

E-RECHT: LAW MAKING IN A CONTEMPORARY WAY

by

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The application 'E-Recht' has fundamentally reformed the Austrian legislative process. Its goals were speeding-up legislation and making it more efficient and transparent. The idea was to create one continuous paperless electronic workflow from the first draft of a bill until to the publication of the law in the Federal Law Gazette. Documents can be handled electronically through the whole legislative process. Authorised users can read drafts or submit proposals or amendments on-line. Furthermore, the bills can be easily forwarded to parliament for deliberation and approval. Finally, these texts are officially published in an authentic version in an electronic Federal Law Gazette online free of charge (www.ris.bka.gv.at).

E-RECHT AS PART OF E-GOVERNMENT [1]

The use of modern information and communication technology in public administration goes under the title e-government. In e-government, Austria plays a leading role. This is confirmed by the e-government ranking in 2006 where Austria came in first place. At EU level e-government is defined as:

“The use of information and communication technologies in public administration combined with organisational change and new skills in order to improve public services and democratic processes and strengthen support to public policies.”

In the interest of the citizens and entrepreneurs the aim was to quickly develop a modern and service orientated administration. In the last two years, a total of 100 projects were successfully realized. Furthermore, great

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efforts will be undertaken to offer qualitative high-grade, efficient, low-cost, and secure administrative services within the frame of the federal government's e-government-Offensive.

The E-Recht project initiated by the Austrian Federal Government in 2001 allows a continuous electronic production channel from the drafting of legislation through to its publication in an authentic form on the Internet (www.ris.bka.gv.at). It can be characterised as a change from paper documents to electronic documents. The drafting process is shown without any interruptions and review drafts and statements of the stakeholders are displayed on the Internet. A process-control workflow and the use of document templates support the work of the users. The use of online application modules ("MOA") allows the electronic signing of legal texts to warrant their authenticity and completeness.

The basic idea of the E-Recht project was to have legal texts pass through a continuous electronic production channel, from the initial draft of a bill, via evaluation („Begutachtung"), to the government bill, to its debate in parliament and through to its authentic publication on the internet. Technical means ensure transparency with regard to the making of the text drafting throughout the entire process.

The redesign of the law making process was implemented following a decision on this subject adopted by the Council of Ministers in May 2001. The system facilitates the individual work steps and, above all, clearly speeds up the law making and publication procedure. The implementation of the project also allows for financial savings which exceed the development costs incurred.

First deliberations on this fundamental reform of legislation were launched in 1999 by the Federal Chancellery. In 2001, the Federal Government has defined the aims of the project in a decision. (Decision of the Federal Government of 6 June 2001 on Electronic Law-Making)

By virtue of the (Austrian) „Kundmachungsreformgesetz 2004" (Publication Reform Act 2004), Federal Law Gazette I No. 100/2003, legal texts which must be promulgated in the Austrian Federal Law Gazette are considered to be promulgated in a legally binding way exclusively if published on the Legal Information System of the Republic of Austria.

The Federal Chancellery was one of the first public authorities in Europe

which has implemented a complete digital law making system and the publication of the Federal Law Gazette in an authentic version on the Internet.

E-RECHT – THE PROJECT [2]

The process was planned and realized as a whole, which allows processing transitions from one organization to the next to be kept frictionless; parallel processing by several organizations at once is made possible.

The main aims of the project were:

- a) Continuous electronic support of legislation
- b) Reduction of mistakes by elimination of duplicates
- c) Recycling of data
- d) Easier administration of different versions of documents
- e) Implementing of a uniform layout
- f) Support for legislative bodies
- g) Official and authentic publication in an electronic Federal Law Gazette online free of charge

Based on the web-based software for Electronic Files ("ELAK-System") which is used in all Federal Ministries, the requirements for the E-Recht project were developed. The E-Recht workflow is a centralized system where no specialized client software is needed and no additional license fee has to be paid.

WORKFLOW [2.1]

The law-making process is documented and facilitated by a workflow system. The workflow of electronic law making involves the following processes, depending on the type of the legal source (e.g., Federal Act, Regulation):

- a) Preparation of a bill
- b) Evaluation procedure
- c) Presentation to the Council of Ministers
- d) Government bill
- e) Process in parliament (independent system)
- f) Decision of Parliament
- g) Authentication of the Act by the Federal President and counter-signature by the Federal Chancellor
- h) Official electronic publication as a Federal Law Gazette via the Austrian

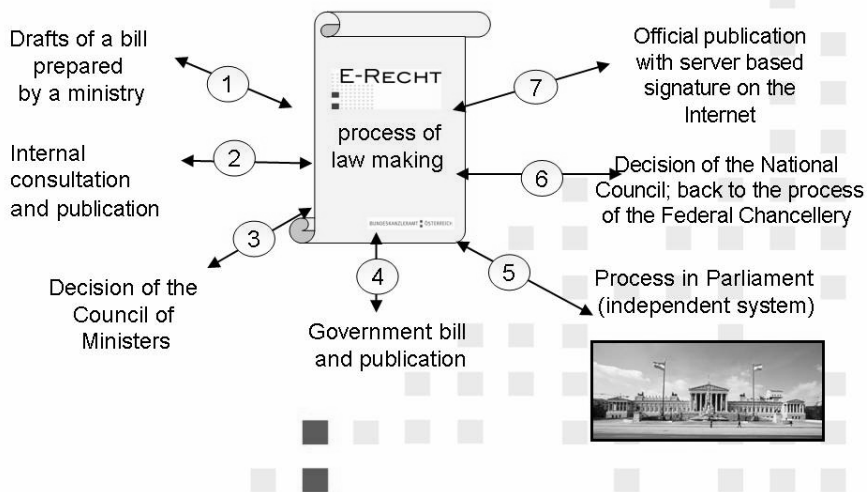
Legal Information System (www.ris.bka.gv.at)

Each bill recorded in the E-Recht system consists of metadata (descriptive information) and the following documents:

- a) Draft bill (mandatory)
- b) Relevant documents (usually consisting of the introduction („Vorblatt“), comments, comparison of texts)
- c) Annexes
- d) Opinions of bodies which were invited to evaluate a ministerial draft bill („Ministerialentwurf“)
- e) Various cover notes
- f) Other documents



process of law making



DOCUMENTS AND CONVERSION ROUTINES [2.2]

The creation of electronic texts within the law making process follows the layout guidelines of the Executive Office for Constitutional Matters of the Federal Chancellery (for information in German see www.bka.gv.at, „Fachinhalte / Verfassungsdienst/Legistik“). Based on these guidelines, MS Word-

based templates were developed which facilitate the structuring of texts and the layout design for the Federal Ministries. Currently, 65 paragraph formats and 11 character formats are available. Specially defined toolbars help to assign the formats. The first draft of a new law will regularly be prepared outside of the E-Recht system by legal professionals. The writing of the first draft is supported by the use of MS Word templates and assisted by MS Word macros. The usage of these macros is decentralized. These measures should guarantee a standardized layout of all legal norms when authorized users of the E-Recht system put the draft into the system.

Additional functions which allow for a more comfortable editing of the legal texts are made available to the users:

- a) Auto format recognition
- b) E-Recht conformity check (for conversion to XML)
- c) Table of contents generation
- d) Text comparison

Of high importance for the next steps is the entry and strict separation of meta and text data as well as the correct formatting. This has to be checked again after a successful data import. Now the document can be forwarded to the next legislative body in the process.

At this stage the documents which have been created in MS Word as well as other original formats (PDF, JPEG, GIF, TIFF, etc.) are converted automatically to XML (Extensible Markup Language) to meet the requirements of sustainable long-term archiving and the electronic signature. Main advantages of XML documents are also the high compatibility and re-use of data.

TECHNICAL DETAILS [2.3]

The Online application modules (MOA) developed by the Federal Chancellery and the Federal Ministry of Finance are components intended to facilitate use of electronic signatures. Since June 2005, the modules are open source and licensed under the Apache License Version 2.0. The authentic version of the Federal Law Gazette is electronically signed to warrant authenticity and completeness, therefore the modules MOA SS (creation of a server signature) and MOA SP (module for signature Verification) are used. The electronic signing of legal texts warrants their authenticity and completeness.

ACCESS AND ACCESS RIGHTS [2.4]

E-Recht can be only accessed on the Intranet of the public bodies. Authorised and specially trained users can login with user-ID and password. Furthermore, SSL (Secure Socket Layers) is installed for secure communications. SSL is a form of encryption which can be used to scramble data when it is transferred each way between a server and an Internet browser. All drafts or projects are protected by strict access rules. The data in the E-Recht system can be put, read or changed depending on different access rights. Every ministry has to define some groups of users who are responsible for certain subject fields and have the authorization to put the preliminary draft of a planned bill into the E-Recht system. The members of these user groups have the access rights to read, to write and to search as far as their own projects are concerned.

THE TRACK RECORD OF THE E-RECHT PROJECT IS IMPRESSIVE [3]

- a) Winner of the 7. Internationaler Speyerer Qualitätswettbewerb 2005
- b) Winner of Amtsmanager 2005 (An award of the chamber of commerce)
- c) Finalist of the eEurope Awards 2005