consumption of renewable energies, community-based consumption and the creation and direct consumption of energy in apartment buildings should be removed. Coordination between the German national and State governments needs a clear allocation of spaces for sustainable onshore expansion of wind power. For example with a wind-on-land law and an energy saving target of at least 40 per cent by 2030, as well as binding, sector-specific primary and final energy saving targets. In May 2022, the German government presented a promising proposal for an amendment of the EEG that envisages an increase in expansion rates to a level of 10 GW per year for wind energy and 22 GW per year for solar energy, which is currently being discussed in the German parliament. It remains to be seen whether the ambitious goals will be cast in binding law and how they can be reconciled with environmental concerns.

Zum Weiterlesen und Weiterdiskutieren:

→ [https://www.dnr.de/fileadmin/Positionen/2021-DNR\\_Kernforderungen\\_zur\\_Bundestagswahl.pdf](https://www.dnr.de/fileadmin/Positionen/2021-DNR_Kernforderungen_zur_Bundestagswahl.pdf) → <https://www.umweltbundesamt.de/themen/klima-energie/erneuerbare-energien/erneuerbare-energien-gesetz#erfolg>





SDG 8

# **Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all**

**A healthy and sustainable economy that respects both human rights and the environment is the foundation for prosperity in our society. SDG 8 aims to achieve sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all. →**

However, in many countries, economic growth and prosperity are still at the expense of natural resources and on the back of large parts of society. Despite the fact that the EU has been able to increase its resource productivity, i.e. the relation between economic activity and the consumption of material resources, over the past few years, it remains one of the world's largest resource consumers.<sup>37</sup> In addition, recent reductions in resource consumption are not entirely due to effective environmental policy implementation but are a result of the Covid-19 Pandemic's economic crisis.<sup>38</sup> The last five years have shown that material consumption in fact grew in conjunction with the economic growth in the EU.<sup>39</sup> While economic growth has helped to improve the general labour market situation in the EU, reducing the average unemployment rate to 6.2 per cent (as of March 2022), the situation in different member states varies greatly. Whereas unemployment rates are very low in countries like the Czech Republic, Germany, Poland and Malta, figuring around 3 per cent only, the situation especially in Spain and Greece is alarming.<sup>40</sup> Moreover, high employment rates in some countries should not conceal the increase in non-standard employment over the last few years. The European Pillar of Social Rights stipulates that everyone has

the right to an adequate wage in order to ensure a decent living standard. In Germany for example, one-fifth of all employees work in the low-wage sector (as of 2020) where wages are often not enough to live on.<sup>41</sup> Particularly affected by labour exploitation are vulnerable groups such as migrants and seasonal workers, as well as domestic care workers, and people working in agriculture, construction and postal services. Inadequate social security in these employment sectors has far-reaching social and health consequences and is in urgent need of reform. Minimum wages must take into account the actual cost of living in a country because only then can people actually be protected from poverty. Finally, people with a migration background or refugees should be given access to the labour market and receive "equal pay for equal work".

The use of the GDP as the sole indicator for measuring well-being has been criticised for a long time, and alternative indexes that take into account different or additional well-being indicators such as the Human Development Index, the Gross National Happiness Index or the Genuine Progress Indicator could provide a more realistic picture of people's life circumstances.<sup>42</sup>

## § \_\_\_\_

## Amending the Collective Bargaining Law

Collective labour agreements are the most important instrument to improve pay and working conditions. A number of measures are necessary to strengthen collective agreements – including further facilitation of their universal applicability to make them obligatory even for businesses not tied to a collective agreement in a certain sector. With the reform of the Collective Bargaining Law in 2014, it was to become easier to declare collective agreements applicable for an entire branch, but such universal applicability has not yet been achieved as this option is hardly ever used. Other constraints continue to exist after the reform such as the veto option for the employers' side in the bargaining committee. In addition, the term “paramount importance”, which is mentioned in § 5 of the law as a condition for the universal applicability of collective agreements, requires clarification in the law. In practice, the “paramount importance” of a collective labour agreement is defined via the obligation to pay in line with the quantitative stipulations the employees themselves have agreed to. By this means, the so-called 50-per-cent quorum abolished in 2014, according to which 50 per cent of the employees covered by the geographical, professional and personal scope of the collective agreement must be paid by tariff-bound employers, was reintroduced through the backdoor. A legal provision stipulating universal applicability, and a law that makes collective labour agreements compulsory for public contracts, financial support and government funding needs to be introduced. Membership in Employer's Federations ought to be linked to participation in collective labour agreements.

**For further reading and discussion:**

→ <https://www.dgb.de/themen/++co++66535a34-5cfc-11e9-8421-52540088cada>  
 → [https://www.boeckler.de/pdf/p\\_ta\\_elemente\\_87\\_2020.pdf](https://www.boeckler.de/pdf/p_ta_elemente_87_2020.pdf)

## § \_\_\_\_

## A reform of the Immigration Law for Skilled Professionals

In order to meet the rising demand for skilled labour in Germany and to offer people legal and safe migration options, the introduction of the 2020 Immigration Law for Skilled Professionals was an important step. Although the law does entail some positive changes such as the omission of the priority review (priority employment of EU citizens), the law does not exhaust all possibilities to actually end the lack of skilled labour and create simple access for foreign specialists. Major hurdles continue to exist, among them the recognition of vocational qualifications. The main criteria for entering the country needs to be a labour contract and not the recognition of a vocational qualification. The issue of how qualifications are treated which were acquired in practically performing professional activities for which no formal degree can be provided also remains unaddressed. Here too, the Immigration Law for Skilled Professionals needs to be amended. In recruiting skilled labour, Germany ought to be guided by international codices. For example, in the health sector, the codex issued by the WHO applies to the international recruitment of healthcare staff. It aims to protect local systems from brain-drain due to the migration of skilled staff. Beyond the Immigration Law for Skilled Professionals, options for legal immigration to Germany have to be expanded for non-qualified or low-qualified people. Generally, access to education, training and the labour market has to be provided.

**For further reading and discussion:**

→ <https://www.wir-sind-paritaet.de/wir-berichten/blog/fachkraefteeinwanderungsgesetz-grosse-huerden-bleiben>

## § \_\_\_\_

**Repeal fixed-term employment contracts without material reason**

The number of fixed-term contracts without material reason has more than tripled since 2001. Employment contracts may be limited up to two years without any objective reason given. Their share of all labour relationships has risen from 1.7 to 4.8 per cent. Young people are particularly affected. Not only do fixed terms create uncertainty regarding employment prospects, but they also frequently pay less than unlimited employment. Limiting employment terms without material reason has to be abolished. Limiting employment terms for material reasons needs to be restricted. The law governing fixed-term contracts in higher education and research has to be revised correspondingly.

**For further reading and discussion:**

→ ver.di – Zentrale Anforderungen an die Parteien zur Bundestagswahl 2021  
[https://www.boeckler.de/data/impuls\\_2020\\_05\\_S4-5.pdf](https://www.boeckler.de/data/impuls_2020_05_S4-5.pdf)

## § \_\_\_\_

**Binding Human Rights and Environmental Demands in Public Procurement**

Due to their enormous purchasing volume, public agencies have an effective lever to press for sustainable business and production practices. A law obliging public procurement to first and foremost consider human rights, environmental and social due diligence from a contract volume of 5,000 euros upwards for the entire value chain can provide a substantial contribution to improving working and living conditions in producing countries. Furthermore, such a law on sustainable public procurement needs to include the obligation to pay collectively bargained wages in Germany as a binding rule in any public contracts and it must set high environmental standards for products (an obligatory inclusion of life-cycle costs, maximum energy efficiency, etc.). Regarding sensitive product groups (at least, but not exclusively according to the 2020 risk survey of the German Ministry of Labor and Social Affairs (BMAS)), in supply chains with frequent human rights violations and forms of environmental destruction, companies have to demonstrate due diligence vis-à-vis the public procurement agency e.g. through consistent reports and the implementation of multi-stakeholder initiatives and sectoral business dialogues. These demands on due diligence ought to go beyond the Supply Chain Law that Germany adopted in 2021 and will enter into force on January 1 2023. Companies that have not observed due diligence have to be excluded from public procurement tendering procedures for an appropriate period of time. To enable procurers to effectively check this via a search in the competition register, the scope of application of the Supply Chain Law has to be extended to all companies with more than 250 employees as well as smaller enterprises in risky sec-

tors. Additional requirements such as documentation and disclosure obligations have to apply in the case of the major central contracting authorities of the national and State Government administrative bodies. This can contribute e.g. to tax money being spent on responsible and sustainable products and services in the spirit of the SDGs. The law also has to introduce control measures for the observance of social, ecological and collective labour agreement provisions. Along with the implementation of the law there needs to be concrete sustainability criteria, indicators and targets for public procurement and allocation of contracts by the German government and for investing special assets (e.g. pension funds). An advisory council such as the Advisory Council for Sustainable Finance and an independent committee of experts in sustainable procurement can provide the necessary expertise and act as a supervising body. This ought to be complemented by training at all responsible procurement authorities based on concrete requirements. An example for such a law can be found in Scotland, where the public procurement law has already been amended.

**For further reading and discussion:**

→ [https://www.bmz.de/de/zentrales\\_downloadarchiv/Presse/Leitfaden-Textilbeschaffung.pdf](https://www.bmz.de/de/zentrales_downloadarchiv/Presse/Leitfaden-Textilbeschaffung.pdf) → <https://www.bmas.de/DE/Service/Publikationen/Forschungsberichte/fb-543-achtung-von-menschenrechten-entlang-globaler-wertschoepfungsketten.html>  
→ [https://lieferkettengesetz.de/wp-content/uploads/2020/02/200527\\_lk\\_rechtsgutachten\\_webversion\\_ds.pdf](https://lieferkettengesetz.de/wp-content/uploads/2020/02/200527_lk_rechtsgutachten_webversion_ds.pdf)

## § \_\_\_\_

### **Introducing sustainable criteria for the provision of emergency aid and economic stimulus packages**

Emergency aid and economic stimulus programmes ought to promote businesses and organisations that provide added value for society and thus contribute to a resilient economy. In awarding emergency aid and economic stimulus packages, the legal framework must make respect for human rights a basic condition for businesses and suppliers to receive financial support. This should apply not only to enterprises with more than 500 staff and/or a turnover of 50 million euros but for all businesses bearing human rights risks in their value chains. The SDGs, the UN Guiding Principles on Business and Human Rights and the Paris Agreement must be the guiding principles for crisis aid. Only those enterprises which can provide proof of climate targets and transformation strategies for decarbonisation in line with the Paris Climate Goals or that are aligning their business model with the SDGs along clearly defined milestones, should receive government support. Business practices and products which clash with the implementation of the SDGs must not receive any government support. A binding sustainability auditing standard such as the Common Good Balance Sheet or the German Sustainability Codex can serve as a benchmark for such emergency aid. Social and environmental award criteria should be established with recourse to the so-called green taxonomy or green accounting.

**For further reading and discussion:**

→ <https://www.sdgwatcheurope.org/documents/2020/06/covid-19-statement-sdg-we-final.pdf/> → [https://www.dnr.de/fileadmin/Positionen/2020-05-DNR\\_Konjunkturpapier\\_Krisen-nachhaltig-ueberwinden\\_01.pdf](https://www.dnr.de/fileadmin/Positionen/2020-05-DNR_Konjunkturpapier_Krisen-nachhaltig-ueberwinden_01.pdf) → <https://fragdenstaat.de/aktionen/coronahilfen/>

## § \_\_\_\_

**Reforming the Antitrust Law**

Rather than preventing market concentration, the control of mergers introduced by the German Cartel Office in 1973 does in fact rather enable it. Social justice, human rights, environmental protection, consumer protection, and data protection ought to be on a par with the goal of free competition in antitrust law. In merger control, the pros and cons ought to be assessed with regard to the public interest. Vertical mergers, i.e. mergers across market levels, ought to be subject to more stringent merger control. Reformed antitrust law must also create transparency regarding market power, property and business structures, linkages, supply chains, and patents. The Cartel Office ought to be complemented by an arbitration office that can investigate and record anonymously submitted cases of abuse, penalise them and, where appropriate, impose sanctions or forward the cases to the Cartel Office. This office ought to be explicitly dedicated to the concerns of farmers, consumers, and suppliers. An antitrust law reform would also create a level playing field for SMEs vis-à-vis transnational corporations. Among other things, a reform of antitrust law has to provide framework conditions for the digital economy, including the restriction of the power of large tech companies, thereby strengthening the interests of users and enabling the development of alternative business

models such as platform cooperatives. In some OECD member states, such as the United Kingdom and the USA, such an antitrust law de-merger instrument already exists. Here, the USA boasts the longest and most far-reaching experience with demerging enterprises. The legal basis for US American demerging procedures is the Sherman Antitrust Law of 1890. While the Sherman Antitrust Law contains no explicit regulation of demerging, it does provide for a general ban on monopolies. In particular, it outlaws trade monopolisation, the attempt to monopolise, and the co-acting of several parties for this purpose. A reform of the antitrust law must address any action with a negative impact on competition.

Zum Weiterlesen und Weiterdiskutieren:

→ <https://www.bundestag.de/resource/blob/476052/6ef8abdc8180f5ad42c29f31c3b4895d/wd-7-131-16-pdf-data.pdf> → [https://www.aktion-agrar.de/wp-content/uploads/2018/01/Plattformpapier\\_Konzernmacht\\_beschaenken.pdf](https://www.aktion-agrar.de/wp-content/uploads/2018/01/Plattformpapier_Konzernmacht_beschaenken.pdf) → <https://www.unternehmensgruen.org/blog/2017/11/03/fusionen-stoppen-kartelle-vermeiden-konzernmacht-begrenzen/> → <https://www.unternehmensgruen.org/blog/2020/01/21/gwb-digitalisierungsgesetz-ungezaehmte-internetgiganten/>

## § \_\_\_\_

## **Creating a Sustainability Fund for the use of Dormant Assets**

Dormant assets are those assets for which financial service providers have lost touch with the owner, for example because they might have died and their heirs are unaware of the existence of these assets. The total value of dormant bank accounts in Germany ranges from two to nine billion euros. A mere five per cent of the overall volume of dormant bank accounts is claimed by the claimant, while the rest is typically deleted from the account after 30 years and claimed as extraordinary gains by the banks. Except for Germany, all G7 countries have legal regulations governing the handling of dormant assets. With the creation of a sustainability fund or a social impact fund with a wide range of options for the use of the funds, such money could be spent for social, cultural and societal purposes, as is the case in other countries (e.g. Switzerland, the United Kingdom, Japan). The gains and assets in the social impact fund would be used in accordance with the decisions taken by the legislator, and on the basis of the investment directives of a political advisory council.

**For further reading and discussion:**

→ [https://www.send-ev.de/wp-content/uploads/2021/03/2\\_Auflage\\_Nachrichtenlose\\_Assets.pdf](https://www.send-ev.de/wp-content/uploads/2021/03/2_Auflage_Nachrichtenlose_Assets.pdf)

§ \_\_\_\_

## **Restructuring the pension fund to meet sustainable investment criteria in the State of Baden-Württemberg**

Since July 2018, the share portfolio of the special assets to support the financing of future pensions in the State of Baden-Württemberg have met the sustainability criteria 100 per cent. Since 2017, exclusion criteria have been in force to supplement the investment guidelines adopted by an advisory council.

**For further reading and discussion:**

→ <https://www.baden-wuerttemberg.de/de/service/presse/pressemitteilung/pid/anlage-des-pensionsvermoegens-des-landes-auf-nachhaltige-kriterien-umgestellt-1/> → [https://fm.baden-wuerttemberg.de/fileadmin/redaktion/m-fm/intern/Dateien\\_Downloads/Vermoeegen\\_Hochbau/%C3%9Cberblick\\_zu\\_den\\_Ausschlusskriterien\\_f%C3%BCr\\_die\\_Anlage\\_der\\_Versorgungs%C3%BCcklage.pdf](https://fm.baden-wuerttemberg.de/fileadmin/redaktion/m-fm/intern/Dateien_Downloads/Vermoeegen_Hochbau/%C3%9Cberblick_zu_den_Ausschlusskriterien_f%C3%BCr_die_Anlage_der_Versorgungs%C3%BCcklage.pdf)

§ \_\_\_\_

## **A flexibility bonus for subcontracted employment in France**

In France, there is the principle of general equal treatment according to which short-term employed people have to be treated equally to core employees regarding working and remuneration conditions. Although the use of temporary workers is limited to a maximum of 18 months, as in Germany, in France this limitation cannot be lifted by collective bargaining. Subcontracted labour is not possible in France as the equal pay principle cannot be circumvented there. In addition, subcontracted employees in France are entitled to “compensation for insecure employment” amounting to ten per cent of the total wage and the use of subcontracted employees as strikebreakers in the event of an industrial dispute is not permitted in France. Compensation for insecure employment and the equal pay principle should also be used in Germany in order to recognise the flexibility of the subcontracted employees and put them on a par with core employees. What should not be reproduced is the fact that in France subcontracted employees are only employed for the period of the respective work assignment and subsequently become unemployed.

**For further reading and discussion:**

→ <https://www.boeckler.de/de/boeckler-impuls-leiharbeit-nachbarn-regulieren-besser-8790.htm>  
→ <https://www.legifrance.gouv.fr/codes/id/LEGITEXT000006072050/>

## § \_\_\_\_

### **Cooperatives Law**

The Cooperatives Law (GenG) entered into force on October 1 1889 and is regarded as a pioneering law in social entrepreneurship. The plight agriculture was facing in the middle of the 19th century (over-indebtedness, extortionate rates of interest, foreclosures) allowed the notion of cooperatives to mature which were initially above all guided by the principle of self-help. Cooperatives pursue the goal of promoting the income and business activities of their members through joint operation. While the members remain self-employed as farmers, traders, artisans, or private persons, they enter an association in order to benefit from services provided by a jointly run enterprise. For example, activities such as purchasing, storing, machine maintenance, processing and sales are performed together. Examples include retailer cooperatives (e.g. Edeka), sales cooperatives (e.g. winegrowers' cooperatives), credit associations, housing cooperatives, and credit cooperatives. Following the amendment which entered into force in August 2006, cooperatives may also pursue social or cultural goals, which means that social and cultural cooperatives may benefit from the legal form of a registered cooperative as well.

**For further reading and discussion:**

→ <https://www.bpb.de/nachschlagen/lexika/lexikon-der-wirtschaft/19476/genossenschaft>





SDG 9

# **Build resilient infra- structure, promote in- clusive and sustainable industrialization and foster innovation**

**SDG 9 aims to build resilient infrastructure, promote broad-based and sustainable industrialisation and support innovation. A prerequisite for a successful economy is a functioning infrastructure. An intelligent and sustainable design, better use, and needs-based expansion are decisive factors for a reliable infrastructure that is accessible to all.**



It is interesting to look at the implementation of sustainable digitalization, including data protection, education, resource protection, consumer protection, the regulation of digital corporations, and the equitable expansion of digital infrastructure. Epochal changes in telecommunications have fundamentally changed our information and communication behaviour. To ensure equitable participation, digital networks must be understood as a free, publicly accessible, and non-commercial infrastructure owned by the community, in which the transmission of data is independent of content, sender, and recipient. Equal internet access for everyone worldwide is still in the distant future. In 2019, only 19 per cent of people in the least-developed countries were online, as compared to 86.6 per cent in developed countries.<sup>43</sup> Such disparities also exist at a more regional level. Under the Digital Agenda, presented by the European Commission in 2021, every EU citizen should have access to the internet, digital skills, and digital public services. Yet, access to high-performance internet is still very unevenly distributed across the EU. For example, fewer than one in five students in the EU has access to high-speed internet above 100 mbps at school.<sup>44</sup> Especially individuals and SMEs in rural

areas often face difficulties in accessing high-speed internet. A political priority is urgently needed here, to ensure access to high-speed internet everywhere and for everyone .

In addition to technical innovations, social innovations are also central to finding solutions for systemic, overall societal challenges. Innovations are the key to an ecological and social transformation of the economy. We, therefore, need creative and motivated entrepreneurs. In the EU, the number of self-employed has continued to grow and there are now around 19.2 million self-employed people.<sup>45</sup> However, the social risk of becoming self-employed is still very high, especially in the initial phase. In addition to the costs of social security, bureaucratic hurdles make setting up a business long and costly. Funding programmes should not only focus on economic issues, but should also be usable for social and ecological innovations.

## § \_\_\_\_

## Strengthening effective compensation in the German Nature Compensation Law and the German Decree on Compensation Measures

According to § 15 of the German Nature Conservation Law (BNatSchG), impacts of terrestrial and marine infrastructure projects have to be compensated for. However, in practice, often takes the form of financial payments only, rather than genuine compensation and replacement measures. It ought to be considered whether the BNatSchG should be tightened in favour of genuine compensation measures by limiting the possibility of compensation payments to narrowly defined exceptions (e.g. impacts on landscape scenery). The German Decree on Compensation Measures (BKompV), which governs compensations under national responsibility, is also of relevance in this context. The BKompV severely restricts entitlement to compensation in § 4 para. 3, according to which only such impacts are to be considered that entail “a considerable impairment of particular severity”. This high threshold is not plausible and does not appear to be in harmony with the requirements of § 15 BNatSchG, either. Paragraph 3 ought to be deleted without substitution. Compensation obligations are further restricted by § 9 para. 2 no. 2 BKompV, according to which no compensation is required if the intervention results in “the emergence or development of biotopes of greater value within five years”. This provision ought to be deleted without substitutions, since it bears the risk that, for example, artificial reef structures (on foundations, pipelines, etc.) can be regarded as having a greater value. Furthermore, § 15 privileges offshore wind parks (OWP) in that their impacts are already treated as compensated for because fisheries are not allowed in an OWP. Given

the massive expansion of offshore wind energy by five times today’s volume, as provided for by the Development and Promotion of Offshore Wind Energy Law (WindSeeG), interventions below the “threshold of particular severity” are accumulating, especially for resting and migratory birds and marine mammals, whose habitats are being disturbed by underwater noise and whose migratory routes are increasingly being lost. § 15 BKompV para. 1 no. 1 and no. 2 ought to be deleted. In light of the fact that the targets of the Council Directive on the conservation of natural habitats and of wild fauna and flora as well as those of the Marine Strategy Framework Directive (MSFD) were missed, a paradigm shift ought to be introduced in the long term whereupon interventions are not only compensated but overcompensated by a certain factor. The developer needs to be responsible for complete effective compensation, overcompensation would be up to the German national or State governments. In order to legally establish overcompensation, § 15 BNatSchG and BKompV would have to be amended accordingly.

**For further reading and discussion:**

→ <https://www.nabu.de/imperia/md/content/nabude/naturschutz/161219-nabu-stellungnahme-novellierung-bundesnaturschutzgesetz.pdf>

## § \_\_\_\_

**A moratorium on the construction of new airports**

Sealing of land and soil due to transport infrastructure is a serious problem in Germany. In addition to the constant expansion of the road network, the construction of new airports is leading to the loss of important soil functions. Furthermore, the impact air transport has on the climate is enormous, and no other form of mobility consumes as much energy as flying. Surveys put the overall climate impact of air transport at 4.9 per cent –

despite the fact that air transport is available to only a small share of the global population. Ninety per cent of the worldwide population has never set foot in an airplane. In order to restrict air transport, one initial step would be a moratorium on the construction and extension of airports in Germany, including economic and industrial development projects promoting growth in air transport, such as "Aerotropolis" projects (airport cities) and special economic zones (SEZs). As compensation, the needs of those who would be isolated without access to air transport have to be given special consideration, and environmentally friendly public transport systems must be provided.

For further reading and discussion:

→ <https://stay-grounded.org/position-paper/position-paper-de/>



## § \_\_\_\_

**Right to high-speed Internet**

In Germany, everyone is entitled to an Internet connection. However, only the speed of the modem is prescribed, i.e. less than 1 Mbit/s. According to the Coalition Agreement of the previous government, as of 2025, there will be a legal right to fast Internet. Everyone in Germany would thus be guaranteed equal participation in the digital world by law. There have been some positive developments following the adoption of the Telecommunications Law (TKMoG) amendment in April 2021. In the future, consumers with too narrow a bandwidth have the right to reduce the price and a special termination right. If the telephone and Internet connection fails altogether, consumers receive compensation should the provider be unable to solve the problem within two days' time. However, the implementation of the right to fast Internet is disappointing. According to the "European Electronic Communications Code", adequate basic broadband access has to be provided at the national level. But the TKMoG amendment only includes the absolute minimum level of the regulations and offers consumers no major added value. Thus the actual implementation of adequate across-the-board broadband provision of a basic network is postponed further and further. This has to be dealt with correspondingly as soon as possible.

**For further reading and discussion:**

→ <https://www.vzbv.de/pressemitteilungen/verbessertes-verbraucher-schutz-im-telekommunikationsmarkt>

## § \_\_\_\_

**Transparency of Research Results from Public-Funded Research**

Each year, the German government funds research and development with around 3.2 per cent of the Gross Domestic Product. In 2019, this amounted to an estimated 109.54 billion euros, 34 billion euros of which was allocated to higher education institutions and extra-university research institutions. As yet, however, research results provided by public-funded research do not have to be disclosed to the public. Products such as medicaments, technologies, or methods developed through public funding, therefore, remain with the respective institutions or corporations. Profits gained from them are privatised. But public-funded research and its results ought to be used in a manner guaranteeing an optimum benefit for society as a whole. Results and publications chiefly funded with public money must therefore also be accessible to the public. As a result, promising but less profitable research may also be funded. The disclosure of research results from research mainly funded with public money has to be compulsory.

**For further reading and discussion:**

→ <https://netzpolitik.org/2012/freier-zugang-zu-staatlich-finanzierter-wissenschaft-das-ungewoehnliche-geschäftsmodell-des-wissenschaftlichen-publizierens/> → [https://www.destatis.de/DE/Presse/Pressemitteilungen/2021/02/PD21\\_079\\_217.html](https://www.destatis.de/DE/Presse/Pressemitteilungen/2021/02/PD21_079_217.html)



REGUGEEES  
WELCOME



SDG 10

# Reduce inequality within and among countries

**Income, educational opportunities and general chances for a self-determined life in peace are very unequally distributed both within and between countries. Creating equal opportunities for every individual is therefore the central target of SDG 10. In order to reduce inequalities within countries, the promotion of equal educational opportunities, the right to political co-determination, and thus democratic participation for all, as well as a more equitable distribution of wealth are indispensable. In all these areas, Germany as well as most other industrialised countries still needs to make improvements.**



This is the case, for example, with the political participation of people without national citizenship. The right to (at least) vote in local elections is rarely offered to migrants in the EU. In 13 of the 27 member states migrants from non-EU countries do not have any opportunities to actively shape politics through elections.<sup>46</sup> However, SDG 10 clearly calls for empowerment regardless of economic or other status and the promotion of social, economic, and political inclusion.

Additionally, one of the biggest inequality factors worldwide is the extremely unequal distribution of income and wealth within and between countries. Within the EU, for example, the income share of the richest 20 per cent of the population is almost five times as much as that of the poorest 20 per cent (as of 2020). Germany ranks in the middle of OECD countries in terms of income inequality, but disparities within German society are still significant.<sup>47</sup> There are also significant differences in wages and wealth between countries which can be measured in particular along the north to south axis and from west to east. Among the eurozone countries, the real GDP per capita in 2021 was 9 380 euros in Romania and 86 550 euros in Luxembourg.<sup>48</sup> This is quite worrying, as it has

been proven that wealth and income inequality endanger social cohesion.

SDG 10 also includes facilitating orderly, safe, regular and responsible migration. Here, a trend in the opposite direction is evident across Europe, with the migration of people, especially those seeking protection, becoming massively more difficult. The EU and states throughout Europe resort to isolation measures to evade their responsibility, and many countries are not fulfilling their commitment to the UN migration pact. A glimmer of hope: In Germany, countless cities and municipalities want to take in more refugees than they are allocated by the state. They show: You are welcome here! But until now, they have not been allowed to put this into practice in a self-determined manner, because ultimately it is always the nation states that decide on the admission of refugees.

## § \_\_\_\_

## Amendment of the General Law on Nondiscrimination

The General Law on Nondiscrimination (AGG) is central for the implementation of four European anti-discrimination directives adopted in 2000. With the law entering into force in 2006, the German legal system for the first time in history comprehensively provided protection against discrimination by private actors (e.g. employers, landlords, providers of goods and services) for racist reasons or because of ethnic origin, sex, religion or ideology, a disability, age or sexual identity. Since its last revision in 2012, many associations have been advocating for an amendment to the law. This includes reforms to correctly implement the EU Equal Treatment Directive, more precise wording and clarification of the current legal situation as well as ensuring effective legal protection against discrimination. In particular, anti-discrimination associations have to be granted a genuine right to class action suits as well as the possibility to assert claims of affected persons by way of litigation. Wordings such as in § 2 para. 4 AGG, which exempts dismissals from the AGG, have to be deleted. Neither does the exception provision for churches and religious communities, as dealt with in § 9 AGG, correspond to the regulations. Certain areas of state activities, such as the school system or the police and administration, are not affected by the AGG since they fall under the jurisdiction of the Federal States. In order to bridge this regulation gap, the States ought to adopt State anti-discrimination laws of their own, e.g. following the example of the City State of Berlin. In order to ensure that the German Anti-Discrimination Agency can work effectively, it also ought to be independent from the Ministry.

**For further reading and discussion:**

→ [https://www.bug-ev.org/fileadmin/user\\_upload/AGG\\_Novellierung.pdf](https://www.bug-ev.org/fileadmin/user_upload/AGG_Novellierung.pdf)  
 → [https://www.antidiskriminierungsstelle.de/SharedDocs/downloads/DE/publikationen/Handbuch\\_Diskriminierungsschutz/Vorleseversion.html](https://www.antidiskriminierungsstelle.de/SharedDocs/downloads/DE/publikationen/Handbuch_Diskriminierungsschutz/Vorleseversion.html)  
 → [https://www.antidiskriminierungsstelle.de/SharedDocs/downloads/DE/publikationen/AGG/agg\\_evaluation.html](https://www.antidiskriminierungsstelle.de/SharedDocs/downloads/DE/publikationen/AGG/agg_evaluation.html)

## § \_\_\_\_

## Enabling safe havens for refugees at municipal level

The municipalities (cities and communities) have a dual position in the federally organised Republic of Germany: on the one hand, they have a right of municipal self-determination and, on the other hand, they are part of the administrative structure of the States. Voluntary reception of refugees by municipalities, which would go beyond distribution according to national quota, could be performed via both these roles. Drawing up a new law allowing municipalities to independently receive refugees would directly strengthen the municipalities' right to self-determination. This could boost the protection of refugees while simultaneously enhancing the country's democratic and federal structure. The German constitution does not contain any exclusive powers of the national government regarding the reception of persons seeking protection.

**For further reading and discussion:**

→ [https://fluechtlingsrat-berlin.de/wp-content/uploads/heuser\\_aufnahme.pdf](https://fluechtlingsrat-berlin.de/wp-content/uploads/heuser_aufnahme.pdf)

## § \_\_\_\_

## A general right for non-citizens to vote in municipal elections

The German constitution generally rules out non-citizens from taking part in elections, both at national, State and local government level. An exception is only made for EU citizens. This especially affects immigrant groups. Only six of 335 Lord or Lady Mayors in Germany have a migrant background. This is less than two per cent - and not one of them is a woman. Fair participation requires comprehensive inclusion of non-citizens and people with a migrant background in parties and structures. A general right for non-citizens to vote in municipal elections which is not restricted to the European Union is therefore necessary.

For further reading and discussion:

→ <https://www.der-paritaetische.de/schwerpunkt/migration/forum-der-migrantinnen-und-migranten/wahlpruefsteine-2017/kommunales-wahlrecht-fuer-nicht-eu-buerger-einfuehren/>

## § \_\_\_\_

## Introducing citizens' councils to support parliamentary representative democracy

In 2021, the “Bürgerrat Demokratie” (democracy citizens' council), consisting of 160 citizens picked randomly from the register of residents, presented 22 concrete demands to the former president of the German parliament Wolfgang Schäuble. They contained the proposal to supplement parliamentary democracy with citizens' participation and direct-democratic voting. This can be achieved by a combination of citizens' councillors chosen by drawing lots and nationwide referenda. For this purpose,

an independent administrative department for citizens' participation and direct democracy ought to be created.

Zum Weiterlesen und Weiterdiskutieren:

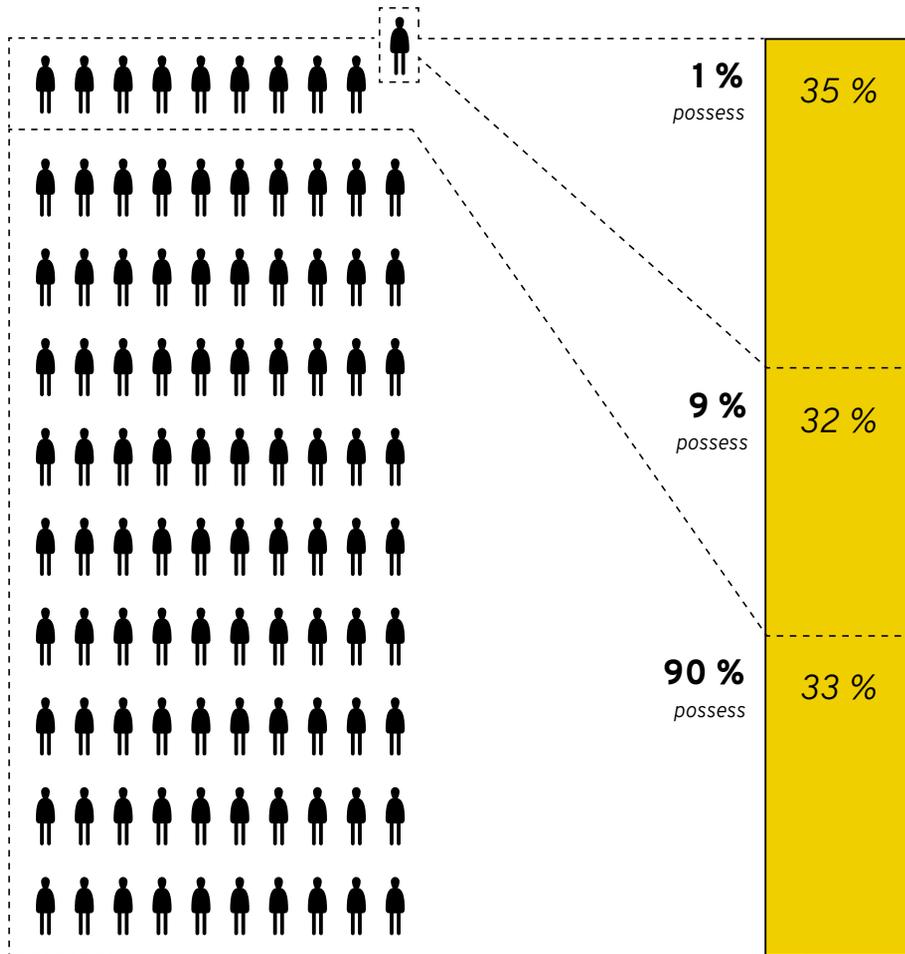
→ <https://www.buergerrat.de/aktuelles/umfrage-bestaetigt-mehr-beteiligung-und-direkte-demokratie-helfen-gegen-politikverdrossenheit/>

## § \_\_\_\_

## Reintroducing a tax on assets and reforming the inheritance and gift tax

The high level of social inequality is among other things due to the declining progressivity of the German tax system. For decades, assets and top incomes have enjoyed an increasingly favourable treatment. This ought to be countered through a reintroduction of a tax on assets and a reform of the inheritance and gift tax. Generous allowances and progressive tax rates ought to ensure that tax on assets exclusively affects major assets – and e.g. leaves people's homes of their own untouched. The inheritance tax was already revised in 2016, although without addressing the far too generous exceptions for business assets. These exceptions, therefore, have to be abolished, and a lifelong inheritance allowance has to be introduced which is not renewed every ten years. In addition, should the debt brake once again apply, enough tax revenue could be generated via a levy on assets

### Net assets in Germany



1% of adults in Germany

Total net assets

for the richest one per cent of the population to enable the state to repay debts without cuts in social spending. Finally, income tax should also be adjusted. In combination with higher personal exemption levels for all income taxpayers, higher top income tax rates can raise progressivity and relieve small incomes. Via such a tax reform, German politicians can effectively and swiftly reduce income and wealth inequality which is central for equal participation and opportunities.

**For further reading and discussion:**

→ [https://www.netzwerk-steuergerechtigkeit.de/wp-content/uploads/2020/12/NSG\\_InfoSteuergerechtigkeit-Nr19\\_WEB.pdf](https://www.netzwerk-steuergerechtigkeit.de/wp-content/uploads/2020/12/NSG_InfoSteuergerechtigkeit-Nr19_WEB.pdf)

## § \_\_\_\_\_

### **Introducing a Democracy Promotion Law**

The government has the duty to protect and promote democracy. In accordance with the German subsidiarity principle, the government largely entrusts civil society organisations with promoting democracy and preventing extremism. For years, political and civil society actors have been pointing to structural problems in the funding structures of public programmes. Often, civil society organisations and programmes cannot plan or work long-term as there is a lack of institutional support and successful projects have to constantly reorient or suspend their activities. This regularly leads to a loss of expertise, which then has to be developed anew. In recent years, the German Court of Audit has repeatedly warned that it is not possible to provide consistent funding on the current legal basis. Thus, first and foremost, the German government itself is called upon to take sustainable and strategic measures to prevent extremism and promote democracy, to combat anti-Semitism and racism, and to empower those affected and minorities. This fulfils

key characteristics of public welfare, for which, in accordance with Article 74 para. 1 no. 7 of the German constitution, the German government bears legislative powers. A Democracy Promotion Law provides the legal basis for long-term civil society engagement and provides the opportunity to derive and consolidate a sound, long-term and regionally adapted strategy from past experience and the evaluation of previous projects. Civil society actors have to be systematically included in developing the details of a Democracy Promotion Law and in designing and evaluating programmes. Funding for extremism prevention and democracy projects has to be secured with a budget of its own. Although the Democracy Promotion Law was referred to as a key measure in the previous government's plan to combat right-wing extremism, it ultimately failed to reach an agreement on a corresponding law in June 2021. In early 2022, the German Ministry for Family Affairs, Senior Citizens, Women and Youth (BMFSFJ) launched a participation process for civil society to draft a Democracy Promotion Law, thus putting the topic back on the agenda.

**For further reading and discussion:**

→ <https://www.amadeu-antonio-stiftung.de/stellungnahme-zum-vorhaben-eines-demokratiefoerdergesetzes-63699/>

§ \_\_\_\_

## **Abolition of income splitting for married couples in Austria, the United Kingdom, Sweden, the Netherlands and Spain**

With the income splitting for married couples (“Ehegattensplitting”) the German government creates incentives for married women to stay out of the labour market or to only work to a small extent as long as they are married. This is due to the fact that tax benefits arise if spouses combine their income and pay equal taxes. Thus tax benefits arise if one partner earns significantly more than the other. Since, on average, men earn more than women, the latter tend to take up minor employment or to be completely absent from the labour market. In turn, this has a negative impact in the case of a divorce and on pensions. Furthermore, single or unmarried parents enjoy significantly lower tax reliefs than married couples with or without children. In Austria, the United Kingdom, Sweden, the Netherlands and Spain, income splitting for married couples has been abolished in favour of an individual tax, while France and Portugal have introduced family tax benefits.

**For further reading and discussion:** → <https://www.boeckler.de/de/boeckler-impuls-ehegattensplitting-verletzt-gleichheitsgebot-9482.htm>  
→ <https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10004570> → <https://www.legifrance.gouv.fr/codes/id/LEGITEXT000006069577/>

§ \_\_\_\_

## **Cumulative voting and vote-splitting in Bavaria**

In the traditional electoral system, voters have one vote, which they can give to the party of their choice. Parties have the right to appoint candidates and present them in a certain order which voters cannot influence. The order which the party has determined for its list of candidates determines who will enter parliament after the elections. However, in local elections in most German States, voters have several votes and can split them among various parties or support certain candidates by giving them several votes. Parties then still hold the right to decide who they want to nominate, but the voters can change the order in the list. This voting system, called cumulative voting and vote-splitting, is by no means a method which is exclusively suitable for local elections. In the Bavarian State parliament elections, citizens have the option to change the order of the list via a vote of preference. Among the European countries with a system of proportional representation, only Spain, Portugal and Germany have the system of rigid lists for their national parliaments. Not only can cumulative voting and vote-splitting result in the increased democratic influence of voters, but it can also give those candidates particular chances who are engaged in citizens' action groups or are participating in local government bodies. A more diversified composition of parliaments can be achieved.

**For further reading and discussion:** → <https://www.mehr-demokratie.de/fileadmin/pdf/du25-kumulieren-panaschieren.pdf>  
→ <https://www.gesetze-bayern.de/Content/Document/BayLWO>

§ \_\_\_\_

## Anti-vulture fund legislation in the United Kingdom and Belgium

Non-viable debt is one of the biggest problems poorer countries worldwide are facing. So far, debt relief for countries with large budgetary deficits has not been dealt with according to an international set of regulations. Decisions are taken case by case, and usually according to the rules of the creditors, such as banks and funds, among the latter the International Monetary Fund (IMF). Negotiations are not subject to any independent body. In 2016, Belgium adopted an anti-vulture fund law which above all prevents vulture funds from using the legal system to skim off more money than they paid for the bonds on the capital market. This makes the business model unattractive. The United Kingdom has adopted a law limiting payments awarded by UK courts to the amounts the plaintiff creditor would have received if he had participated in multilateral debt restructuring. Similar legislation for Germany has already been discussed by the German parliament in 2016, but no agreement was reached. The European Parliament also called on the Member States in 2018 to adopt a directive similar to the Belgian law to combat vulture funds speculating with debt.

For further reading and discussion:

→ <https://erlassjahr.de/news/debatte-um-anti-geier-gesetz-im-bundestag/> → [https://www.europarl.europa.eu/doceo/document/TA-8-2018-0104\\_DE.pdf?redirect](https://www.europarl.europa.eu/doceo/document/TA-8-2018-0104_DE.pdf?redirect) → <https://www.legislation.gov.uk/ukpga/2010/22> → [https://www.etaamb.be/fr/loi-du-12-juillet-2015\\_n2015003318.html](https://www.etaamb.be/fr/loi-du-12-juillet-2015_n2015003318.html)

### BLICK IN DIE GESCHICHTE

§ \_\_\_\_

## Women's suffrage

Nowadays, the right for women to vote is a matter of course in Germany, but it would have been almost inconceivable at the beginning of the twentieth century and was only achieved through decades of struggles by women and women's movements. In 1919, universal suffrage was finally implemented for the first time in Germany.

For further reading and discussion:

→ <https://www.100-jahre-frauenwahlrecht.de/jubilaem/100-jahre-frauenwahlrecht-geschichte/>

## § \_\_\_\_

**Same-sex Marriage**

The law on the introduction of the right to marry for persons of the same sex was adopted in 2017. This was a rather noteworthy decision, not only because of its implications for many people and couples in Germany, but also on account of the unusual way in which it came about. Before the elections in 2017, Bündnis 90/Die Grünen, the FDP and the SPD had made same-sex marriage conditional for forming a possible coalition after elections and by this appealing to a large group of voters. The former Chancellor Angela Merkel thereupon countered by deciding to open up the decision on marriage for all as a “moral decision” releasing members of her own faction CDU/CSU of sticking to the party line. A free vote was taken, and in the German parliament’s final session before the elections, in June 2017, a legislative proposal was put on the agenda. 393 MPs voted in favour of the law, 226 against it, and 4 abstained. In July 2017, the German Council approved that the law passed by the German parliament be adopted.

**For further reading and discussion:**

→ [https://de.wikipedia.org/wiki/Gleichgeschlechtliche\\_Ehe#Deutschland](https://de.wikipedia.org/wiki/Gleichgeschlechtliche_Ehe#Deutschland)

→ <https://www.lsvd.de/de/ct/431-Geschichte-der-Ehe-fuer-Alle-30-Jahre-Kampf-fuer-Gleichstellung> § \_\_\_\_

## § \_\_\_\_

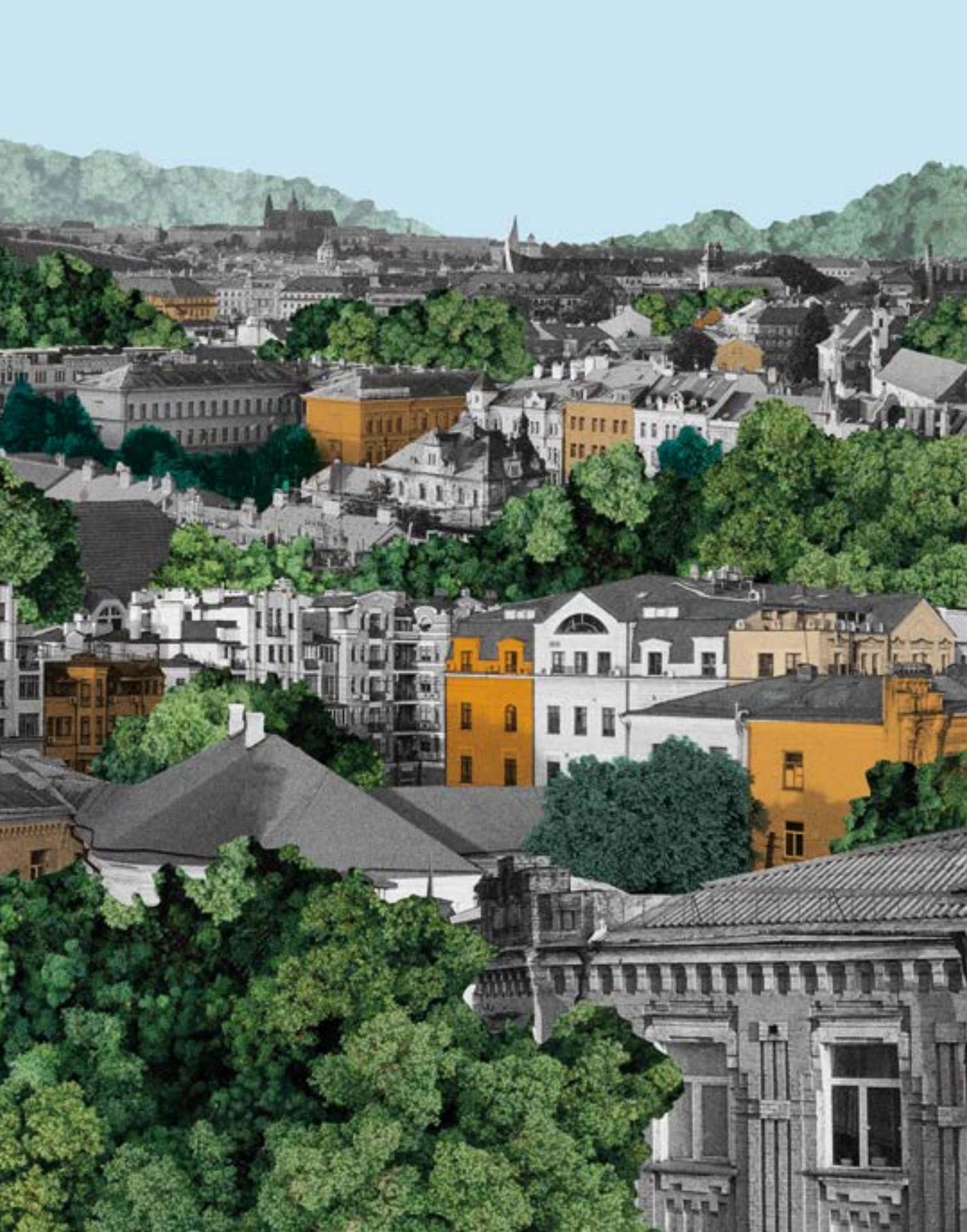
**National Participation Law**

The National Participation Law (BTHG) was adopted in late 2016. This law is meant to improve the living conditions of people with disabilities and implement the UN Convention on the Rights of Persons with Disabilities, which has already been legally binding for Germany since 2009. The law promised to move away from the previous “welfare” system towards a “modern participation law”. It is intended to support the independence of people with disabilities in all areas of life. In 2020, further important amendments to this law entered into force. However, civil society is calling for further improvements in existing legislation, since it still only partly meets the requirements of the UN Convention on the Rights of Persons with Disabilities. The latter’s human rights-based approach has to be consistently reflected in BTHG benefits regulations regarding advice, needs assessment, rendering of services and financing of participation services. The BTHG has to be improved in these areas.

**For further reading and discussion:**

→ <https://www.teilhabeGesetz.org/> → <https://www.diakonie.de/wissen-kompakt/bundesteilhabegesetz-bthg>

→ <http://www.der-paritaetische.de/schwerpunkt/bundesteilhabegesetz/>





SDG 11

# Make cities inclusive, safe, resilient and sustainable

Numerous forecasts predict that by 2050 at the latest, more than two-thirds of the world's population will live in cities.<sup>49</sup> Therefore, the relevance of SDG 11 cannot be overemphasised, as it calls for more sustainable and inclusive cities and communities. Central to this is the inclusion of the needs of both urban and rural populations, especially vulnerable groups. This includes, among other things, making cities resilient to climate change through urban development. →

In 2020, almost 75 per cent of the EU population lived in cities, with the urbanisation level reaching over 90 per cent in Malta and the Benelux states.<sup>50</sup> As a result, the pressure on the housing situation and the housing market is increasing in many large European cities. Low supply coupled with high demand causes rents and house prices to rise. Between 2010 and 2020, rents in the EU have increased by 14 per cent, house prices by even 26 per cent.<sup>51</sup> Especially people with low incomes suffer from rising prices and often have to spend far more than the recommended 30 per cent of their income on their housing. As a result, low-income earners are increasingly being pushed out of city centres, which also cuts them off from urban infrastructure and cultural participation. Accordingly, one of the biggest challenges in the coming years is to create affordable housing so that people of all income brackets can live in the city.

In order to keep cities liveable and climate-friendly, the expansion of local public transport, as well as bicycle and pedestrian infrastructure, must be further promoted. Many cities in Europe and around the world are showing the way. In the Copenhagen Index, which measures the bicycle-friendliness of cities, Copenhagen, Amsterdam, and Utrecht top the table. Globally, Bogotá, Tapei, and Montreal perform particular-

ly well.<sup>52</sup> In these cities, fewer cars lead to a better climate, less air pollution, more safety in traffic, and more green spaces. As a matter of principle, the mobility needs of a person are shaped by the respective life situation and the corresponding everyday requirements. This must be taken into account when developing urban infrastructure. In particular, unrestricted access to public transport and public facilities for persons with disabilities must be ensured. Moreover, due to the distribution of roles in society today, the requirements differ for women and men; women, for example, often try to combine a variety of tasks on the same route. Sustainable mobility planning and policies take into account the creation of equal mobility opportunities for all and thus enable equal participation in public life. One of the greatest challenges in urban development is to include the outskirts and rural areas and to make these regions attractive locations for people and businesses. If rural regions are well connected to cities and access to education, mobility and culture is made possible, a migration of the rural population to the cities can be counteracted. This also eases the housing situation in cities.

## § \_\_\_\_

**Accessibility in public spaces**

The accessibility of buildings and outdoor public spaces as well as the personal mobility of people with disabilities are preconditions for self-determined and equal participation in society. This includes e.g. barrier-free local public transport, long-distance transport, local passenger transport services as well as a comprehensive barrier-free design of public spaces in the field of culture and in recreation, leisure time and sport. The mobility of people with disabilities has to be publicly supported. This applies not only to the job environment but also to participation in society. Both the public area and means of transport have to be comprehensively restructured to make them barrier-free. Private legal entities providing facilities and services to the public must be legally obligated to ensure accessibility. The development and operation of local passenger transport services (in rural areas) have to be publicly sponsored. One example of such a law can be found in Austria. Its Law on the Equality of Persons with Disabilities, adopted in 2006, provides for a legal obligation on



the part of private enterprises to ensure accessibility when offering goods or services to the public. Also in Germany, in May 2021, a law promoting accessibility was adopted to ensure accessibility standards for products and services. However, civil society representatives criticise that this law merely meets the minimum level of provisions in the European Accessibility Law and demand that these regulations must go further.

**For further reading and discussion:**

→ <https://www.vdk.de/deutscher-behindertenrat/mime/00094417D1460614958.pdf> → <https://www.bundestag.de/resource/blob/581062/88c05132989c1c6f31fff82770d9573e/WD-6-102-18-pdf-data.pdf> → <https://www.der-paritaetische.de/fachinfo/bundestag-beschliesst-barrierefreiheitsstaerkungsgesetz/>

## § \_\_\_\_

## Sustainable and just residential development by deleting § 13b from the Building Code

The amendment of the Building Code submitted in November 2020 puts a welcoming emphasis on affordable housing. However, the amendment does not meet the requirements of sustainable and just residential development. § 13b of the Building Code (BauGB) is particularly problematic since it promotes an accelerated and uncontrolled consumption of land. In the current proposal prepared by departmental advisers, the conservation of urban nature, an economical use of the non-replacable resource of land, and an integrated approach to urban green infrastructure only play a subordinate role. In particular, the reintroduction of § 13b planned in the proposal increases land consumption. A recent survey by the German Environmental Agency shows that § 13b BauGB increases the new

use of open spaces close to settlements. Above all, smaller communities, frequently rural communities with limited staff capacities in administration, proceed in accordance with § 13b because this is seen as a simplification of the procedural and material requirements. However, this does not help with the creation of low-cost housing. Via § 13b mainly small-scale construction projects, i.e. single- or two-family houses, are planned. As a result, the housing created is neither low-cost, nor does it contribute to coping with housing shortages. A control instrument for land use is required that focuses on the common good and reconciles affordable housing with the conservation of green infrastructure in settlement areas. Development within an urban environment is preferable to new construction on greenfield-sites. § 13b BauGB has to be repealed.

### For further reading and discussion:

→ <https://www.bund.net/service/presse/pressemitteilungen/detail/news/baurecht-flaechenverbrauch-reduzieren-gruenflaechen-erhalten-bund-warnt-vor-falscher-weichenstellung-durch-festhalten-an-13b-in-der-baugesetz-novelle/> → <https://www.umweltbundesamt.de/publikationen/qualitative-stichprobenuntersuchung-zur-kommunalen>

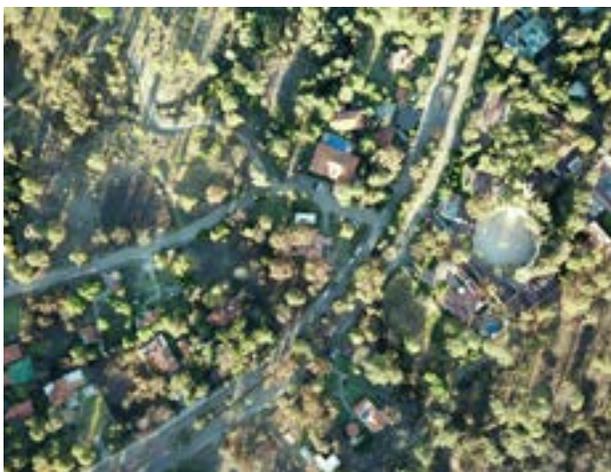


Bild: Jose Peinado / unsplash.com

## § \_\_\_\_

## Selective demolition concepts in the Recycling Management Law

Various steps to streamline administration have restricted control options of local governments over demolition measures. Selective demolition enables the reuse of valuable raw materials contained in many buildings. The (re-) introduction of an obligation to report and authorise demolition measures as well as obligatory training measures for demolition companies can result in better recycling. Corresponding duties to control activities have to be stipulated by the Recycling Management Law.

**For further reading and discussion:**

→ [https://www.umweltbundesamt.de/sites/default/files/medien/5750/publikationen/2021\\_01\\_11\\_texte\\_05-2021\\_bauprodukte\\_recycling.pdf](https://www.umweltbundesamt.de/sites/default/files/medien/5750/publikationen/2021_01_11_texte_05-2021_bauprodukte_recycling.pdf)



Bild: anaterate / pixabay.de

## § \_\_\_\_

## Adjusting legislation on air pollution

Air pollution continues to be one of the biggest environmental problems in Europe. Despite maximum Europe-wide thresholds for pollutants with health hazards such as nitric oxide (NO<sub>2</sub>) or particulate matter (PM<sub>10</sub> and PM<sub>2,5</sub>) and the right to clean air, around 63,000 premature fatalities owing to particulate matter pollution as well as just below 10,000 deaths due to excessive NO<sub>2</sub> values (EEA 2020) are recorded each year. Not only does air pollution harm citizens' health, but it also has a negative impact on our environment and climate. In order to protect health, nature, and the climate, the German national and State governments in Germany have to ensure the implementation of effective measures to achieve strict observance of valid air quality limits and

enforcement of binding provisions to reduce emissions. This includes making sure that air pollution control schemes consider the current status of emissions, especially with regard to road traffic. With COVID-19 restrictions in place, 2020 showed a reduction in air pollutant levels. The government needs to ensure that this reduction is maintained through effective measures in the transport sector (keyword: mobility transition), but also with regard to wood combustion and agriculture. Studies are increasingly pointing to the fact that considerable harm to health is also caused at levels below the limits. Therefore, legislation has to be adapted to the recommendations given by the World Health Organization.

**For further reading and discussion:**

→ <https://www.duh.de/themen/luftqualitaet/>



Bild: Uwe Hixsch / flickr.com  
(Lizenz: CC BY-NC-SA 2.0, [creativecommons.org/licenses/by-nc-sa/2.0/](https://creativecommons.org/licenses/by-nc-sa/2.0/))

§ \_\_\_\_

## A national law to limit rent rises

In order to limit rapidly increasing rent prices in Berlin, a new Berlin City State Law entered into force in February 2020 with a factual “rent freeze”. It resulted in all rents being fixed at its respective level for the five subsequent years. The law provided for restrictions on increases in rent following modernisation measures as well as upper limits for rent when re-letting. In addition, the law offered citizens the possibility to claim a lower rent if what they had to pay was more than 20 per cent above the upper rent limit. Yet, in April 2021, the German Constitutional Court declared the rent freeze unconstitutional, arguing that State governments could only regulate rent levels if the German government had not done so properly itself. In the opinion of the judges the German government had reached a final and conclusive regulation of the matter at hand with the provisi-

ons contained in §§ 556 to 561 of the German Civil Code. However, the German Constitutional Court explicitly did not rule that rent freeze regulations by law were not possible but only that it was not in the authority of the States. Thus, in order to enable affordable housing for all, a national law is required to limit rent levels. According to a representative survey by the opinion research institute Civey of April 2021, such a regulation would be in the interest of 68.9 per cent of persons not owning any housing property, and even in the interest of 50.9 per cent of housing property owners.

**For further reading and discussion:**

→ <https://www.berliner-mieterverein.de/mietendeckel.htm>  
[https://www.mieterschutzbund-berlin.de/news-lesen/items/Mietendeckel\\_verfassungswidrig.html](https://www.mieterschutzbund-berlin.de/news-lesen/items/Mietendeckel_verfassungswidrig.html)

## § \_\_\_\_

### **Obligatory plans for the design of outdoor spaces in the Building Code in Munich, Nuremberg and Münster**

Promoting climate-compatible inner-city development calls for ensuring an adequate greening and design of building plots. Obligatory plans for the design of outdoor spaces represent an important instrument for this purpose. They integrate all environmental and nature conservation requirements as well as requirements of the fire brigade, accessibility, rainwater management, and the provision of playing grounds, etc., thus enabling a holistic view of building projects. They are the precondition for realising high-quality urban green areas and insect conservation in the urban or peri-urban cultivated landscape. Cities such as Munich, Nuremberg, or Münster have long been working successfully with local administration statutes prescribing plans for the design of outdoor spaces. Adopting a law at the national level making plans for the design of outdoor spaces obligatory would ensure that cities throughout Germany can develop in harmony with the climate.

**For further reading and discussion:**

- <https://www.bdl.de/landesverbaende/berlin-brandenburg/nachrichten/1203-positionspapier-freiflaechenplan>
- [https://aew.de/wp-content/uploads/Positionspapier\\_Klimafolgenanpassung\\_final-Einzelseiten.pdf](https://aew.de/wp-content/uploads/Positionspapier_Klimafolgenanpassung_final-Einzelseiten.pdf)
- <https://www.muenchen.de/rathaus/Stadtrecht/vorschrift/924.html>

## § \_\_\_\_

### **Mobility Law in Berlin**

As the first mobility law in Germany, Berlin's Mobility Law of 2018 stipulates that in future, public transport, pedestrians and cyclists are to enjoy preferential treatment vis-à-vis individual car mobility by expanding cycling infrastructure and local public transport. In addition, car traffic is to become more compatible with the urban environment. One point of criticism in the creation of the law was the unequal inclusion of relevant stakeholders. In particular, cyclists and pedestrians must not be pitted against one another.

**For further reading and discussion:**

- <https://gesetze.berlin.de/bsbe/?aiz=1&docId=jlr-MobGBErahmen&query=JURISLINK%3A%22MobG+BE%22>





SDG 12

# Ensure sustainable consumption and production patterns

**In 2022, the World Overshoot Day, which marks the date when humanity's demand for ecological resources and services in a given year exceeds what Earth can regenerate in that year, was on July 28.<sup>53</sup> If every country in the world had consumed like Germany, the planetary boundaries would have already been reached on May 5, if global consumption had been on the level of Luxembourg already on February 15.<sup>54</sup> In comparison: as recently as 1987, the global Earth Overshoot Day fell on December 19.<sup>55</sup>**



The German Sustainability Strategy describes the problem very aptly: "Our past consumption behaviour has involved only scant consideration of our planet's limitations. Sustainable production focuses throughout the entire value chain on using natural resources more efficiently, avoiding and reducing pollution including greenhouse gas emissions, and preventing the destruction of ecosystems. It emphasises the importance of keeping nature intact as well as observing human rights and social standards and ensuring fair trade."<sup>56</sup> In order to ensure that sufficient raw materials are still available for future generations, a change in our consumption and production patterns is necessary. This is the goal of SDG 12.

Despite decades of efforts to increase resource efficiency, the EU's material footprint, that is the total consumption of fossil fuels, biomass, metals, and non-metallic minerals, is at present 14.5 metric tons per capita which is in excess of the global average and far more than what is regarded as sustainable and equitable.<sup>57</sup> This overconsumption is causing environmental degradation, biodiversity loss, greenhouse gas emissions, and human rights violations worldwide. EU-wide efforts to implement circular economy and waste prevention, such as

the Circular economy action plan included in the European Green Deal, are going in the right direction and should be ambitiously implemented in the member states. In Germany, existing legal regulations focus on improvements in efficiency, the substitution of fossil resources with renewable raw materials, and on better waste management including recycling.

All of these approaches on both the EU and the national level are important aspects of a sustainable economic system and in this regard, efforts, such as targeted funding programmes of the German government, have paid off to some extent. In the long term, however, resource efficiency has proven to be insufficient; the goal must be an absolute reduction in resource consumption. Metallic raw materials are particularly noteworthy in this regard, as the demand is increasing, for example, due to digitalisation, e-mobility, and the energy transition. Renewable resources are also limited. A true socio-ecological transformation requires a consistent change in the use and consumption of natural resources - a resource transition that also includes a raw materials transition. In order to be able to monitor the progress and success of the measures introduced, clearly defined reduction targets are necessary.

## § \_\_\_\_

**A resource conservation law**

A resource conservation law has to take the entire value chain into account and contain both over-arching and individual resource management instruments. Enhancing efficiency, substitution with renewable resources and waste management are not enough to significantly reduce resource consumption. Therefore, in an initial step, the German government has to define ambitious and binding reduction targets. Here, the Netherlands' "Government-wide Programme for a Circular Economy" could serve as an example. It aims at reducing resource consumption by 50 per cent by 2030 and monitors progress with an annual report. The German government should use this as a role model and limit the use of abiotic primary raw materials to a maximum of 6 tonnes per individual and year. Regarding the consumption of metal primary raw materials, reduction targets of 30 per cent up to 2030, 50 per cent up to 2040 and 70 per cent up to 2050 in comparison to 2010 have to be set. In this manner, the resource efficiency programme, for example, can be turned into a resource sufficiency programme or a resource conservation programme with reduction targets accompanied by a comprehensive plan that includes measures to attain the respective targets. This has to contain five-year intermediate targets as well as the monitoring and publishing of results. In addition, a corresponding database

and appropriate monitoring are to be established in order to measure success in the long term with the Total Material Consumption (TMC) indicator. As a long-term objective, a consistent resource conservation law has to be created with the right to repairs, a ban on destroying almost new and/or fully functional consumption goods, and many other aspects. Given the cross-sectoral character of resource conservation, regulations cannot be restricted to environmental law but encompass a large number of other areas of law. In addition to the specific regulation approaches, this requires an over-arching regulation concept which combines the general requirements of resource conservation. This should be implemented in a separate law dedicated to the protection of natural resources.

**For further reading and discussion:**

- <https://www.umweltbundesamt.de/themen/abfall-ressourcen/oekonomische-rechtliche-aspekte-der/ressourcenschutzrecht>
- <https://www.greenpeace.de/sites/www.greenpeace.de/files/publications/20190613-greenpeace-forderungen-vernichtungsverbot-waren.pdf>
- <https://www.government.nl/topics/circular-economy/circular-dutch-economy-by-2050>
- [https://www.zur.nomos.de/fileadmin/zur/doc/Aufsatz\\_ZUR\\_12\\_10.pdf](https://www.zur.nomos.de/fileadmin/zur/doc/Aufsatz_ZUR_12_10.pdf)
- <https://www.umweltbundesamt.de/rescue>
- [https://www.ressourcenwende.net/wp-content/uploads/2021/06/Policy-Brief\\_Ressourcenschutzziel\\_final\\_logo.pdf](https://www.ressourcenwende.net/wp-content/uploads/2021/06/Policy-Brief_Ressourcenschutzziel_final_logo.pdf)
- [https://ak-rohstoffe.de/rohstoffwende\\_forderungen/](https://ak-rohstoffe.de/rohstoffwende_forderungen/)

## § \_\_\_\_

### Introducing a pesticide tax

The use of pesticides impacts the environment and health. A levy on pesticides could be used to internalise the external costs and promote more environmentally friendly plant protection practices. The widespread use of chemical-synthetic pesticides contributes to the decline in biodiversity, the pollution of water bodies, soils and conservation areas with chemicals, it causes residues in food crops, and it can affect the health of users, residents of rural areas and consumers. This creates costs for the waterworks due to water treatment. Further costs arise with necessary checks on residues as well as for the social welfare and health systems when people become ill because of pesticides. These external economic, ecological and health costs are borne by society as a whole and are not reflected by the prices of pesticide products. Based on experience gathered in other countries and model calculations, a scientific study published in March 2021 highlighted that by introducing a tax on pesticides in Germany, the European Green Deal target of reducing the use and risk of chemical pesticides as well as the

use of pesticides with a higher risk by 50 per cent by 2030 could be reached. The 2009 European pesticide law (cf. Directive 128/2009/EC) explicitly allows Member States the right to establish economic instruments and incentives to reduce pesticide risks and the dependence of agriculture on plant protection with chemicals. Money earned through the tax could be spent specially on measures to minimise or compensate for the impacts of pesticides on humans and the environment and to support farms opting for pesticide-free agro-ecological cultivation methods. Such a tax is justified both in terms of German constitutional and European law given the high public interest in environmental and health protection. The new German government elected in September 2021, ought to introduce a risk-based pesticide tax either as a transaction tax (as a levy on value) or as a special levy for financing purposes (with a special fund).

For further reading and discussion:

→ [https://www.gls.de/media/PDF/Presse/Studie\\_Pestizid-Abgabe\\_in\\_Deutschland\\_2021.pdf](https://www.gls.de/media/PDF/Presse/Studie_Pestizid-Abgabe_in_Deutschland_2021.pdf)



Bild: Kurt Bouda / pixabay.de

## § \_\_\_\_

## The amendment of the Electrical and Electronic Equipment Law

The amendment of the 2021 Electrical and Electronic Equipment Law does not provide for a comprehensive collection for electrical waste and does not properly include e-commerce. At the same time, incentives for more sustainable product design and to promote repairs and reuse are lacking. An amendment of the law has to contain minimum standards for the interchangeability of spare parts, a repairs index, comprehensive options to take-back of worn-out electrical devices by stationary sellers and e-commerce, general testing of worn-out devices for reuse and a reuse rate of 15 per cent. Collaborative arrangements between collection points and certified reusers need to become obligatory. Independently of their size, all retailers have to take back used devices. In Switzerland, this has been the law for years without any major problems cropping up, and with considerable collection rates. Furthermore, the illegal activities concerning the dealing with electronic devices in e-commerce has to be stopped by making electronic markets and e-commerce platforms liable. And finally, the recycling of refrigerators containing CFCs with harmful effects on the climate has to be improved by setting exemplary waste management standards in the Electrical and Electronic Equipment Law.

**For further reading and discussion:**

→ <https://www.duh.de/presse/pressemitteilungen/pressemitteilung/novelle-des-elektrogesetzes-deutsche-umwelthilfe-fordert-flaechendeckende-sammlung-und-mehr-wiederver/> → <https://www.bundestag.de/resource/>

<blob/830004/fd9bbb8cc33fe855f8fc0cbaf109fc3/Johanna-Sydow-Germanwatch-und-Runder-Tisch-Reparatur-e-V--data.pdf>

## § \_\_\_\_

## Right to Repair

With the proposal for a new Ecodesign for Sustainable Products Regulation, published in March 2022, the European Commission wants to establish a framework to set ecodesign requirements, for example in terms of product durability and reparability, for specific product groups to significantly improve their circularity, energy performance, and other aspects of environmental sustainability. The German government has to support an ambitious and swift implementation of such initiatives by the EU Commission for sustainable products as part of the Circular Economy Action Plan (CEAP) as well as, independently of EU policies, introduce national measures to promote repairs. In particular, a legally established universal right to repair is needed which does not depend on manufacturers. This would include access to information on repairs and spare parts at reasonable prices for all (not only for specialists). In the event of damage, consumers must have the right to decide for themselves whether and by whom the defective appliance shall be repaired – also in the case of a guarantee or warranty. Demands on the availability



Bild: Kilian Seiler / unsplash.com

of spare parts and the maintainability of products, also through long-term software updates, set at EU level, have to be ambitiously implemented into German law. This can be accomplished e.g. by the circular economy law and the law on the waste of electrical and electronic devices, as well as through consumer protection, and ought to be supplemented by further national measures. These include, for example, informing consumers about the maintainability of products directly at the point of sale via a repairs index and reducing value added tax on repair services and second-hand articles.

**For further reading and discussion:**

→ <https://runder-tisch-reparatur.de/> → <https://www.germanwatch.org/de/15392> → <https://www.duh.de/presse/pressemitteilungen/pressemitteilung/novelle-des-elektrogesetzes-deutsche-umwelthilfe-fordert-flaechendeckende-sammlung-und-mehr-wiederver/> → <https://www.ressourcenwende.net/publikationen/kreislaufwirtschaftvon-der-rhetorik-zur-praxis/> → [https://www.nabu.de/imperia/md/content/nabude/abfall-politik/190906\\_nabu\\_krwg\\_stellungnahme\\_lang.pdf](https://www.nabu.de/imperia/md/content/nabude/abfall-politik/190906_nabu_krwg_stellungnahme_lang.pdf)

## § \_\_\_\_

### Revising the Value Chain Law

The Law on Corporate Due Diligence in Value Chains adopted in June 2021 is not sufficient to effectively prevent human rights violations and harm to the environment along the value chain. The German government has to oblige businesses to comprehensive due diligence along the entire value chain, as stipulated by the UN Guiding Principles on Business and Human rights, for most violations of human rights occur at the beginning of global supply chains. However, according to the recently adopted law, businesses only have to take action in the case of intermediate suppliers when “substantiated knowledge” of problems is on hand, i.e. when human rights have already been violated. Thus the law, which will enter into force on January 1 2023, undermines the preventive approach of the international human rights standards as understood by the United Nations and the OECD. Furthermore, the law requires further elaboration regarding gender justice, sufficient income and transparency of supply chains. It has to recognise the link between human rights violations and environmental destruction and go beyond a selective approach. A general clause relating to damage and environmental goods would be recommendable. A comprehensive supply chain law has to significantly improve the opportunities for those affected to claim their rights and entitlement to compensation in court. While the envisaged introduction of representative action is to be welcomed, it is by no means sufficient. The law has to create the basis for civil code liability if predictable and avoidable damage has occurred. This is, for example, also provided for by the French due diligence law “Loi de vigilance” and by the announcements made by EU Justice Commissioner Reynders in April 2020 for a planned EU regulation. It has to give victims of human rights violations abroad the opportunity to claim compensation for damage from

businesses in German courts if these businesses have not taken appropriate due diligence steps. Furthermore, the law's range of applicability has to be extended. In particular in the case of businesses in sectors with major human rights risks, such as in the textiles branch, agriculture, the car manufacturing or chemical industries sectors, the law also has to focus on small and medium-sized enterprises. In order to achieve effective protection of people and the environment in the global value chains, the German government should not take the German value chain law as an example for regulations at the European level. Instead Germany has to support a commitment to comprehensive due diligence and liability regulations in the EU in accordance with the criteria described

above. Furthermore, at the international level, in the context of negotiations on the UN Binding Treaty on Business and Human Rights, the German government also has to support steps towards a comprehensive establishment of human rights and environment-related due diligence, civil law liability of businesses, and improvements in access to legal action

**For further reading and discussion:**

→ <https://lieferkettengesetz.de/forderungen/> → <https://www.inkota.de/presse/pressemitteilungen/entwurf-fuer-lieferkettengesetz-untauglich-um-menschenrechtsverletzungen>

**THIS WOULD ALSO WORK AT GERMAN NATIONAL LEVEL**

§ \_\_\_\_

## **The French anti-waste law for a circular economy**

The example set by the French anti-waste law for a circular economy shows that national legislation on the right to repairs can be adopted independently from the European level. The French law presents a wide range of measures, including the repairs index, which gives consumers information on a device's maintainability with a label. The labelling requirement entered into force for five product groups in January 2021. The index enables purchasers to easily and quickly assess the maintainability of electronic devices, thus contributing to an informed purchasing decision.

**For further reading and discussion:**

→ <https://runder-tisch-reparatur.de/reparaturindex/>  
→ <https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000041553759/>



FÜR EINE  
**WELT**  
IN DER WIR  
**GUT & GERNE LEBEN**

There is  
**NO Planet B**

DINOSAURIER  
DA SIE NO...



SDG 13

# Take urgent action to combat climate change and its impacts.

Over the past 50 years, natural disasters due to climate change and extreme weather events have increased significantly. Between 1970 and 2019 such natural hazards were responsible for 11 000 reported disasters causing over two million deaths and losses in the amount of 3.64 trillion US-Dollar.<sup>58</sup> Poorer countries are particularly affected, but also in Europe, the consequences of climate change are increasingly being felt. In Germany, we are experiencing unusually hot and dry summers and a surge of floods that put lives and infrastructure at risk. Scientists expect more and more extreme weather events in the future, such as storms, extreme rainfall, and hot spells.



Against this background, it is good and important that climate change has now achieved such high socio-political relevance in Europe and that climate protection is gaining wide acceptance among politicians and citizens in the member states. In addition to the urgency of preventing future natural disasters, this change of course is also due to the 2030 Agenda, which, with SDG 13, contains the commitment of the international community to combat climate change, adding up to the Paris Agreement. In recent years, numerous measures have been taken at the EU and national levels to this end, but more efforts are needed to reach the 1.5 degree target by 2050.

Most importantly, greenhouse gas emissions must be drastically reduced. In 2020, 36 billion tonnes of CO<sub>2</sub> were emitted globally, the G20 making up for around 80 per cent of these emissions. Among the G20, China, the United State and the EU are the largest CO<sub>2</sub> emitters. Statistically, each person living in the EU produced 5.9 tons of CO<sub>2</sub> equivalents in 2020. In Germany, the average CO<sub>2</sub> emissions per person is with 7.7 tons even higher.<sup>59</sup> Although considerable progress has been made in the EU, reducing greenhouse gas emissions by 31 per cent between 1990 and 2020, all states, especially in the Global North, must take even stronger

measures to cut emissions.

Taken together, mobility, comprising transport and international aviation, is the sector with the second highest CO<sub>2</sub> emissions in Europe, directly behind CO<sub>2</sub> biomass.<sup>60</sup> In Germany, transport is responsible for around 20 per cent of CO<sub>2</sub> emissions. Around 95 per cent of these emissions are caused by road traffic.<sup>61</sup> Mobility is a central prerequisite for the economic and social development of modern industrial and service societies. However, transport infrastructure as it is today is very unsustainable, having a considerable impact on the environment and posing a risk to human health. In order to make mobility as environmentally compatible as possible, we need new strategies and concepts in Germany and worldwide, but also a rethinking of individual mobility itself. A change in transport is needed that specifically supports sustainable and environmentally compatible forms of mobility and replaces climate-damaging forms of transport with environmentally friendly alternatives.



## § \_\_\_\_

### Ending climate-damaging subsidies

Subsidies which are harmful to the climate undermine measures to achieve climate protection goals and contravene the ecological transformation. Given the German government's high level of new debt due to the economic impacts of the COVID-19 pandemic and a low level of tax revenue, the reduction of climate-damaging subsidies, which has long been on the agenda, is of particular importance and urgency. The elimination of these subsidies would contribute to protecting the climate while simultaneously mobilising money for future investments and an ecological transforma-

tion of the economy. Eliminating tax exemptions for kerosene, energy tax benefits for electricity generation as well as a reduction of electricity rates for the industry can have a significant climate protection potential, and enables the highest per euro reductions in CO<sub>2</sub> emissions. There is also a considerable fiscal effect. For example, a tax on kerosene would enable an additional tax revenue of more than 8 billion euros, and an annual 26 million tonnes of CO<sub>2</sub> would be avoided.

**For further reading and discussion:**

→ [https://foes.de/publikationen/2020/2020-11\\_FOES\\_10\\_klimaschaedliche\\_Subventionen\\_im\\_Fokus.pdf](https://foes.de/publikationen/2020/2020-11_FOES_10_klimaschaedliche_Subventionen_im_Fokus.pdf)

## § \_\_\_\_

**A motorway and trunk road speed limit**

Introducing a general speed limit for motorways would be a cheap, effective and easily implementable contribution to the reduction of greenhouse gas emissions from traffic. In addition, it would enhance road safety and lower noise and pollutant emission levels. Introducing a general speed limit of 120 km/h on motorways would reduce emissions by 2.6 million tonnes of CO<sub>2</sub> equivalents each year. Even a speed limit of 130 km/h would already cut greenhouse gas emissions by 1.9 million tonnes a year. Furthermore, a general maximum speed of 80 km/h ought to be introduced on two-lane trunk roads.

**For further reading and discussion:**

→ [https://www.umweltbundesamt.de/themen/verkehr-laerm/verkehrsplanung/tempolimit#tempolimit-auf-autobahnen-](https://www.umweltbundesamt.de/themen/verkehr-laerm/verkehrsplanung/tempolimit#tempolimit-auf-autobahnen)

→ [https://www.bund.net/fileadmin/user\\_upload\\_bund/publikationen/mobilitaet/mobilitaet\\_kurzinfo\\_tempolimit\\_auf\\_autobahnen.pdf](https://www.bund.net/fileadmin/user_upload_bund/publikationen/mobilitaet/mobilitaet_kurzinfo_tempolimit_auf_autobahnen.pdf)

## § \_\_\_\_

**A commuting allowance for public transport only**

Both place of residence and commuter traffic are significantly influenced by the current commuter's tax allowance. Long commutes result in higher traffic volumes, which in turn contribute to more air pollution, area consumption, urban sprawl, and noise and cause traffic jams and accidents. At the same time, however, the government has provided no incentives to switch to more environment-friendly means of transport to get to work. In Finland, Norway, and Sweden as well as in the Netherlands and Switzerland, nothing but the public transport fares can be deducted from income tax. Only in individual cases, it is possible to deduct car commutes. In Germany, too, the commuting allowance has to be reformed, so that only the cost of public transport can be deducted from tax, with special consideration to people in rural regions whose commute cannot or only with a considerable extra effort be performed by public transport.

**For further reading and discussion:**

→ <https://foes.de/pdf/2016-10-Themenpapier-Entfernungspauschale.pdf>

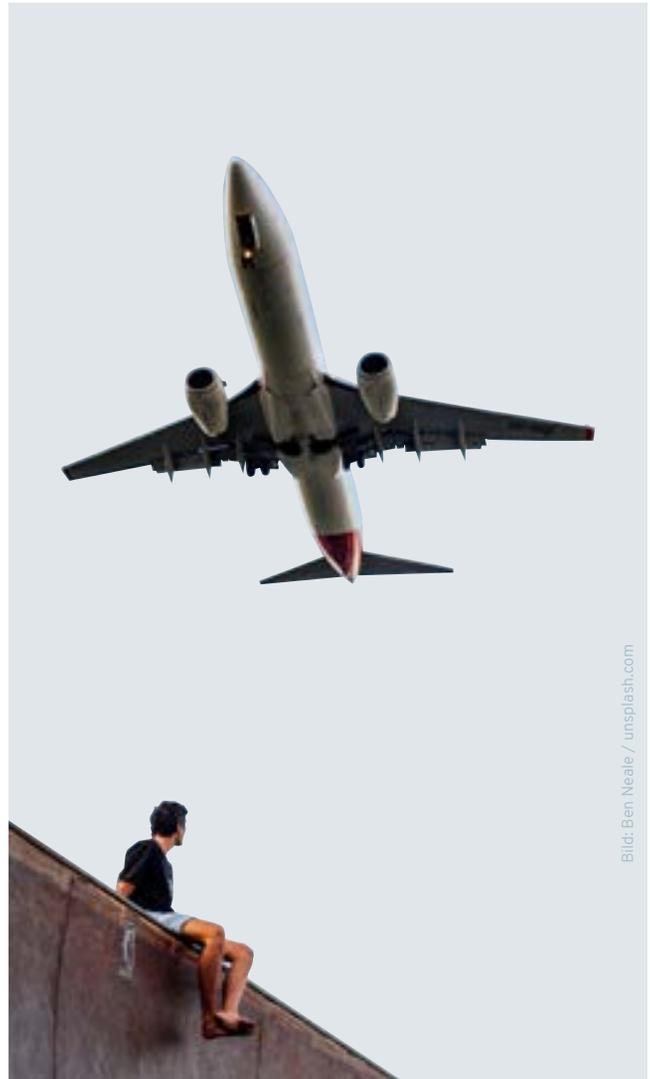
## § \_\_\_\_

## Prohibiting short-haul flights up to 500 km within Germany

According to a survey by the European Investment Bank, 67 per cent of Germans are in favour of banning short-haul flights for climate protection. One regulation that has been widely discussed is to ban short-haul flights up to 500 kilometres within Germany. Instead, in regions with a railway infrastructure, short-haul and medium-haul flights should be replaced by trains, and elsewhere by buses. In the case of rail transport, travel options both during the day and at night ought to be attractive, affordable, and powered by renewable energy. Ships and ferries can represent an alternative, too, as long as they sail with climate-neutral energy. For those who would be isolated without access to air transport, special considerations need to be taken into account, and sustainable transport has to be provided. France can serve as an example. Here, short domestic flights may only be run as feeder flights for any connecting flights. In the future, airlines are no longer allowed to sell domestic flights provided that the destination can also be reached by train in 2.5 hours.

**For further reading and discussion:**

- <https://stay-grounded.org/position-paper/position-paper-de/>
- <https://reisetopia.de/news/frankreich-inlandsflugverbot/>
- <https://www.eib.org/de/surveys/2nd-climate-survey/climate-action-and-policy-solutions.htm>



## § \_\_\_\_

### **Ban of internal combustion engines in France, Ireland, Finland, Latvia, Spain and Sweden**

Some European countries have declared their intention to prohibit future sales of vehicles powered by fossil fuel. France, Ireland, Finland, Latvia, Spain and Sweden seek to have no further sales of internal combustion engines from 2030 or 2040 on.

**For further reading and discussion:**

- <https://www.bundestag.de/resource/blob/651454/e949b6b43bd9b5ac738510e556e611e6/WD-8-048-19-pdf-data.pdf>
- <https://www.rte.ie/documents/news/2019/06/climate-action-plan.pdf> → [https://www.boe.es/diario\\_boe/txt.php?id=BOE-A-2021-8447](https://www.boe.es/diario_boe/txt.php?id=BOE-A-2021-8447)
- <https://www.regeringen.se/4af76e/contentassets/fe520eab3a954eb39084aced9490b14c/klimatpolitiska-handlingsplanen-fakta-pm.pdf>

## § \_\_\_\_

### **A transport transition in Luxembourg**

In spring 2020, Luxembourg launched a comprehensive transport transition. In March of that year, it became the first country globally to introduce free local public transport, financed by tax revenue. This measure is to be complemented by better connections and an expansion of the railway system. In future, Luxembourg intends to invest 60 euros per capita for this purpose.

**For further reading and discussion:**

- <https://transports.public.lu/fr/support/faq/faq-mobilite-gratuite-de.html>
- <http://legilux.public.lu/eli/etat/leg/rmin/2020/02/06/a94/jo>

## § \_\_\_\_

### **A climate check on laws**

In 2021, the Berlin Senate - Berlin's regional government - officially recognised a climate emergency for the city of Berlin. In doing so, the Senate explicitly stated that further climate protection measures are needed to combat the climate emergency. Since then, decisions made by the Senate have to pass a climate check, and the Berlin Energy and Climate Protection Programme has been redirected along these new measures.

**For further reading and discussion:**

- <https://www.berlin.de/rbmskzl/aktuelles/pressemitteilungen/2019/pressemitteilung.873965.php>



Bild: Marius Angelmann / flickr.com (Lizenz: CC BY-SA 4.0, [creativecommons.org/licenses/by-sa/4.0/legalcode.de](https://creativecommons.org/licenses/by-sa/4.0/legalcode.de))





SDG 14

# Conserve and sustainably use the oceans, seas and marine resources for sustainable

The seas and oceans cover around 70 per cent of the surface of our blue planet. Their ecosystems are home to a fascinating and diverse range of species. The seas and oceans produce half of the oxygen we breathe. Since 1970, they have absorbed up to 30 per cent of the carbon dioxide emitted by humans and 90 per cent of the heat resulting from the climate crisis.<sup>62</sup> For hundreds of millions of people worldwide, the oceans have crucial social and economic importance. In particular, intact marine ecosystems are vital for poorer coastal communities whose livelihoods and food security rely on natural marine resources. Healthy seas are essential to the quality of life for all of us and are inextricably linked to climate, biodiversity, economy, and society. →

Meanwhile, human activities through exploitation and pollution are leading to climate and biodiversity crises with enormous impacts on marine ecosystems. This was highlighted in 2019 by the reports of the Intergovernmental Panel on Climate Change (IPCC)<sup>63</sup> and the Intergovernmental Platform on Biodiversity and Ecosystem Services (IPBES)<sup>64</sup>. Our oceans are becoming warmer, more acidic, less oxygenated, and less biodiverse. As a result, ecosystem services, stocks, and productivity in the seas are continuously and dramatically declining.

The aim of marine protection is climate and species protection, the reduction of nutrient and waste pollution of the seas, regulation of fisheries, and sustainable use of marine resources. Many measures are already in place, both at the national and European levels. After years of very fragmented and sectoral ocean legislation, touching for example on fishery (Common Fisheries Policy) or the input of nutrients and chemicals into the water (Water Framework Directive), the EU has, with the EU Recommendation on Integrated Coastal Zone Management in 2002 and the 2008 Marine Strategy Framework Directive, adopted a comprehensive and integrated approach to reduce the pressure on coasts and marine waters. For the Baltic Sea and the

North Sea, there are regional marine protection agreements that include all riparian states including non-EU members. Legislative gaps are less of a problem, neither is it a lack of knowledge or the naming of options for action. Maritime policy, especially in Germany, is hampered by inadequate implementation, a lack of ambition, a sectoral privileging of user interests, and institutional weakness, as well as disjointed mandates and responsibilities.

Maritime policy is not only the protection of the oceans but also their sustainable use. For this, it is essential to consider social and developmental aspects. After all, the oceans connect us all, be it through their climate functions, the food we draw from the seas, or trade routes without which the global economy, relying on sea transport for 90 per cent of its business,<sup>65</sup> would be impossible. Hence, particular attention should be paid to the people who work on the seas and ensure the global flow of our supply chains.

## § \_\_\_\_

## Reform of the Marine Fisheries Law including ecological and social criteria

Article 17 of EU Regulation 1380/2013 stipulates that, when allocating fishing opportunities, the EU Member States ought to apply transparent and objective criteria. Article 17 of the Common Fisheries Policy (CFP) refers to criteria of an ecological, social and economic nature. In Germany, however, ecological criteria do not play any role in the allocation of catch quota, even though the EU's reformed CFP aims to make fisheries in Europe more sustainable, and environmentally sound and to promote artisanal fisheries. In order to minimise the ecological impact of fisheries, selective fishing gear and environment-friendly methods need to be promoted and supported. One incentive could be a higher quota share for fisheries and fishers who demonstrably fish in an environmentally compatible manner and in accordance with regulations. To this end, the environmental criteria have to be considered in § 3 para. 3 of the Marine Fisheries Law (SeeFischG). In order to minimise undesired by-catch in the fishing industry and promote the use of more selective gear technology for fishing, the landing obligation was introduced in the EU in 2014. In Germany, controlling compliance with the landing obligation is the responsibility of both the German national and the State governments, and the Marine Fisheries Law assigns the respective tasks in detail. In 2018, the EU Scientific, Technical and Economic Committee for Fisheries (STECF) pointed out that the implementation of the landing obligation in the EU Member States was showing considerable deficits, also in Germany. Records of discards have been incomplete, checks are carried out only sporadically and by no means to the extent needed to enforce the landing obligation. One of the reasons for this is that the SeeFischG

does not stipulate the concrete scope of necessary controls. In order to effectively control the landing obligation and comply with Article 17, fishery vessels of more than 10 metres length, which should be identified in the National Inspection Program as having a medium to very high risk of violating the landing obligation, should only be granted fishing possibilities if they have observers on board or are equipped with an electronic remote surveillance system including cameras. In this manner, Germany could perform the recording of all catches as demanded by the CFP. A revision of the SeeFischG has to comprise the creation of significantly more transparency and documentation of fishing activities.

**For further reading and discussion:**

→ [https://www.duh.de/fileadmin/user\\_upload/download/Projektinformation/Naturschutz/Fischereipolitik/GFP\\_Fischereipolitik\\_Broschure\\_komplett\\_lange\\_Version\\_DE\\_16\\_12\\_19.pdf](https://www.duh.de/fileadmin/user_upload/download/Projektinformation/Naturschutz/Fischereipolitik/GFP_Fischereipolitik_Broschure_komplett_lange_Version_DE_16_12_19.pdf)

## § \_\_\_\_

## Banning synthetic polymers of all sizes in cosmetics and body care

Microplastics are the most minute particles and are used in cosmetics like peelings, or as infill and binding material. These substances are carried to the sea in wastewater. Due to their surface properties, environmental pollutants accumulate on them. Together with these pollutants, the plastics are then taken up by marine organisms, which leads to tissue modifications or inflammatory responses and toxicological impacts, up to internal injuries and deaths. A ban on synthetic polymers of any form or size in cosmetics and body care products is an initial step that many countries, including the UK, Italy and Sweden have already taken and ought to be adopted EU-wide. This would be an important regulation not only for marine conservation but also for consumer

protection. Studies have shown that consumers do not want microplastics in body care products. The considerable number of products which are free of microplastic ingredients, especially in the low price range, show that such a ban would cause no higher costs for consumers. In addition to a prohibition of microplastics in cosmetics, further regulatory measures are required. These include a ban on plastic granulate as infill material in artificial turf pitches, the introduction of a mandatory industrial prewash with filter systems for newly manufactured clothing as well as provisions for tyre manufacturing and a corresponding label for car tyre longevity to reduce abrasion from car tyres.

For further reading and discussion:

→ <https://www.bund.net/meere/mikroplastik/>



## § \_\_\_\_

## **An amendment of the German Nature Conservation Law**

The fragmentation of responsibilities in maritime policy becomes particularly obvious when it comes to the regulation of fisheries. This complicates measures in conservation areas and the regulation of shipping, for which, based on an extremely sector-focused approach, the German Ministry for Digital and Transport (BMVI) and the subordinate Maritime and Hydrographic Agency of Germany (BSH) are responsible. One core problem is the one-sided interpretation of the United Nations Convention on the Law of the Sea (UNCLOS) in favour of user interests, also reflected in § 57 of the German Nature Conservation Law (BNatSchG). An amendment of the BNatSchG would be worth considering. This should include putting the conservation and use of the seas on a more equal footing by rewriting the provisions under Article 3 for the designation of marine protected areas and strengthening the options for national regulation of use in conservation areas. A reassessment of the concept of "pollution" in accordance with

UNCLOS, which does more justice to the challenges of marine nature conservation and environmental protection, should also be envisaged. Therefore, an amendment ought to comprise: a) adopting the commitments of part XII UNCLOS, with special consideration given to Article 194, 211; b) strengthening the code of conduct in favour of nature conservation in the BNatSchG according to para. 1, above all with the implementation of management plans in marine conservation areas (i.e. no de facto consensus with user departments). Currently, this is frequently counteracted by the German government's "administrative arrangement" which requires consensual agreement of all resorts, resulting in a weak level of protection.

**For further reading and discussion:**

→ <https://www.nabu.de/news/2017/06/22663.html>

→ <https://www.nabu.de/natur-und-landschaft/meere/meeresschutzgebiete/nord-und-ostsee/index.html>

## § \_\_\_\_

## Amending the Spatial Planning Law

The guiding concept of the Spatial Planning Law (ROG) is sustainable regional development harmonising the social and economic demands on space with its ecological functions. The final proposal of a new Spatial Development Plan by the Maritime and Hydrographic Agency of Germany (BSH) in 2020 does not do justice to the poor condition of the North and the Baltic Seas nor does it meet the requirements of the EU Directive on creating a framework for spatial planning (2014/89), of the ROG and the European Commission's guidelines for marine conservation. The European Commission explicitly notes in its 2020 report on the implementation of the Marine Strategy Framework Directive (MSFD) that national spatial development plans have to contribute to achieving a good environmental condition of the seas. In order to meet this objective, the ROG also needs to be amended to provide for parliamentary involvement, supervision and responsibilities (probably via § 9 and, in particular, § 17). § 17 addresses the spatial development plans (ROP) in the Exclusive Economic Zone (EEZ) of the North and the Baltic Seas. Here, priority ought to be given to climate protection and marine conservation, also by adopting the ecosystem approach and linking spatial development planning to the goal of good environmental standards in accordance with the MSFD.

For further reading and discussion:

→ [https://www.nabu.de/imperia/md/content/nabude/naturschutz/meeresschutz/20201105-mro\\_gemeinsame\\_stellungnahme\\_ngos.pdf](https://www.nabu.de/imperia/md/content/nabude/naturschutz/meeresschutz/20201105-mro_gemeinsame_stellungnahme_ngos.pdf)

## § \_\_\_\_

## Tying tonnage tax to the German flag

Evading social and labour law regulations by flagging out to other countries with less stringent provisions is a serious problem in German shipping. Using these flags of convenience results in the crew consisting largely of members from outside of Europe with wages below the German seamen's wage agreement. Contractually secured employment is the basis for retaining German skilled labour in the shipping industry. The current dwindling of training opportunities and jobs is a problem for maintaining Germany as a shipping nation and providing a functional transport infrastructure. To guarantee this, German shipping companies and seafarers need immediate political measures promoting the German flag. This is the only way in which international competitiveness can be achieved and further flagging out leading to dumping wages can be countered. One measure



Bild: Matthias Ristau

can be tying the tonnage tax to the German flag. The tonnage tax was introduced in 1999 to support Germany as a shipping nation through tax advantages. Flying the German flag is currently not a precondition for the profit assessment after tonnage tax deduction. Only registering in the German Shipping Register is required, which makes Germany the only country where shipping companies can benefit from the tonnage tax advantages for ships under flags of convenience (thus, currently, as of December 2020, 1,554 ships sailing under foreign flags are benefiting from the tonnage tax, compared to just 290 under the German flag). It has to be ensured that at least four German or European seafarers are on every German ship, otherwise, Germany is going to lose its maritime know-how.

**For further reading and discussion:**

→ <https://www.verdi.de/themen/nachrichten/++co++93d46df2-f2e6-11e3-afe3-5254008a33df> → <https://www.verdi.de/presse/pressemitteilungen/++co++e70dccb8-0707-11e2-4231-0019b9e321cb>





SDG 15

# **Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss**

**Biodiversity is the product of billions of years of the Earth's history and millions of years of its use by human beings, and for this reason alone it is an asset worth protecting. For humans, biodiversity as a precondition for intact ecosystems is essential for survival: The higher the biodiversity, the better the adaptability of ecosystems to changes in environmental conditions and the more stable the ecosystem services provided, such as pollination of crops, soil fertility, natural pest control and the protection against environmental disasters. Biodiversity loss is a global problem, which is why SDG 15 is so important.**



Europe's biodiversity is in a very critical state. 60 per cent of all species are in poor or bad condition and for 35 per cent of them, their condition is even worsening. Molluscs and fish are particularly endangered.<sup>66</sup> In Germany, too, biodiversity loss is becoming increasingly evident. It is particularly alarming in the deaths of insects and birds.<sup>67</sup> This not only has drastic consequences for agriculture but also throws entire ecosystems out of balance. Despite government support for the global conservation of ecosystems, biodiversity and species diversity, the decline has not yet been halted. Therefore, urgent measures are needed to protect our ecosystems and preserve biodiversity.

One of the factors contributing to the loss of species is agriculture. Fertilisers level out differences in location and nutrient surpluses pose a risk to soil and groundwater. Pesticides reduce biodiversity and disturb ecosystems, both on farmland and beyond, which results in a loss of animal food sources and habitat. Heavy machinery damages soils, which in turn can lead to erosion and a loss of soil fertility. Floor sealing is another reason for biodiversity loss in Germany and across Europe. In the EU, more than 400 km<sup>2</sup> of land, predominantly agricultural land, is converted into settlement and transport areas every year.<sup>68</sup> The EU has set itself the goal of no net land take by 2050,

encouraging Member States to set by 2023 their own national, regional and local reduction targets for 2030 and to follow the 'land take hierarchy' of avoid - reuse - minimise - compensate. Some countries have already taken good initiatives in this direction. For instance, Austria's strict Forest Law makes land take on forest soils very difficult and requires afforestation somewhere else and in Poland, the "Law on agricultural and forest land protection" provides for the collection of charges for converting agricultural land into urban functions.<sup>69</sup> Germany has set itself the goal of reducing the increase of sealed soil to less than 30 hectares per day by 2030 and supports municipalities in the use of brownfields, open spaces and gaps between buildings as well as the reuse and conversion of vacant buildings in cities to achieve this goal.<sup>70</sup> Despite all these very welcome initiatives, further efforts are needed to stop the dramatic biodiversity loss that is currently being observed.

## § \_\_\_\_

## A law on the restoration of damaged ecosystems

In the EU Biodiversity Strategy 2020, the EU Commission sets itself the task of developing a proposal for legally binding targets in the restoration of damaged ecosystems in the EU. Legislation will focus on those ecosystems which bear the potential to capture CO<sub>2</sub> and mitigate or prevent the impacts of natural disasters. These legally binding targets, which are to be implemented by 2030, require a new legal instrument, a restoration law. After considerable delays a corresponding legislative proposal was published on 22 June 2022. The proposal was very positively received by environmental organisations and even hailed as “huge opportunity to fight biodiversity and climate crises”. Once adopted, this legal instrument will have to be applied at the national level, too. The German parliament has to address its development and implementation, together with all relevant civil society stakeholders.

For further reading and discussion:

→ <https://eeb.org/library/restoring-europes-nature-ngo-position-paper/>

## § \_\_\_\_

## Revising the German Mining Law and the German Pollution Control Law

The industrial extraction of gravel, sand, gypsum and other minerals is increasing in Germany. For this reason, a reform of the outdated German Mining Law (BBergG) is urgently needed. In particular, for gypsum extraction, a reform of the regulations on spatial development programmes and plans as well as of the German Pollution Control Law (BlmSchG) is needed, with regard to climate protection, resource and biodiversity conservation as well as the protection of people affected by mining activities. The amendment of the BBergG and the BlmSchG for mineral extraction has to be guided by long-term public welfare aspects and not only by current demand or a private mining company’s profit intentions. In future, no extraction must take place in conservation areas, and the security of supply has to be based on a circular economy. Better recycling of gypsum has to be ensured by an action programme with binding deadlines and scenarios for phasing out the extraction of naturally occurring gypsum by 2040 and introducing substitutes for FGD gypsum. The introduction of a binding recycling quota for gypsum as well as the setting of a limit for asbestos fibres in recycled gypsum can contribute to

this process. Wherever possible and ecologically sensible, gypsum in buildings has to be replaced by alternatives which are easier to recycle. In general, less gypsum has to be used. The aim must be not to open any new extraction areas for naturally occurring gypsum.

**For further reading and discussion:**

→ <http://www.grueneliga.de/images/ErfurterErklaerung.pdf>

→ <https://www.dnr.de/publikationen/themenhefte/broschuere-bundesberggesetz/> → [https://www.kein-tagebau.de/images/\\_dokumente/2021\\_01\\_11\\_Stellungnahme\\_Bergrecht\\_BUND\\_DNR\\_GP\\_GL.pdf](https://www.kein-tagebau.de/images/_dokumente/2021_01_11_Stellungnahme_Bergrecht_BUND_DNR_GP_GL.pdf)

## § \_\_\_\_

### **Guaranteeing ecological minimum standards for forestry in the German Forest Law**

Zum Schutz und Erhalt der biologischen Vielfalt in unseren Wäldern und vor dem Hintergrund der fortschreitenden Waldkrise ist eine ökologische Waldwende überfällig: Deutschlands Wälder müssen deutlich schonender behandelt werden, um die Folgen der Klimakrise besser zu überstehen. Dazu gehört eine ökologisch verträgliche Waldwirtschaft, die für die Holzherzeugung so schonend wie möglich in das Waldökosystem eingreift. Nur dann können wir auch langfristig den umweltfreundlichen Rohstoff Holz ernten. Im Bundeswaldgesetz müssen ökologische Mindeststandards der Waldbewirtschaftung definiert und verbindlich verankert werden. Hierzu zählen der Schutz von Waldboden und Biotopbäumen, ebenso wie ein Kahlschlagsverbot und die Förderung standortheimischer Laubbäume. Für den Schutz des Waldbodens sind weite Rückegassenabstände (mindestens 40 Meter), eine Begrenzung der Gewichte der Forstmaschinen sowie ein Verbot der flächigen Befahrung der Wälder festzulegen. Biotopbäume

und Totholz müssen als essentielle Lebensräume für oft hoch bedrohte Waldbewohner besser geschützt werden. Insbesondere in alten, naturnahen Wäldern sollen Teile des Holzvorrats als stehendes und liegendes Totholz, als Biotopbäume, als alte Waldteile und Altbäume dauerhaft auf der Fläche belassen werden. Für den öffentlichen Wald soll es dazu verpflichtende Regeln geben und für den Privatwald soll dies über entsprechende finanzielle Förderung erreicht werden. Um die Wälder vor der Klimakrise zu schützen, sollen großflächige Auflichtungen bis hin zum Kahlschlag verboten werden, weil sie schlecht sind für Waldinnenklima und Waldboden. So können Wälder wieder mehr zur Kühlung der Landschaft, zum Wasserrückhalt und zur Grundwasserneubildung beitragen.

**For further reading and discussion:**

→ <https://www.bund.net/waelder/waldkrise/>

## § \_\_\_\_

## Revising the insect conservation package

In September 2019, the German Cabinet adopted an action programme for insect conservation (APIS) to counter the dramatic decline in Germany's insect population. Three departmental drafts on the amendment of existing and the elaboration of new, sub-statutory ordinances have since then been approved by the Cabinet: changes in the Nature Conservation Law, an amendment of the ordinance on the application of plant protection products and a new implementing ordinance for biocide products. Some of the new regulations, namely the amended Plant Protection Law and the ordinance on the application of plant protection products, have already been in force since September 2021, the new Insect Protection Law, which was passed in August 2021, has entered into force in March 2022. Yet, a considerable need for revision of this package of laws is already all too evident, for important elements of the APIS have not been considered or have been deleted during the negotiations. This applies in particular to restrictions of the use of pesticides and biocides. Three necessary improvements ought to be pointed out here in particular: 1) the legally binding im-



Bild:  
Viktoriya /  
unsplash.com

plementation of a “refuge area approach” to make the application of broadband herbicides or other biodiversity-damaging herbicides or insecticides dependent on the availability of refuge areas on and adjacent to application areas (cf. APIS, 4.2). 2) Extending the ban on the use of pesticides and biocides of particular relevance to insects in all areas requiring special ecological protection as well as in flora-fauna-habitat areas and in bird sanctuaries of importance to insect conservation (cf. APIS 4.1). 3) The broadly defined exceptions from a ban on the application in areas in particular need of protection, as granted by the current law, jeopardise the conservation goal and require revision.

**For further reading and discussion:**

→ <https://pan-germany.org/pestizide/insektenschutzpaket-vom-bundeskabinett-beschlossen/>





## SDG 16

# **Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels**

**Peace and stability are the basis and precondition for sustainable development. The promotion of peaceful and inclusive societies and the development of inclusive, effective, and accountable institutions are therefore essential and directly addressed in SDG 16. Yet, conflict, fear, and weak institutions are the norm in many countries. According to UN statistics, 375 human rights defenders, journalists, and trade unionists in 47 countries were killed in 2019, 30 disappeared. In May 2022, the number of people fleeing war, persecution, and conflict reached a new alarming record of 100 million individuals.<sup>71</sup>**



In the EU, most people enjoy freedom of expression, have access to free press and reporting, and can rely on effective control of state institutions and authorities by politically legitimised bodies. Nevertheless, there are also structures and procedures by public institutions that discriminate against certain groups of population (structural or institutional racism). For example, the debate of recent years has shown that such structures can be found within the police. Procedures such as "racial profiling" (dragnet investigations) or the trivialisation of racist crimes are among them. In its anti-racism action plan 2020-2025, the EU acknowledges the existence of structural and institutional racism. However, the plan has a number of shortcomings, such as the lack of concrete measures to stop structural discrimination against migrants, and is therefore not sufficient to tackle the problem.<sup>72</sup> In addition, right-wing extremism threatens communities, individuals, and social cohesion in many European countries. In Germany, the number of violent crimes by right-wing extremists has reached a two-decade high in 2020, with at least 213 murders since 1990.<sup>73</sup> To ensure peace and stability in our society, the fair treatment of all people by state institutions and protection against right-wing violence is essential.

Of course, the EU also plays a crucial role in building peace and security in other parts of the world. It is the world's largest donor in international development cooperation. The European Consensus on Development adopted in 2005 explicitly refers to the importance of promoting good governance, democracy, human rights, and economic and institutional reforms worldwide.<sup>74</sup> However, certain EU member states have been systematically breaking their principles again and again for years. For instance, Germany and France continue to be among the five largest arms exporters in the world, alongside the USA, Russia, and China.<sup>75</sup> Instead of a "restrictive and responsible arms export policy",<sup>76</sup> Germany approves the export of weapons and armaments to countries at war and in crisis, to states with human rights violations, and to regions of tension. This hypocrisy must stop.

## § \_\_\_\_

## Disarmament and joining the Treaty on the Prohibition of Nuclear Weapons (TPNW)

US American nuclear bombs are stored at the German Army's Büchel Airbase. The German government plans to procure 35 US American F-35 fighter planes to replace the Army's worn-out Tornado aircrafts, which are important for Germany's so-called nuclear sharing. In October 2020, nuclear warfare was repeatedly practised in the "Steadfast Noon" military manoeuvre. At the same time, the German government has still not signed the Treaty on the Prohibition of Nuclear Weapons, which was adopted by the UN General Assembly in 2016 and has entered into force following numerous ratifications. Active peace policy requires disarmament, not an arms build-up. Germany has to become free of nuclear arms and must join the Treaty on the Prohibition of Nuclear Weapons. Peace has to be promoted through intensifying dialogue, cooperation, and combating structural causes of conflict. The EU must once again be strengthened as a project of peace and respect the common democratic, constitutional, and humanitarian values.

**For further reading and discussion:**

→ <https://www.icanw.de/neuigkeiten/der-atomwaffenverbotsvertrag-tritt-in-kraft/>

## § \_\_\_\_

## Arms Export Control Law

In 2019, the German government presented revised principles on the export of military weapons and other arms products in order to tighten existing practice. In that very year, however, more arms export permits were awarded than ever before. This discrepancy between rhetoric and the permits actually handed out clearly demonstrates that Germany is far away from a restrictive arms export policy committed to human rights. It is therefore time for Germany to adopt a restrictive Arms Export Control Law which prohibits arms exports to war and conflict zones. In addition, an international ban on deadly autonomous weapons systems is needed. So far, contrary to what was negotiated for the Coalition Agreement of 2021, the German government has not voted for such a ban in the international negotiations on the UN Convention on Certain Conventional Weapons (CCW negotiations) in Geneva.

**For further reading and discussion:**

→ <https://www.frient.de/artikel/anhaltend-hohe-genehmigungswerte-fur-exporte-in-kriegs-und-krisengebiete> → <https://www.frient.de/artikel/misereor-setzt-sich-fur-die-kampagne-killer-roboter-stoppen-ein>

## § \_\_\_\_

**Creating an independent office of police complaints and police reform**

An independent office of police complaints can draw attention to experiences of racial profiling and other forms of violence, and it can help recognise racism in the police force as a structural problem rather than a series of individual incidents. For such an office to have an effect, it needs to be provided with sufficient resources. While the staff must be allowed to interview witnesses, they also need the right to inspect records. Only in this manner can it be guaranteed that racist conduct has legal consequences. Furthermore, the independence of such an office from other government institutions has to be ensured but at the same time be provided with sufficient financial resources. In addition, the office should exclusively serve affected people and should not simultaneously function as a complaints office for members of the police force. A further option referred to as a means of tackling racial profiling is the deletion of those sections in respective State laws giving the police powers to classify locations as “having an above-average crime rate” (or as “dangerous”) in which random checks can be performed. In addition, at the national level, Articles 22 and 23 allow the German Police to check people without suspicion in border regions, at airports, on trains, and on the motorway in order to prevent illegal immigration. In practice, these regulations frequently result in racially motivated control.

**For further reading and discussion:**

→ [https://www.institut-fuer-menschenrechte.de/fileadmin/\\_migrated/tx\\_commerce/Unabhaengige\\_Polizei\\_Beschwerdestellen.pdf](https://www.institut-fuer-menschenrechte.de/fileadmin/_migrated/tx_commerce/Unabhaengige_Polizei_Beschwerdestellen.pdf)

## § \_\_\_\_

**Tightening the Penal Code regarding the use of right-wing symbols**

The use of right-wing symbols or propaganda is generally forbidden in Germany, with the exception of those intended to express a clear rejection of the extreme right. Yet, neonazis and the ultra-right use symbols and codes to show their political convictions to each other or the public. This includes symbols or signs, such as the swastika or the double sig runes, typical greetings and slogans as well as pictures and busts of Adolph Hitler. It is forbidden to use such signs and symbols and to hand them on to third parties in public. The German Penal Code contains two sections referring to the legal handling of extreme right-wing statements and symbols: § 130 StGB and § 86a StGB. However, what appears to be clearly regulated in legal terms is frequently disputed in legal practice. Given the continuing considerable use of right-wing symbolism, in particular various substitute symbols for banned signs, and its insufficient criminal prosecution, the Penal Code needs a reassessment and tightening regarding right-wing symbolism.

**For further reading and discussion:**

→ <https://www.recht-gegen-rechts.de/gesetze-gegen-rechts/symbole-strafbar-oder-erlaubt.html>

→ <https://dasversteckspiel.de/die-symbolwelt-3.html>

## § \_\_\_\_

## Reforming the Freedom of Information Law

The Freedom of Information Law (IFG) provides citizens with an unconditional right to information. However, it contains numerous exceptions and restrictions and needs to be further developed towards a true “National Transparency Law”. For example, in its present form, the IFG only applies to national authorities (not State or local authorities) and performs particularly poorly in terms of rights to information. Shortcomings here include electronic filing and proactive publication of information. For submitting applications and for responses, there is neither any practical assistance nor a notification should processing take longer. Furthermore, no sanctions are imposed if an authority does not meet the deadline for a response. A comparison with legislation on transparency at the State government level, for example in Hamburg or Schleswig-Holstein, highlights the scope for and feasibility of improvements, dass deutliche Verbesserungen möglich sind.

For further reading and discussion:  
→ <https://transparenzranking.de/>

## § \_\_\_\_

## Amending the charitable organisation law

The amendments to the charitable organisation law adopted in the context of the Annual Tax Law in 2020 have simplified the work of many charitable organisations, civil society organisations, and foundations and relieved them of unnecessary bureaucracy. However, these changes have by far not solved all problems. On the positive side, among other things, there are five and a half newly recognized charitable purposes, including protecting the climate and support against discrimination owing to one’s sexual orientation/identity. What is still not included is legal clarity regarding political activities backing charitable purposes. To establish more legal certainty, first of all, it has to be clarified by law that an organisation’s own charitable purpose may mainly or exclusively be pursued with political means as long as the requirement to maintain a distance from political parties is complied with. Such means could, for example, also include public protest or advocacy towards parties and parliaments. Secondly, it ought to be made clear that in certain cases, and on certain occasions, charitable organisations may engage in support of charitable purposes other than their own ones. Thirdly, further charitable purposes which play an important role in social cohesion ought to be incorporated, such as human rights, social justice, or peace. These purposes are, without any doubt, charitable, and this ought to be reflected in the Fiscal Code.

For further reading and discussion:  
→ <https://www.forumue.de/wp-content/uploads/2020/11/Gemeinsames-Statement-Gemeinnuetzigkeitsrecht.pdf> → <https://www.zivilgesellschaft-ist-gemeinnuetzig.de/gemeinnuetzigkeit-das-aendert-sich-2021/>





## SDG 17

# Strengthen the means of implementation and revitalize the global partnership for sustainable development

**SDG 17 is often called the Partnership SDG. The strengthening of cooperation between the Global North and South is accordingly reflected in many of its targets and is also an important pillar of the EU's foreign policy. The EU spends 10 per cent of its budget on development cooperation, making it the world's largest donor.<sup>77</sup> An important global indicator of development policy commitment is the ODA ratio (the share of public expenditure on official development cooperation in gross national income).**



While many European countries dedicate a relatively high share of their gross national income to ODA (Official Development Aid), with ODA ratios of about 0.7 in Germany and even more than 0.9 in Turkey, Luxembourg, Sweden, and Norway (as of 2021), other OECD countries do not quite live up to their responsibilities. For instance, the United States spend less than 0.2 per cent of their gross national income on development cooperation.<sup>78</sup> However, good partnership does not end with financial support. It is also crucial that countries in the Global North meet their human rights obligations in all their external actions. In this regard, there is an urgent need for improvements in the allocation and monitoring of development funding and in the promotion of entrepreneurial activities abroad with public funds. Governments in the Global North support their countries' economies in their global business activities with billions of euros every year, for instance in the form of Hermes covers and investment guarantees. The projects supported are often located in countries where human rights and environmental standards are insufficiently respected.

Central to SDG 17 is the strengthening of domestic resource mobilisation in the Global South, the creation of a fair trade system, and the reduction of debt. Several European countries, including for

example France, Germany, and Austria, have already introduced or are planning to adopt national rules on due diligence obliging companies to respect human rights and environmental standards in production at home and abroad and to make global supply chains more sustainable. In February 2022, the European Commission adopted a proposal for a Directive on corporate sustainability due diligence which obliges companies to identify, prevent, end, or mitigate negative impacts of their economic activities on human rights and the environment.<sup>79</sup> In stark contrast to this initiative, however, are the existing and planned EU free trade agreements that contribute to an unfair and unsustainable world market. For instance, civil society organisations criticise the EU-Mercosur-agreement for promoting the import of meat, soybeans, and ethanol and thus contributing to the destruction of the Amazon rainforest, the violation of human rights, and the displacement of small farmers linked to the production of these goods. The current trade policy strengthens transnational corporations and weakens small and medium-sized enterprises. It puts pressure on countries of the Global South instead of helping to solve global problems such as hunger, climate change, and distributive injustice.

## § \_\_\_\_

## Contractually agreed human rights and environmental criteria for the award of public loans

Development financing via the Credit Institute for Reconstruction (KfW) and the German Investment and Development Company (DEG) is an important financing tool in German development cooperation. It promotes the establishment of the private sector and government projects in developing countries. Despite its own human rights declaration, it has become apparent that the KfW has not always lived up to its claim to protect human rights. Over the last few years, in the field of development financing, the KfW has taken small steps to increase transparency. Since 2013 and 2015 respectively, the KfW and the DEG have made public which projects they are financing and disclosed their risk categories. However, this is nowhere near what is needed to evaluate human rights practice in development financing. Transparency is worsened by rapidly increasing financing via so-called financial intermediaries (funds, banks) and mixed financing (i.e. mixing public and private money). The ultimate recipients of financing are systematically unknown – also to the German government itself. Therefore, risky projects (categories A and B+) ought to be made public in the respective relevant languages at least 60 days ahead of signing the contracts. The use of tax and embezzlement havens has to be forbidden for public financial institutions. Environmental and social compatibility studies, human rights impact assessments, and environmental and social compatibility management plans should be made subject to a disclosure obligation via standard clauses on transparency. Furthermore, the contracts have to contain robust human rights clauses by default allowing termination of the contract in the event



of human rights violations or non-compliance with conditions. This would ensure that the KfW retains sufficient influence options after approval to prevent violations of human rights. Financing “at one’s own risk” (i.e. government-mandated financing via its own funds) is currently not tied to provisions made by the German Ministry for Economic Cooperation and Development (BMZ) (here, they merely serve as a “guideline”). The binding character of development cooperation needs to account for all state actors.

**For further reading and discussion:**

→ [https://www.fian.de/fileadmin/user\\_upload/dokumente/mitmachen/160315\\_DEG\\_Transparenz\\_offener\\_Brief\\_\\_1\\_.pdf](https://www.fian.de/fileadmin/user_upload/dokumente/mitmachen/160315_DEG_Transparenz_offener_Brief__1_.pdf)

→ <https://urgewald.org/sites/default/files/media-files/Bericht-DevelopmentFinance-AgroColonialism.pdf>

## § \_\_\_\_

## **Establishing a uniform complaints mechanism in German development cooperation**

Non-discrimination and special duties to protect are fundamental aspects of the human rights approach. With the 2011 human rights concept of the German Ministry for Economic Cooperation and Development (BMZ), important steps were already taken to strengthen human rights in development cooperation. Ahead of all bilateral development cooperation, human rights risks and impacts have to be assessed. This applies in particular to infrastructure projects. However, people in partner countries often do not have sufficient options to claim compensation for damage caused by development projects, although the human rights concept stipulates that “the setting up of a human rights complaints mechanism ought to be examined by the BMZ”. Despite concrete proposals that have been put forward for the practical development of such a concept, to this day, no uniform, low-threshold complaints mechanism exists in German development cooperation. The German government should urgently set up such a uniform complaints mechanism including an independent panel of experts with specific rights and capacities to enable persons and groups negatively affected by German development cooperation projects, programmes, or policies to effectively lodge

complaints. The panel ought to report regularly to the relevant parliamentary commissions and committees and involve them wherever this becomes necessary and has been previously prescribed.

**For further reading and discussion:**

→ [https://www.forum-menschenrechte.de/wp-content/uploads/2016/11/1210\\_FMR\\_Proposal\\_HR\\_Complaint\\_Procedure\\_Dev\\_Coop.pdf](https://www.forum-menschenrechte.de/wp-content/uploads/2016/11/1210_FMR_Proposal_HR_Complaint_Procedure_Dev_Coop.pdf)

## § \_\_\_\_

## **Reparation payments after recognition of the massacres of Herero and Nama as genocide**

In May 2021, after 115 years, the German government for the first time referred to the massacre of members of the Herero and Nama ethnic groups as genocide and apologised. Namibia and Germany have signed an as yet unpublished reconciliation agreement in which Germany promises Namibia and the descendants of the victims support via a programme totalling 1.1 billion euros for reconstruction and development. Legal claims to compensation cannot be deduced from this. The money is to be provided over a period of 30 years and is meant to merely flow into already existing Namibian government development plans. The affected communities as well as the two umbrella associations of the traditional Herero and Nama leaders, the Ovaherero Traditional Authority (OTA) and the Nama Traditional Leaders Association (NTLA), reject the agreement, claiming that it merely represents reconciliation between the two governments but neither includes the communities nor refers to any reparation payments. In January 2022, Herero and Nama representatives called for the start of new negotiations. In addition to an apology, representatives of the Herero and Nama demand that the German parliament re-

cognises the massacre as genocide in accordance with International Law, which implies an obligation to pay reparations. Furthermore, they call for the setting up of a committee with representatives of the victims' associations to control payments and their use. So far, the Namibian parliament has not yet ratified the reconciliation agreement.

**For further reading and discussion:**

→ <https://genocide-namibia.net/2021/05/17-mai-2021-pressemitteilung/>

## § \_\_\_\_

### **A foreign trade and investment promotion law**

Foreign trade and investment promotion urgently requires a legal framework. A corresponding law ought to ensure that businesses applying for support should commit themselves to human rights and environmental due diligence. The projects benefiting from support should not contravene the public welfare-oriented government goals and International Law commitments of Germany and the EU, especially with regard to climate protection, human rights, and the SDGs. The UN Guiding Principles on Business and Human Rights, the OECD guidelines for multinational corporations, and an ambitious supply chain law have to become a condition for businesses that want to apply for investment promotion. Businesses, goods, and projects not fulfilling these criteria have to be excluded from the granting of credit guarantees. Stakeholders have to be involved in the impact assessment of projects regarding human rights,

the environment, the climate, and sustainable development as well as in regular monitoring of the projects. Effective mechanisms have to be introduced to guarantee that management plans and conditions are followed in practice. Transparency needs to be raised by providing advanced information on projects with human rights and ecological impacts and by reporting on authorised projects in a manner that such impacts can be identified. The management plans, conditions, and monitoring results relating to the environment and human rights also have to be published to ensure that people at the local level are aware of their rights and can claim them. In the future, comprehensive and anonymous complaints options need to be provided for victims of human rights violations and environmental damage that are related to projects supported by Germany. The German government has to be involved in setting assessment and award criteria and in decisions on particularly relevant credit guarantees.

**For further reading and discussion:**

→ [https://www.gegenstroemung.org/web/wp-content/uploads/2021/05/2014-04\\_AWF-in-Einklang-mit-MR-Umwelt-und-Klimschutz.pdf](https://www.gegenstroemung.org/web/wp-content/uploads/2021/05/2014-04_AWF-in-Einklang-mit-MR-Umwelt-und-Klimschutz.pdf)

## § \_\_\_\_

## Ratifying the Optional Protocol to the UN International Covenant on Economic, Social and Cultural Rights (ICESR)

The International Covenant on Economic, Social and Cultural Rights (UN Social Covenant) is a multilateral agreement under International Law. Together with the International Covenant on Civil and Political Rights, it was adopted by the United Nations General Assembly to give the rights of the Universal Declaration of Human Rights a binding International Law status. The rights of the UN Social Covenant range from the rights to work and to organise in a trade union, the rights to social security, reasonable living standards, health, and education to the right to participate in cultural

life and the right to food. Since 2010, there has been an individual complaints procedure for the UN Social Pact, as is the case with most international human rights agreements. An individual complaint gives victims of human rights violations the opportunity to have their case reviewed by an international committee if they have not had their rights recognised at the national level. For this option to be available to victims, the so-called Optional Protocol to the UN Social Covenant has to be ratified by the government of the country concerned. By January 2021, 26 countries had ratified the Optional Protocol to the UN Social Covenant. Germany is not among them. In order to give people the possibility to claim their social human rights at the international level, Germany has to ratify the Optional Protocol to the UN Social Covenant.

For further reading and discussion:

→ <https://www.fian.de/themen/menschenrechte/un-sozialpakt/>



Bild: USAID Africa Bureau / Maza Wanawake Kwanza Growers Association (Lizenz: public domain)

## § \_\_\_\_

## Revising Covered Tax Agreements

In Double Taxation Agreements (CTA), taxation rights are shared among countries. This is to avoid businesses operating in two countries from having the same tax base subjected to taxation twice, which could impede investments. In practice, a more and more complicated tangle of presently 132 German CTAs has resulted in taxation evasion by businesses. This creates serious problems for countries in the Global South since their tax revenue depends to a higher degree on business tax. Reform efforts of international business tax law, primarily the so-called multilateral instrument of the OECD, have not proved capable to render CTAs irrelevant. Furthermore, the German government (the Ministry of Finance, BMF) is negotiating new CTAs and the revision of existing agreements and is submitting its negotiation results, i.e. legislative proposals on the amendment of CTAs with Mauritius and Mexico in May and June 2022, to the German parliament for ratification. The financial impacts of the CTAs on countries of the Global South have so far not been systematically examined – neither globally nor with regard to individual countries. On the basis of such a study (of which results are available

for a wide range of other European countries – Ireland, Switzerland, Denmark, the Netherlands), the German parliament ought to play a greater role in CTA negotiations. This could include the creation of a legal framework for negotiating and renegotiating CTAs replacing the existing BMF model tax convention and ensuring a fair balance of interests between Germany and the respective contract partner through clearly defined criteria. Existing formats can be consulted, such as those developed by the UN Committee of Experts on International Cooperation in Tax Matters, which systematically consider the rights of countries of the Global South. Furthermore, it would have to be assessed whether the German government ought to urge a replacement of the CTAs by so-called Tax Information Exchange Agreements (TIEA) which regulate an automatic and mutual exchange of tax law information between the responsible authorities.

For further reading and discussion:

→ <http://library.fes.de/pdf-files/iez/15869-20200122.pdf>

## Special Rights of Action



More and more corporations around the world are taking advantage of the special rights of action granted to them by trade and investment agreements like CETA.

**More than 1.000 times**

have corporations sued states, among other things, because states have enacted stricter environmental or climate protection measures.

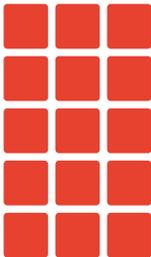
## Example TransCanada

**Stop!**



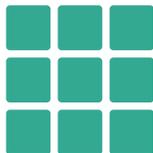
Because President Obama halted construction of the Keystone XL pipeline on climate change grounds, Canadian energy company TransCanada demanded ...

**15 Bn**  
USD



... \$15 billion from the USA. When President Trump approved the pipeline, TransCanada initially withdrew the lawsuit - but could resume it after construction was halted again under President Biden.

**9 Bn**  
USD



By comparison, the annual budget of the U.S. Environmental Protection Agency is about \$9 billion.

§ \_\_\_\_

## **Rejection of CETA by the German parliament and the German Council of States**

CETA, the Comprehensive Economic and Trade Agreement between the EU and Canada, has to a large extent already been applied preliminarily since September 2017. However, it only enters fully into force when it has been ratified by the parliaments of all EU Member States – in Germany, this would require approval by both the German parliament (Bundestag) and the German Council of States (Bundesrat). Following the complete ratification of the agreement, the regulatory committees, which lack democratic legitimacy and serve as a gateway for lobby interests, are to fully commence their work. Furthermore, special rights of action will enter into force for corporations allowing Canadian investors to sue the EU or its Member States for high levels of compensation should, for example, new climate laws lower their profits. Therefore, CETA threatens environmental, social, and consumer protection standards, increases the influence of transnational corporations on policies, and undermines democracy. For these reasons, the German parliament and the German Council of States have to reject the ratification of the agreement.

**For further reading and discussion:**

→ [https://www.gerechter-welthandel.org/wp-content/uploads/2019/06/Sieben-Gr%C3%BCnde-gegen-CETA\\_Juni2019.pdf](https://www.gerechter-welthandel.org/wp-content/uploads/2019/06/Sieben-Gr%C3%BCnde-gegen-CETA_Juni2019.pdf)

**Introduction**

1 [https://www.dnr.de/fileadmin/Publikationen/Steckbriefe\\_Factsheets/2020-04-01-Steckbrief\\_OIOO.pdf](https://www.dnr.de/fileadmin/Publikationen/Steckbriefe_Factsheets/2020-04-01-Steckbrief_OIOO.pdf)

2 <https://www.dnr.de/eu-koordination/eu-umweltnews/2021-politik-recht/bruessel-schlaegt-neue-vorgaben-fuer-bessere-rechtsetzung-vor/?L=0;>

3 The Federal Republic of Germany is subdivided into 16 Federal States, which have their own competences in many areas.

**SDG 1**

4 [https://www.sozialpolitik-aktuell.de/files/sozialpolitik-aktuell/\\_Politikfelder/Europa-Internationales/Datensammlung/PDF-Dateien/abbX24.pdf](https://www.sozialpolitik-aktuell.de/files/sozialpolitik-aktuell/_Politikfelder/Europa-Internationales/Datensammlung/PDF-Dateien/abbX24.pdf)

5 [https://ec.europa.eu/employment\\_social/2010againstpoverty/about/tackling\\_de.htm](https://ec.europa.eu/employment_social/2010againstpoverty/about/tackling_de.htm)

6 [https://www.sozialpolitik-aktuell.de/files/sozialpolitik-aktuell/\\_Politikfelder/Europa-Internationales/Datensammlung/PDF-Dateien/abbX24.pdf](https://www.sozialpolitik-aktuell.de/files/sozialpolitik-aktuell/_Politikfelder/Europa-Internationales/Datensammlung/PDF-Dateien/abbX24.pdf)

7 <https://www.wirtschaftsdienst.eu/inhalt/jahr/2014/heft/2/beitrag/folgen-der-hartz-reformen-fuer-die-beschaefigung.html>

8 <https://www.fes.de/themenportal-flucht-migration-integration/artikelseite-flucht-migration-integration/armut-und-ungleichheit-europas-unterschaetzte-gefahr>

**SDG 2**

9 [https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Organic\\_farming\\_statistics](https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Organic_farming_statistics)

10 <https://www.tagesschau.de/ausland/biolandwirtschaft-eu-101.html>

11 <https://ec.europa.eu/research-and-innovation/en/horizon-magazine/boosting-nutrients-crops-beat-hidden-hunger-poor-diet>

**SDG 3**

12 <https://www.oecd-ilibrary.org/sites/e0d509f9-en/index.html?itemId=/content/component/e0d509f9-en>

13 [https://www.un.org/en/development/desa/population/publications/pdf/ageing/WPA2015\\_Highlights.pdf](https://www.un.org/en/development/desa/population/publications/pdf/ageing/WPA2015_Highlights.pdf)

14 <https://www.pflegekammer-nds.de/files/download/Bericht-zur-Lage-der-Pflegefachberufe-Nds-2021-Online.pdf>

15 <https://statistik.arbeitsagentur.de/DE/Statischer-Content/Statistiken/Themen-iv>

Fokus/Berufe/Generische-Publikationen/Altenpflege.pdf?\_\_blob=publicationFile&v=7

16 <https://de.statista.com/statistik/daten/stu-die/2617/umfrage/anzahl-der-krankenhaeuser-in-deutschland-seit-2000/#:~:text=Die%20Zahl%20der%20Kliniken%20und,H%C3%A4user%20im%20Jahr%202018%20ausbauen>

**SDG 4**

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**Kampagne Opfer rassistischer**

**Polizeigewalt Kiel**

# Imprint

Publisher: German NGO Forum on Environment and Development

The German NGO Forum on Environment and Development is the publisher of this publication and holds sole responsibility for the contents. We consulted with a wide range of civil society organisations, colleagues and experts– for which we would like to express our gratitude. In order to ensure that this expertise can be made use of by our readers, we have annexed all legislative proposals with links offering further reading and further discussion.

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Berlin, June 2021 (translated, slightly revised and updated edition July 2022)

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Supporting Editors: Veronica Rossa, Judith Hermann, Jessica Klaube, Miriam Stahlhacke

Translation: Mike Gardner

Graphics: Clara Hüscher · [www.clara-huesch.de](http://www.clara-huesch.de)

Print: Knotenpunkt Offsetdruck GmbH

ISBN: 978-3-949191-00-8

This project was funded by the Federal Environment Agency and the Federal Ministry for the Environment, Nature Conservation, Nuclear Safety and Consumer Protection. The funds are made available by resolution of the German Bundestag. The publisher is responsible for the content of this publication.

**Six years after the adoption of the 2030 Agenda with its Sustainable Development Goals (SDGs), the implementation of the SDGs in Germany continues to face major obstacles. The core problem of the 2030 Agenda is its non-binding nature. Along with the Decade of Action proclaimed by the UN Secretary General for the next ten years, we need a Decade of Commitment as well. This publication therefore presents proposals for laws that the German parliament can pass in the 20th legislative period. Our proposals are both an offer and a checklist in terms of how ambitious the German parliament and the government are. We will no longer accept inactivity and a lack of accountability in the SDG Decade of Action.**

