

Annex 1

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Production cycle of legal bills (E-Law)

23rd November 2010

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The basic ideas of the E-Law project are:

- To provide an electronic workflow for producing legal texts beginning with the draft bill and ending with the ePublication of the Federal Law Gazette (e.g. law, regulation, announcement, treaty)
- To replace printed legal texts by digitally signed electronic documents
- Official publication of the Austrian Federal Law Gazette in the Internet – free of charge



The legal basis:

By a resolution of the Federal Government on 5th June 2001, the redesign of the law-making procedure and thus of the E-Law project was formally decided

- Legal basis of the authentic publication:
„Kundmachungsreformgesetz 2004“
(BGBl I Nr. 100/2003, 21.11.2003)
 - an amendment of the Federal Constitution
 - new “Federal Law of the Federal Law Gazette”



The main aims are:

- Publishing and archiving of legislative documents (draft bills, government bills) in the Austrian Legal Information System (RIS) - <http://www.ris.bka.gv.at/>
- Documents leaving the workflow will be signed electronically on XML basis
- Access rights can be controlled locally
- Reduction of mistakes by eliminating duplicates
- Version control
- Implementation of a standard layout of the Federal Law Gazette
- Support for legislative bodies
- Access to E-Law for all Austrian Federal Ministries



E-Law History

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1999

First ideas

2001

Start of the project

2002

Training and Tests

2003

Trial operation

2004

Authentic Publication



The main components are:

1. *MS WinWord Macros (Templates)*
 - Guidelines for layout
 - Guidelines for content
 - Standards for document production based on these guidelines
2. *Electronic Workflow*
 - Standards for workflow
 - Electronic signing
3. *Publication*
 - Conversion to different formats (PDF, RTF, HTML)
 - Electronic signature verification
 - Publication on the Internet (RIS)



Guidelines for text layout:

- The Layout Guidelines comprise rules for composition and design of legal texts to be published in the Official Journal. Even drafts should already comply with them, in order to avoid subsequent extra work for adaptation. Some examples chosen at random:



Examples for text layout:

- Automatic or manual hyphenation in texts should be avoided, because it can cause spelling mistakes. Manual formatting of single words (bold, italic, underline) should equally be avoided, as well as blank lines, tabs, automatic numbering and other optical arrangements of the text.
- Text which *must* be bold: identifications of articles, including their numbering (see example below), the words **Constitutional Provision** and references to **Annexes**.



Examples for text layout:

- If words, abbreviations, numbers etc. are not to be separated at the end of a line, use non-breaking spaces. This applies especially to figures and measurements, structuring and numbering, days and months in dates, or words belonging together logically.

Official Journal No.°27, Article°10, 20°minutes,
29°March, hazard category°III

It is obvious in which cases the use of a non-breaking hyphen is necessary.



Examples for text layout:

- Text which *must* be bold: identifications of articles, including their numbering (see example below), the words **Constitutional Provision** and references to **Annexes**.
- The title of a legal act has to be provided including the official short form and the official abbreviation.

11_Titel Federal Act Concerning the Protection of
Personal Data (Datenschutzgesetz 2000 – DSG 2000)

The number of the Official Journal is only allocated immediately before publication, the placeholder “xxx” has to be used consistently where needed, in order to guarantee the correct automatic substitution prior to publishing.



Examples for text layout:

45_UeberschrPara

Definitions

51_Abs

Article 2. (1) 'Personal data' shall mean any information relating to an identified or identifiable natural person ('data subject'). An identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identification number or to one or more factors specific to his physical, physiological, mental, economic, cultural or social identity.

51_Abs

(2) 'Processing of personal data' shall mean any operation or set of operations which is performed upon personal data, whether or not by automatic means, such as collection, recording, organization, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, blocking, erasure or destruction.



Guidelines for content:

- Linguistic frugality and clarity
 - Legal texts should be kept short and simple, unnecessary wording is to be avoided. The addressees of the regulation and its meaning have to be clear without a doubt. The text must be easy to understand, technical terms should be identified as such.
- Motives
 - Motives and reasons for a law should only be included in the text when necessary for understanding its meaning, otherwise they belong within the accompanying commentary.



Guidelines for content:

- Safeguarding clauses
 - Restricting the scope of a law by a general reference to other regulations reflects uncertainty of the legislator or a poor structuring.
Negative example: This Federal Act applies to the operation of such technical plants
- Abstractness and examples
 - Legal texts must be worded in an abstract language, examples are only to be used if needed for explanation. If enumerations are given for exemplification, their non-exhaustive character must be made clear.



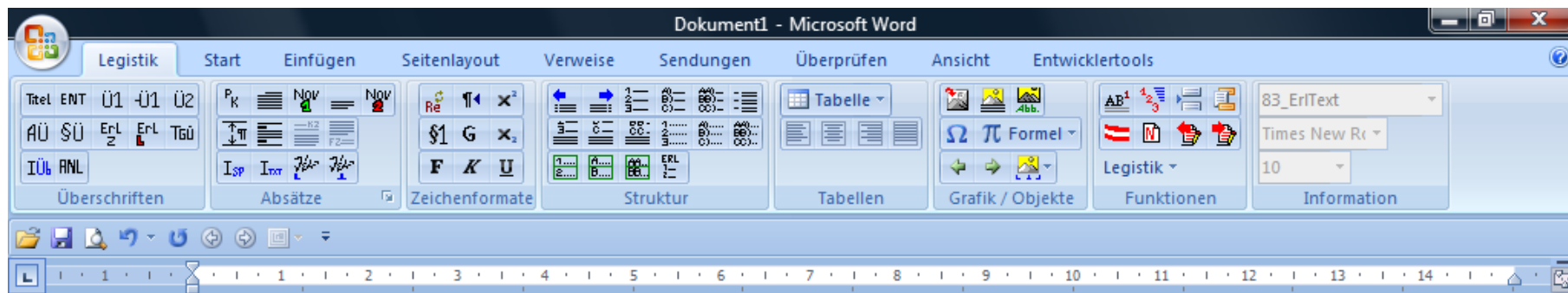
Guidelines for content:

- Composition
 - Legislation must be structured in adherence to a system which is easy to follow for the reader. What belongs together as regards content, should appear in the same part of the text.
One section should never be longer than two pages at the most (approx. 3.500 characters), and must in no case have more than eight paragraphs. The first paragraph should give an introduction to the issue at hand, the train of thoughts has to lead from general to particular aspects.



Standards for document production:

- Documents are written in MS Word supported by templates and macros
- MS Word-based templates facilitate these functions
 - 65 templates for paragraphs
 - 11 templates for illustrations



- The correct use of the special templates are necessary for the conversion of the documents to XML



Standards for document production:

- Special services
 - Automatic format recognition (interactive / quick)
 - Automatic remove of hyperlinks or bookmarks (authentic version)
 - Displacement of invalid formats



Standards for workflow:

- Different workflows for the types of legal texts
 - New Federal Law
 - New Regulation
 - By minister
 - By government
 - New Treaty
 - International treaty
 - Cabinet agreement
 - Ministry agreement
 - Chancellor agreement



Example “Federal Law”:

- A draft of a bill is prepared by a Federal Ministry
- The Federal Ministry sends the draft bill for internal consultation (expert’s opinion) to different interest groups (e.g. trade unions, chamber of commerce)
- The draft bill can be published in the Austrian Legal Information System (RIS)
- Decision of the Council of Ministers (the weekly meeting of the members of the Austrian federal government)
- The draft bill becomes a government bill which has to be published in the RIS

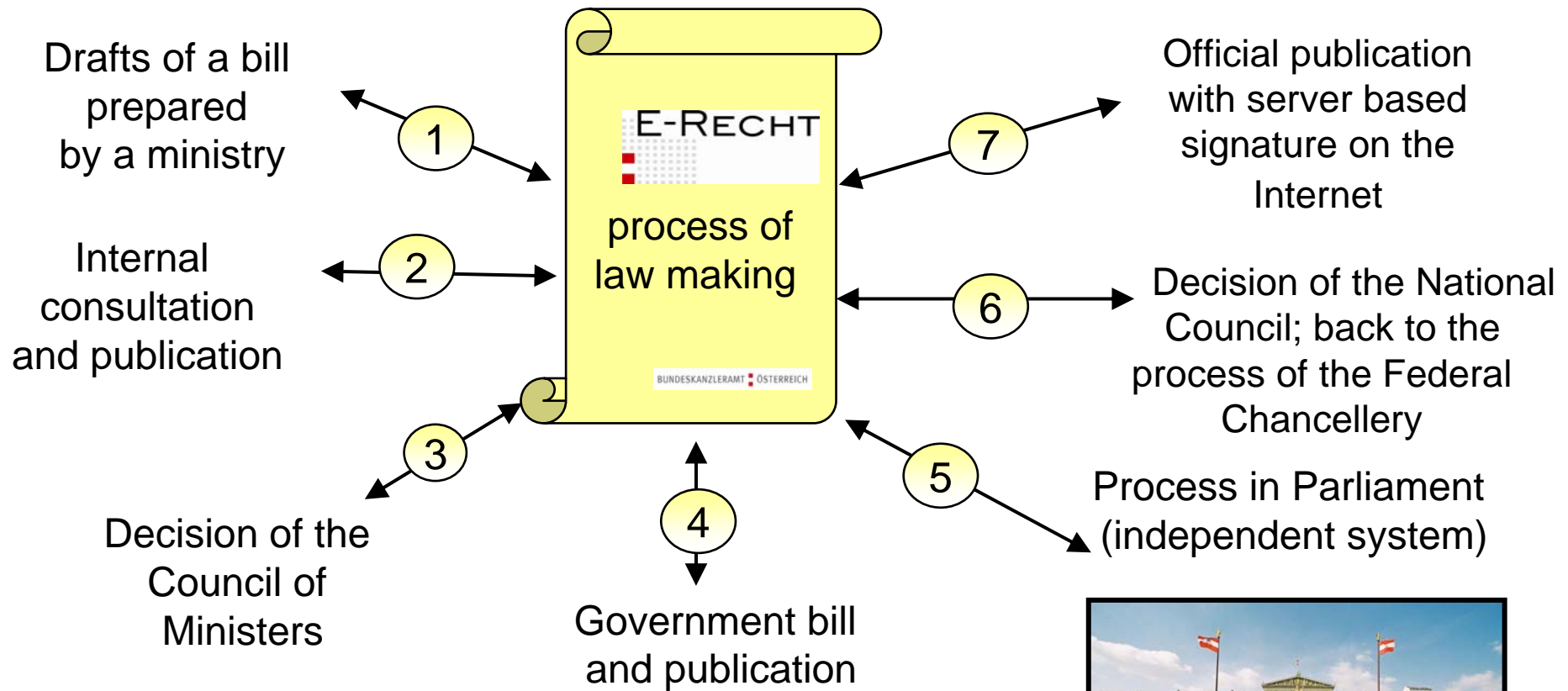


Example “Federal Law”:

- The government bill is transferred to Parliament which runs an independent system
- Parliament debates and votes on the government bill
- The decision of the Parliament is transferred back to the Federal Chancellery
- The Federal President and then the Federal Chancellor sign the act of Parliament on paper
- Server based electronic signature by the Federal Chancellery
- Official publication of the Act of the Parliament in the Federal Law Gazette in RIS
<http://ris.bka.gv.at/>



process of law making



Electronic signing :

- Using Open Source Tools developed in Austria, „MOA“ (Module for Online-Applications)
 - MOA-SS: server–side signature creation



Conversion to different formats:

- Working format for lawyers/secretary staff in the ministries: MS Word 2003/2007/2010
- Conversion to:
 - RTF
 - PDF
 - XML
 - XHTML



Electronic verification:

- Using Open Source Tools developed in Austria, „MOA“ (Module for Online-Applications)
 - MOA-SP: signature verification



MOA SP/SS:

- This module encapsulates all functionality needed for server-side signature creation and verification. Signatures can be created using software certificates or with a hardware security module. The MOA module supports signatures according to XMLDSig (<http://www.w3.org/TR/2002/REC-xmlsig-core-20020212/Overview.html>) and CMS (Cryptographic Message Syntax) for both signatures and qualified signatures. During the creation of a signature, the module must look after obtaining the signature key, resolving of the data to be signed, calculating the transformation and creating the signature itself. It is also possible to create batch signatures with just one command that can be attached to many documents. Its functions can be called by SOAP Web services as well as by Java program interfaces. The Web service interface makes it possible to maintain a clean separation between the calling applications and MOA components. In addition to providing the option for multitenancy, this design allows centralised modules to be shared by many applications.



Publication on the Internet

- Authentic publication
- The information is available worldwide free of charge
<http://www.ris.bka.gv.at/Bgbl-Auth/>

BUNDESGESETZBLATT FÜR DIE REPUBLIK ÖSTERREICH

Jahrgang 2010	Ausgegeben am 15. Juni 2010	Teil I
34. Bundesgesetz:	Abgabenänderungsgesetz 2010 – AbgÄG 2010 (NR: GP XXIV RV 662 AB 741 S. 67. BR: 8311 AB 8313 S. 785.)	

34. Bundesgesetz, mit dem das Einkommensteuergesetz 1988, das Körperschaftsteuergesetz 1988, das Umgründungssteuergesetz, das Umsatzsteuergesetz 1994, das Grundsteuergesetz 1955, das Bundesgesetz über eine Abgabe vom Bodenwert, das Gebührengesetz 1957, die Bundesabgabenordnung, das Abgabenverwaltungsorganisationsgesetz 2010, das Normverbrauchsabgabengesetz 1991, das Zollrechts-Durchführungsgesetz, das EUROFIMA-Gesetz, das Gesundheits- und Sozialbereich-Beihilfengesetz und das Finanzausgleichsgesetz 2008 geändert werden (Abgabenänderungsgesetz 2010 – AbgÄG 2010)

Der Nationalrat hat beschlossen:

Artikel I

Änderung des Einkommensteuergesetzes 1988

Das Einkommensteuergesetz 1988, BGBl. Nr. 400/1988, zuletzt geändert durch das Bundesgesetz BGBl. I Nr. 9/2010, wird wie folgt geändert:



Contact

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