БОСНА И ХЕРЦЕГОВИНА
ПАРЛАМЕНТАРНА СКУПШТИНА
БОСНЕ И ХЕРЦЕГОВИНЕ
ПРЕДСТАВНИЧКИ ДОМ
Уставноправна комисија

BOSNA I HERCEGOVINA
PARLAMENTARNA SKUPŠTINA
BOSNE I HERCEGOVINE
PREDSTAVNIČKI DOM/ZASTUPNIČKI DOM
Ustavnopravna komisija
Ustavnopravno povjerenstvo

BOSNA I HERCEGOVINA
PARLAMENTARNA SKUPŠTINA BOSNE I HERCEGOVINE
SARAJEVO
PRIMLJENO: 29.7.2010.
Organizaciona jedinica | Klasifikaciona oznaka | Redni broj | Broj priloga
01/1,02/M-05-127/10

Broj: 01/1-50-1-1-106/10
Sarajevo, 25.6.2010.

KOMISIJI ZA VANJSKE POSLOVE PREDSTAVNIČKOG DOMA

ZAJEDNIČKOJ KOMISIJI ZA EVROPSKE INTEGRACIJE
PARLAMENTARNE SKUPŠTINE BOSNE I HERCEGOVINE

PREDMET: Izvještaj o studijskoj posjeti delegacije PSBiH Bundestagu, Parlamentu Saxonije i drugim vladinim institucijama Savezne Republike Njemačke 7. - 11.6.2010.

U delegaciji Parlamentarne skupštine Bosne i Hercegovine bili su: Šefik Džaferović, predsjedavajući Ustavnopravne komisije Predstavničkog doma, Ivo Miro Jović, predsjedavajući Ustavnopravne komisije Doma naroda, Drago Kalabić, prvi zamjenik predsjedavajućeg Ustavnopravne komisije Predstavničkog doma, Velimir Jukić, član Ustavnopravne komisije Predstavničkog doma, Zoran Koprivica, član Ustavnopravne komisije Doma naroda, Hazim Rančić, predsjedavajući Kluba bošnjačkog naroda, Marin Vukoja, sekretar Doma naroda, Igor Bajić, sekretar Ustavnopravne komisije Predstavničkog doma, Zijad Hasić, sekretar Ustavnopravne komisije Doma naroda, Alma Salkić-Mijić, viša stručna saradnica u Zakonodavno-pravnom sektoru u Predstavničkom domu, Alma Moćić-Mujakić, viša stručna saradnica u Odjelu za izradu i objavu pravnih akata u Domu naroda, i Zoran Brkić iz Sektora za odnose s javnošću Parlamentarne skupštine BiH. Studijsku posjetu delegacije organizirao je i sufinansirao USAID – PSP u BiH i OSCE Misija u BiH, te su, osim delegacije Parlamentarne skupštine, u studijskoj posjeti Njemačkoj bili i Christian Haupt, direktor USAID-a - PSP, Projekat podrške parlamentu u Bosni i Hercegovini, Imelin Imširević, specijalist za informacione tehnologije u USAID-u - PSP u BiH, i Nermin Tipura, pravni savjetnik u Sekciji za podršku i monitoring parlamenta Misije OSCE-a u Bosni Hercegovini.

Prema programu studijske posjete Njemačkoj, delegacija je na put krenula u ponedjeljak, 7.6.2010., u 13 sati, redovnim letom za München, odnosno Berlin.

Za utorak, 8.6.2010. , programom posjete bilo je predviđeno da delegacija Parlamentarne skupštine BiH posjeti Ambasadu Bosne i Hercegovine i Ministarstvo pravde Savezne Republike Njemačke, gdje je dogovoren susret s Marcusom Buchom iz Ministarstva.

Za srijedu, 9.6.2010., bila je planirana posjeta Reichstagu i Bundestagu, sastanak sa Siegfriedom Kauderom, predsjedavajućim Komisije za pravo, sastanak s Marieluisom Beck, predsjedavajućom Parlamentarne grupe za Bosnu i Hercegovinu, te sastanak s predsjedavajućom Komisije za peticije Bundestaga Kersten Steinke.

Nakon posjete Bundestagu delegacija Parlamentarne skupštine BiH iz Berlina je otišla za Dresden. Programom je planirano da u Dresdenu parlamentarci iz delegacije organiziraju večeru u čast počasnog konzula Bosne i Hercegovine gospodina Weicherta.

U četvrtak, 10.6.2010., delegaciju Parlamentarne skupštine BiH, prema navedenom programu, u Dresdenu su očekivali susreti s Andreom Dombois, potpredsjednicom Parlamenta Saxonije, te sastanci sa šefom sektora Andreasom Meinelom o temi „Sistem elektronskog dokumentiranja i arhiviranja Parlamenta Saxonije" (EDAS), razgovor sa šefom sektora Dirkom Forsterom o temi „Status poslanika, primanja poslanika i ostvarivanje prava nakon prestanka mandata", razgovor sa šefom sektora Thomasom Geyom o temi „Proces donošenja zakona i uloga pravne službe", razgovor s direktorom Agencije za zaštitu ličnih podataka Saxonije Andreasom Schurigom o temi „Zadaci Agencije za zaštitu ličnih podataka Saxonije, posebno u procesu donošenja zakona", razgovor s predsjedavajućim Ustavnopravne komisije i Komisije za Evropu Martinom Modschidlerom o temi „Zadaci i status predsjedavajućeg Ustavnopravne komisije" i razgovor s liderom Kluba stranke CDU Maxom Winterom o temi „Struktura, zadaci i odgovornost parlamentarne službe za savjetovanje jedne političke grupe".

Za petak, 11.6.2010., programom je planirano okončanje studijske posjete povratkom s putovanja redovnim letom iz Dresdena, odnosno Münchena.

Posjeta Ambasadi Bosne i Hercegovine, 8.6.2010.

Prvog dana delegacija Parlamentarne skupštine BiH posjetila je Ambasadu Bosne i Hercegovine u Saveznoj Republici Njemačkoj. Delegacija se susrela s Nj.E. ambasadorom Bosne i Hercegovine u Saveznoj Republici Njemačkoj Tomislavom Limovim i njegovim saradnicima: prvim zamjenikom Amerom Kapetanovićem, savjetnicom za ekonomsku diplomatiju Sabinom Hasanefendić, trećim sekretarom u Ambasadi Nericom Bender-Adilagić, prvim sekretarom Milanom Krsmanovićem, i tehničkim sekretarom Dijanom Dujmić. Gospodin Limov ukratko je informirao delegaciju o radu diplomatskog predstavništva, diplomatskim odnosima između dvije zemlje. Istaknuto je da je diplomatska misija Bosne i Hercegovine u Njemačkoj najbrojnija u svijetu, jer osim ambasade Bosna i Hercegovina ima i tri konzularna predstavništva u Münchenu, Stutgartu i Frankfurtu, te počasnog konzula u Leipzigu. U Njemačkoj živi više od 150.000 Bosanaca i Hercegovaca. U razgovoru je konstatirano da je Njemačka, koju čini 16 saveznih država, s obzirom na veličinu i ekonomsku snagu, država koja je indikator mnogih dešavanja u Evropskoj uniji. Odnosi obje države ocijenjeni su veoma dobrim, ali se u skoro svim oblastima, pogotovo s naše strane, mogu i moraju unaprijediti. Istaknuto je da je, zahvaljujući direktnim kontaktima naše ambasade s poslanicima u Bundestagu, formirana Parlamentarna grupa za Bosnu i Hercegovinu, kao i da je S.R. Njemačka za svega tri mjeseca ratificirala Sporazum o stabilizaciji i pridruživanju EU s Bosnom i Hercegovinom.

Posjeta Ministarstvu pravde Savezne Republike Njemačke, 8.6.2010.

Delegacija Parlamentarne skupštine BiH posjetila je Ministarstvo pravde Savezne Republike Njemačke i razgovarala s Marcusom Buchom šefom Referata za odnose sa kabinetom i parlamentom. U razgovoru je istaknuto da je Savezno ministarstvo pravde (Bundesministerium der Justiz) primarno nadležno za zakonodavstvo i pripremu prijedloga zakona u oblasti civilnog, privrednog i trgovačkog prava, zakona u oblasti ekonomskih odnosa, krivičnog prava i krivičnog postupka. Zadatak Ministarstva je da pomogne drugim ministarstvima u pripremi nacrta zakona s ciljem ostvarivanja usklađenosti s Ustavom i pravnim sistemom. S obzirom da je na osnovu Ustava Njemačke (Osnovnog zakona) jasno podijeljena nadležnost između saveznih država i države Njemačke na saveznom nivou, osim Saveznog ustavnog suda kao nezavisnog ustavnog organa

savezne države, postoji još pet vrhovnih saveznih sudova (član 95. Osnovnog zakona) koji su u nadležnosti Saveznog ministarstva pravde: Savezni sud pravde, Savezni upravni sud, Savezni finansijski sud, Savezni sud za radne odnose, Savezni sud za socijalne odnose i Savezni patentni sud.
Ovo ministarstvo, osim nadležnosti koje su uobičajene za sva ministarstva pravde, provodi i upravnu kontrolu saveznih sudova, a u okviru njega formirana je i apelaciona instanca za žalbe na osnovu Saveznog akta o centralnom krivičnom registru. Ministarstvo izdaje i službene novine saveznih organa („Savezne pravne novine" i „Savezne novine").

U sastavu Saveznog ministarstva pravde su: Savezni sud pravde sa sjedištem u Karlsruheu, s odjelom u Leipzigu, Savezni upravni sud u Leipzigu i Savezni finansijski sud u Münchenu. Dio Ministarstva čini i savezni glavni tužilac Saveznog suda pravde sa sjedištem u Karlsruheu, a postoji i područni Ured saveznog glavnog tužioca u Leipzigu. Dio čini i Savezni patentni sud, kao sud prve instance za patentno pravo i prava u vezi s trgovačkim znakovima sa sjedištem u Münchenu, gdje se nalazi i Njemački ured za patente i tgovačke znakove, te odjel ovog ureda u Jeni. Centar za tehničke informacije u Berlinu također je dio ovog ministarstva. Postoji i ured Saveznog ministarstva pravde u Bonu. Delegacija je informirana i o posebnoj nadležnosti Ministarstva. Naime, Ministarstvo je nadležno i za izbor sudija Saveznog ustavnog suda u pripremnoj fazi. Polovinu sudija bira Bundestag, a drugu polovinu Bundesrat. Ministarstvo vrši i izbor sudija tri suda koja su dio Ministarstva. Sudije bira ministar pravde zajedno s Komisijom za izbor sudija sastavljenom od nadležnih ministara iz 16 saveznih država i jednakog broja članova koje bira Bundestag.
Na kraju posjete, u ime delegacije Parlamentarne skupštine BiH, gospodin Jović uručio je gospodinu Buchu na poklon plaketu Parlamentarne skupštine BiH.

Posjeta Reichstagu - Bundestagu, 9.6.2010.

Sastanak sa Siegfriedom Kauderom, predsjedavajućim Komisije za pravo i Istražne komisije

Drugog dana studijske posjete Saveznoj Republici Njemačkoj delegacija je obišla Reichstag. Zatim se susrela sa Siegfriedom Kauderom, predsjedavajućim Komisije za pravo i Istražne komisije u Bundestagu. U razgovoru s predsjedavajućima ustavnopravnih komisija i ostalim članovima delegacije razmijenjena su iskustva o zakonodavnom postupku u Bundestagu i Parlamentarnoj skupštini BiH, te je konstatirano da je pripremanje i donošenje novih zakona težak posao posebno zbog toga što javnost insistira da zakonski tekstovi moraju biti razumljivi svim građanima, a parlamenti koji biraju vladu, a ne vlada parlament, često su u situaciji da zakonske projekte usvajaju aklamacijom, bez razmatranja alternativnih prijedloga. Istaknuto je da i u Bundestagu parlamentarcima stižu loše pripremljene informacije i izvještaji o provođenju usvojenih zakona za koje je vlada insistirala da se usvoje aklamacijom bez mogućnosti raspravljanja o alternativnim prijedlozima. Na kraju posjete, u ime delegacije Parlamentarne skupštine BiH, gospodin Jović uručio je gospodinu Kauderu na poklon plaketu Parlamentarne skupštine BiH. Gospodin Kauder uručio je svim članovima delegacije primjerke Osnovnog zakona Njemačke, poslovnike Bundestaga i Bundesrata i poziv za konferenciju ustavnopravnih komisija koju planira.

Sastanak s Marieluisom Beck, predsjedavajućom Parlamentarne grupe Bundestaga za Bosnu i Hercegovinu

Delegacija Parlamentarne skupštine BiH susrela se s Marieluisom Beck, predsjedavajućom Parlamentarne grupe Bundestaga za Bosnu i Hercegovinu. U razgovoru su razmijenjena mišljenja o napretku Bosne i Hercegovine u vezi s ispunjavanjem uslova za bezvizni režim s Evropskom unijom

kao i o drugim pitanjima. Spomenuta je i potreba promjene Ustava Bosne i Hercegovine u vezi s nedavnom presudom Evropskog suda za ljudska prava iz Strasbourga.

Sastanak s Karsten Steinke, predsjedavajućom Komisije za peticije Bundestaga

U susretu s Carsten Schtanke, predsjedavajućom Komisije za peticije Bundestaga, delegacija Parlamentarne skupštine BiH informirana je o institutu peticije u Bundestagu koji svakom građaninu Njemačke daje pravo da Bundestagu u okviru nadležnosti savezne države uputi zahtjev – peticiju. Bundestag godišnje primi oko 20.000 peticija. Pojedine peticije potpiše veliki broj građana Njemačke. Komisija za peticije obradi zahtjeve građana, a o nekima se vodi i rasprava u Bundestagu gdje podnosilac iznosi argumente o svom zahtjevu. Usvajanje peticije može rezultirati donošenjem novih propisa.

Posjeta Parlamentu Saxonije, 10.6.2010.

Trećeg dana studijske posjete Njemačkoj delegacija Parlamentarne skupštine obišla je Parlament Saxonije u Dresdenu. Tokom susreta potpredsjednica Parlamenta Andrea Dombois ukratko je informirala članove delegacije o funkcioniranju Parlamenta ove savezne države nakon procesa ujedinjenja 1989. godine.

Razgovor delegacije s Andreasom Meinelom protekao je uz interesantnu prezentaciju sistema elektronskog dokumentiranja i arhiviranja pismena u Parlamentu Saxonije, koji omogućava velike uštede uz punu sigurnost i zaštitu elektronskih potpisa. Međutim, istaknuto je da se, i pored postojećeg sistema, arhiviranje paralelno vrši i na uobičajeni način, koji uskoro treba prestati.

Šef sektora Dirk Forster informirao je delegaciju o statusu poslanika, primanjima poslanika i pravima nakon prestanka mandata poslanika. Istaknuto je da status i privilegije poslanika i u Njemačkoj izazivaju dosta polemike među građanima. Gospodin Forster istaknuo je da rukovodeći službenici i poslanici u parlamentu imaju sličnu osnovnu plaću, ali da poslanici, pored osnovne plaće, imaju i dodatna primanja za odvojen život, stanarinu, primanja za angažiranje savjetnika, educiranje, pa čak i besplatan prijevoz njemačkom željeznicom. Posebno je bilo riječi o naknadi za vraćanje u prethodni profesionalni život nakon prestanka mandata, koja može biti ostvarena i za period do godinu dana nakon prestanka mandata.

U razgovoru sa šefom sektora Thomasom Geyom o procesu donošenja zakona i ulozi pravne službe razmijenjenja su mišljenja, u osnovi, o sličnim procesima rada parlamentarnih komisija i službi u parlamentima obje zemlje, ulozi sekretara komisije i službenika zakonodavnopravnog sektora, te nadležnostima pravne službe u parlamentu. Naznačeno je da poslanici imaju savjetnike koji primaju odgovarajući iznos naknade, a zadatak im je da pripreme prijedloge zakona i amandmane na zakone koje podnose poslanici.

Nakon ovih razgovora Andrea Dombois pozvala je delegaciju Parlamentarne skupštine BiH na svečani ručak u restoran „Chiaveri" u Parlamentu Saxonije. Nakon ručka gospodin Jović i gospodin Džaferović uručili su potpredsjednici Parlamenta Saxonije prigodan poklon - primjerke kovanog novca srednjovjekovne države Bosne. Gospođa Dombois u znak zahvalnosti svakom članu delegacije uručila je plaketu s amblemom Parlamenta Saxonije.

Bosanskohercegovačku delegaciju u Dresdenu primili su Andreas Schurig, direktor Agencije za zaštitu ličnih podataka Saxonije, i Bernard Bannasch s kojima je delegacija razgovorala o zadacima Agencije za zaštitu podataka Saxonije, posebno u procesu donošenja zakona.

Delegacija Parlamentarne skupštine BiH informirana je o značaju zaštite ličnih podataka koje je jedno od ustavom zagarantiranih prava svakog građanina. Agencija za zaštitu ličnih podataka Saxonije ostvarila je izuzetnu saradnju s Agencijom za zaštitu ličnih podataka Bosne i Hercegovine posredstvom gospodina Bannascha koji je proveo šest mjeseci u Sarajevu.

Delegacija se susrela i s Martinom Modschidlerom, predsjedavajućim Ustavnopravne komisije i Komisije za Evropu, s kojim je razgovarala o zadacima i statusu predsjedavajućeg Ustavnopravne komisije. Razmijenjena su mišljenja i iskustva u radu ovih komisija parlamenata Bosne i Hercegovine i Saxonije.

Delegacija Parlametarne skupštine BiH razgovarala je i s Maxom Winterom, predsjedavajućim Kluba stranke CDU, o strukturi, zadacima i odgovornosti parlamentarne službe za savjetovanje jedne političke grupe. Gospodin Winter upoznao je članove delegacije o načinu rada Službe za savjetovanje Kluba stranke CDU i značaju koji dobro organizirani klub jedne stranke ima u političkom sistemu države i podršci koju pruža političarima.

Na kraju studijske posjete Saxoniji Andreas Schurig, direktor Agencije za zaštitu ličnih podataka Saxonije, i Bernard Bannasch organizirali su večeru za delegaciju Parlamentarne skupštine BiH. Razmijenjeni su prigodni pokloni u znak sjećanja na posjetu Parlamentu i institucijama Saxonije. Ustavnopravne komisije primile su dvije grafike s motivima Dresdena.

SEKRETAR
USTAVNOPRAVNE KOMISIJE
Igor Bajić, s.r.

PREDSJEDAVAJUĆI
USTAVNOPRAVNE KOMISIJE
Šefik Džaferović, s.r.

Prilog:
U prilogu ovog izvještaja su prezentacije i drugi materijali uručeni delegaciji Parlamentarne skupštine BiH prilikom posjete.

FEDERAL MINISTRY of JUSTICE

Organisation Chart (Information correct as of 1. march 2010)

Correspondence address: 11015 Berlin
Visitors' address: Mohrenstraße 37, 10117 Berlin
Telephone: (030) 18 580-0
Fax: (030) 18 580-95 25
Internet: http://www.bmj.bund.de
e-mail: poststelle@bmj.bund.de

Bonn Office
Correspondence address: Postfach 20 40, 53010 Bonn
Visitors' address: Adenauerallee 98 - 103, 53113 Bonn
Telephone: (0228) 99 5 80-0
Fax: (0228) 99 580-83 26

Policy Coordination Unit
- Minister's Office
- Office for cabinet & parliamentary affairs; legislative programme; planning
- Political contacts; Speech writing
- Personal Secretary
- Protocol section

Minister
- Press and public relations office

Parliamentary State Secretary
- Personal Secretary

State Secretary
- German liaison officer at the French Ministry of Justice
- Co-ordination of co-operation in the EU for the BMJ
- Personal Secretary

Directorate-General Z — Administration

Directorate Z A
- Z A 1 Personnel (senior civil servants)
- Z A 2 Organisation; language services
- Z A 3 Personnel (other than senior civil servants)
- Z A 4 Salaries; Freedom of Information Act; Travel arrangements office
- Z A 5 Library
- Z A 6 Administrative affairs of the GPTMC, the FPC and the EPO

Directorate Z B Ministry coordinator for IT
- Z B 1 Budget
- Z B 2 Legal matters; Legal documentation; protection of classified information
- Z B 3 Information and Telecommunications Technology within the Ministry
- Z B 4 Internal service
- Z B 5 Research; Bureaucracy Reduction/ Standards Control Council
- Z B 6 Information technology in the BMJ portfolio
- Z B 7 International relations: Rule of Law Dialogues
  - Special assignment: "European Legal Cooperation"

Directorate-General R — Judicial system

Directorate R A
- R A 1 Courts constitution; law relating to "Rechtspfleger" (Senior Judicial Officers)
- R A 2 Civil procedure; labour procedure
- R A 3 Administrative, finance and social courts - organisation and procedure -
- R A 4 Coercive execution; compulsory auction
- R A 5 Family court proceedings and proceedings in non-contentious matters
- R A 6 Insolvency law
- R A 7 Mediation; conciliation; international conflicts in parent and child cases

Directorate R B
- R B 1 Law relating to lawyers, patent agents and notaries
- R B 2 Criminal procedure (court proceedings)
- R B 3 Criminal procedure (investigation proceedings; compulsory measures)
- R B 4 Law relating to the judiciary; remuneration of judges; training
- R B 5 Law governing costs and fees
- "Electronic Files in Criminal Matters" Project Group

Directorate-General I — Civil law

Directorate I A
- I A 1 Family law; law of succession
- I A 2 Law on parent and child matters
- I A 3 Law of pension rights adjustment following divorce
- I A 4 International civil procedure law; law of maintenances; arbitration
- I A 5 Private international law
- I A 6 The law governing guardianship of persons of full age, women's a affairs policy

Directorate I B
- I B 1 Civil Code (General Part)
- I B 2 Law of obligations I
- I B 3 Law of obligations II
- I B 4 Law of compensation; Aviation law
- I B 5 Property law; land Register law; unresolved property issues in the new Länder
- I B 6 Law on equal treatment matters; law of obligations, General Part

Directorate-General II — Criminal law

Directorate II A
- II A 1 Criminal Code (General Part)
- II A 2 Criminal Code (Special Part)
- II A 3 Criminal law and law relating to regulatory offences in supplementary statutes; law of pardon; compensation for prosecution
- II A 4 Criminal law suppression of economic crime, computer crime, corruption-related crime and environmental crime
- II A 5 Juvenile criminal law
- II A 6 Regulatory Offences Act; criminal law relating to narcotics and traffic offences; international crime prevention
- Crime prevention; victim-offender mediation

Directorate II B
- II B 1 Law relating to crimes against the state (individual cases); law of immunity
- II B 2 Law governing the prison service; probation service
- II B 4 Law relating to crimes against the state, international criminal law; military criminal law; military court jurisdiction
- II B 5 International suppression of terrorism
- II B 6 International criminal law; European and multilateral criminal law cooperation

Directorate-General III — Commercial and economic law

Directorate III A
- III A 1 European company law; company law relating to groups; law on restructuring
- III A 2 Company law; industrial regulations within enterprises; Corporate Governance
- III A 3 Corporate accounting; disclosure of results; law governing Audit of Annual Accounts
- III A 4 Law of commercial transactions; transport law
- III A 5 Law governing registered traders; commercial and trade register, law relating to co-operatives; law on securities
- III A 6 Insurance law; UNCITRAL
- III A 7 Law governing the financial markets; Tax law

Directorate III B
- III B 1 Cartel law; telecommunications law; media law; law on foreign trade
- III B 2 Bioethics; law relating to education, research, new technologies and cultural affairs; trade, and handicrafts law; energy law
- III B 3 Copyright and publishing law
- III B 4 Patent law; law governing the rights of inventors, law regulating fees in the field of industrial property protection
- III B 5 Trade mark law; law against unfair competition; Combating of Product Piracy; law on registered designs
- III B 6 Consumer protection; public law relating to agriculture, forestry and food; traffic law

Directorate-General IV — Constitutional and administrative law; international and european law

Directorate IV A
- IV A 1 Basic rights
- IV A 2 Constitutional law as it relates to organs of the state; law of finance
- IV A 3 Scrutiny of legal provisions; advice on linguistic matters; general administrative law
- IV A 4 Law of state liability; public service law; law on military service and its alternatives
- IV A 5 Data protection law; law regarding federal statistics
- IV A 6 International law; law of international organisations; international jurisdiction
- IV A 7 International treaty law
- Editing staff concerned with legal language

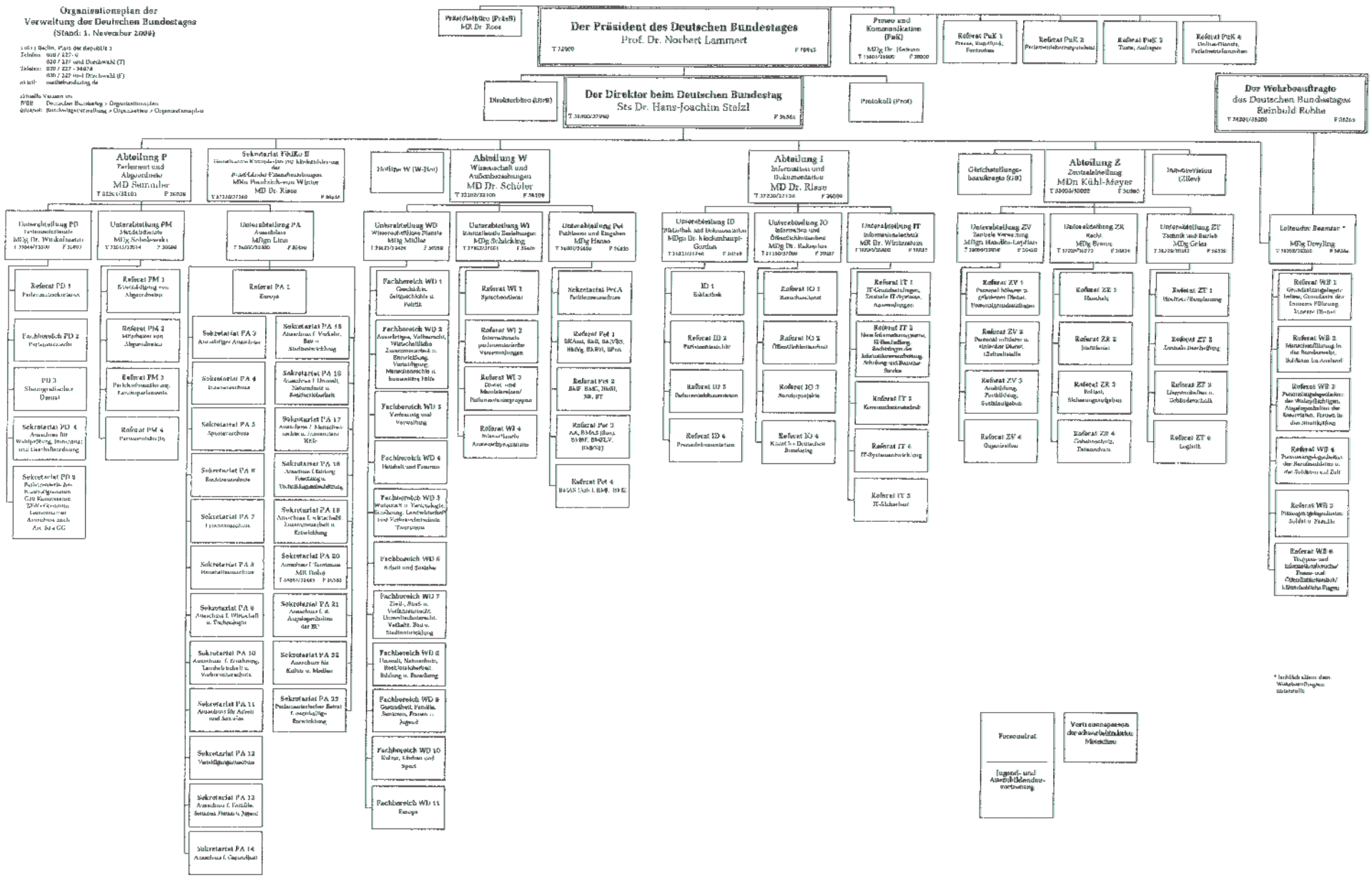
Directorate IV B
- IV B 1 Constitutional jurisdiction; Constitutional law as it relates to the judiciary and to the rights of individuals
- IV B 2 General issues and legal questions relating to the EU
- IV B 3 Labour and social law
- IV B 4 Rehabilitation; (injustice committed by the GDR regime); health law
- IV B 5 Police law; law governing the intelligence services; law relating to identification documents and registration of residence
- IV B 6 Law relating to foreigners and refugees

IV M Office of the Federal Government Commissioner for Human Rights Matters

Functions performed in Bonn

Functions performed in Berlin and Bonn

PRIVOG B200 3.



PRIDE B207 4

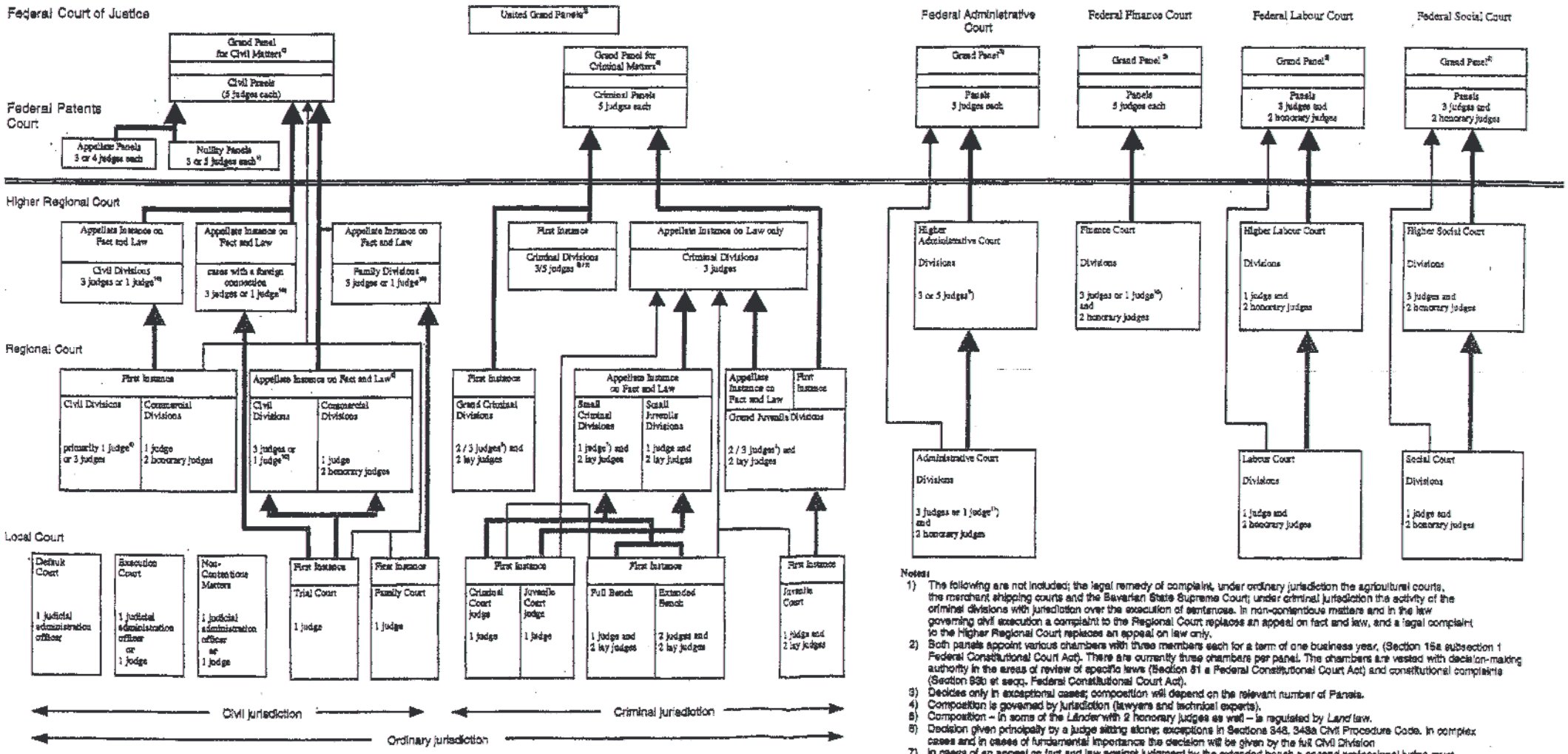
The Courts of Law in the Federal Republic of Germany[1)]

Information current as of April 2005

FEDERAL CONSTITUTIONAL COURT
2 Panels[2] (8 judges each)

Constitutional Courts of the States

Joint Panel of the highest Federal courts[3)]



Legend:
The arrows indicate the following legal remedies:

→ appeal on fact and law

⇒ appeal or complaint on points of law only

⇒ immediate appeal on law only in lieu of an appeal on fact and law

The composition of the criminal courts as stated applies only to the main court hearing.

Notes:

1) The following are not included: the legal remedy of complaint, under ordinary jurisdiction the agricultural courts, the merchant shipping courts and the Bavarian State Supreme Court; under criminal jurisdiction the activity of the criminal divisions with jurisdiction over the execution of sentences. In non-contentious matters and in the law governing civil execution a complaint to the Regional Court replaces an appeal on fact and law, and a legal complaint to the Higher Regional Court replaces an appeal on law only.
2) Both panels appoint various chambers with three members each for a term of one business year. (Section 15a subsection 1 Federal Constitutional Court Act). There are currently three chambers per panel. The chambers are vested with decision-making authority in the areas of review of specific laws (Section 81 a Federal Constitutional Court Act) and constitutional complaints (Section 93b et seqq. Federal Constitutional Court Act).
3) Decides only in exceptional cases; composition will depend on the relevant number of Panels.
4) Composition is governed by jurisdiction (lawyers and technical experts).
5) Composition – in some of the *Länder* with 2 honorary judges as well – is regulated by *Land* law.
6) Decision given principally by a judge sitting alone; exceptions in Sections 348, 348a Civil Procedure Code. In complex cases and in cases of fundamental importance the decision will be given by the full Civil Division
7) In cases of an appeal on fact and law against judgment by the extended bench a second professional judge must be brought in.
8) Composition depends on the scale and complexity of the case.
9) *Land* legislation may stipulate that the HRC shall have jurisdiction over all appeals on fact and law and over complaints filed in respect of Local Court decisions.
10) Panels and Civil Divisions may transfer cases that are not particularly complex and not of fundamental importance to a judge sitting alone if the contested decision was given by a judge sitting alone and there has not already been a trial on the merits.
11) The decision will be given by a judge sitting alone in cases that are not particularly complex or of fundamental

PRILOG BR. 5.

Federal Ministry
of Justice

Tasks and Organisation of the Federal Ministry of Justice

Last updated: 4 November 2009

1. Tasks of the Federal Ministry of Justice

The Federal Ministry of Justice [*Bundesministerium der Justiz* (BMJ)] is primarily a ministry of legislation and advice. It drafts legislation in the fields of law assigned to its remit, mainly in the fields of civil law, commercial and economic law, criminal law and procedural law of the different jurisdictions. The tasks of the Federal Ministry of Justice also include performing legal scrutiny of legislation drafted by other Ministries in terms of compatibility with constitutional law and the legal system as a whole, as well as in terms of compliance with formal drafting requirements to ensure uniformity.

Responsibility for the administration of justice, i.e. for the courts and public prosecution offices, lies mainly with the individual Federal *Länder*. This follows from the general principle of Article 30 of the Basic Law, the German constitution. It provides that the exercise of state authority and the discharge of state functions are the responsibility of the Federal *Länder*, to the extent that the Basic Law does not mandate or allow a different rule. Article 92 of the Basic Law places this in concrete terms for the judiciary.

At the Federal level, in addition to the Federal Constitutional Court, which is an independent constitutional body of the Federation, five supreme Federal courts (Article 95 of the Basic Law) have been established, of which three are within the remit of the Federal Ministry of Justice (see 1.3). Primarily, they constitute the respective supreme appellate instance for the courts of ordinary jurisdiction, as well as in the administrative, finance, labour and social jurisdictions (Federal Court of Justice, Federal Administrative Court, Federal Finance Court, Federal Labour Court and Federal Social Court). Furthermore, there is the Federal Patent Court, a Federal court which adjudicates at first instance (Article 96 para. 1 of the Basic Law), and which is also within the remit of the Federal Ministry of Justice.

1.1 Tasks of the Federal Ministry of Justice in the Field of Legislation

The Federal Ministry of Justice has overall responsibility within the Federal Government above all for the "classical" areas of law. They include:

- civil law (law of obligations, property law, family law, law of succession),
- commercial and company law, the law on protection of industrial property and copyright law,
- criminal law,
- courts constitution law and procedural law for the individual jurisdictions (except labour and social jurisdiction, in respect of which the Ministry adopts a merely advisory role),
- service or professional law for judges, public prosecutors, lawyers, notaries, patent lawyers and "*Rechtspfleger*" (senior judicial officers).

Furthermore, in its capacity as Ministry with responsibility for constitutional matters, the Federal Ministry of Justice, along with the Federal Ministry of the Interior, must always be consulted in respect of issues of constitutional law as well as in proceedings before the Federal Constitutional Court. The Federal Ministry of Justice also has the task in this context of performing the scrutiny of legislation drafted by all other Federal Ministries, as well as international agreements, in terms of their compatibility with constitutional law, international law, European Union law and existing Federal law, before such draft legislation is adopted by the Federal Government. The scrutiny of draft legislation also extends to an examination of the drafting methodology and to ensuring that a uniform style and unambiguous legal language has been adopted. The Ministry's divisions are also increasingly involved in preparing EU legislation within their respective legal fields.

1.2 Tasks of the Federal Ministry of Justice in the Field of Administration

The administrative tasks of the Federal Ministry of Justice include

- establishing the organisational, budgetary and staffing conditions, as well as the infrastructure, for the work of the Ministry and the Federal courts and authorities within the remit of the Federal Ministry of Justice, and

- performing administrative supervision of the Federal courts, as well as administrative and substantive supervision of the authorities within its remit (see 1.3.); the Federal Ministry of Justice also constitutes the "appellate instance" for appeals ("complaints") filed under the Federal Central Criminal Register Act in respect of official notices issued by the Federal Office of Justice.

Furthermore, the Federal Ministry of Justice publishes the Federation's official organs of publication (the Federal Law Gazette and the Federal Gazette)

1.3 Remit of the Federal Ministry of Justice

The remit of the Federal Ministry of Justice includes three of the total of five supreme Federal courts, which are:

- the Federal Court of Justice based in Karlsruhe (with a panel in Leipzig),
- the Federal Administrative Court based in Leipzig, and
- the Federal Finance Court based in Munich.

Furthermore, the following are also part of the Federal Ministry of Justice's remit:

- the Federal Prosecutor General of the Federal Court of Justice, based in Karlsruhe, with a sub-office in Leipzig,
- the Federal Patent Court in Munich as the court of first instance in patent and trade mark matters,
- the German Patent and Trade Mark Office in Munich with its office in Jena and the Technical Information Centre in Berlin, and
- the Federal Office of Justice in Bonn.

The Ministry is involved at the preparatory stage leading up to the selection of the judges for the Federal Constitutional Court. Half of the judges of the Federal Constitutional Court are elected by the Bundestag and half by the Bundesrat (Article 94 para. 1 of the Basic Law). The Ministry also prepares the selection of the judges for the three Federal courts within the Federal Ministry of Justice's remit, i.e. for the Federal Court of Justice, the Federal Administrative Court and the Federal Finance Court. Federal judges are chosen jointly by the Minister and a judge selection committee, comprising the competent ministers from the sixteen Federal *Länder* and an equal number of members elected by the Bundestag (Article 95 para. 2 of the Basic Law).

2. *Organisational Structure of the Federal Ministry of Justice*

The broad range of tasks of the Federal Ministry of Justice is reflected in the organisation of the Ministry.

2.1 Political Leadership of the Federal Ministry of Justice

At the head of the Ministry is the Federal Minister of Justice, Sabine Leutheusser-Schnarrenberger. She participates in the political decisions of the Federal Government as a member of the Cabinet. She bears political responsibility for her own department. The Minister is assisted in her work by her Parliamentary State Secretary, Dr. Max Stadler, and her State Secretary, Dr. Birgit Grundmann, a civil servant. In particular, the Parliamentary State Secretary looks after links with the Bundestag, the Bundesrat and the political parties. The civil servant State Secretary represents the Minister in her capacity as head of the Ministry, both internally and externally. The Minister and the two State Secretaries thus form the so-called "political directorate" of the Ministry.

2.2 Directorates-General, Directorates and Divisions

The Ministry is divided into six Directorates-General, which are, in turn, subdivided into Directorates and Divisions. Tasks of related content are always grouped together within one Directorate-General. Thus, for example, there is a Directorate-General for the Judicial System that deals, among other things, with procedural law, the law relating to the judiciary and the law relating to "*Rechtspfleger*" (senior judicial officers); there is also a Directorate-General for Criminal Law, in which, among other things, substantive criminal law, juvenile criminal law and international criminal law are dealt with. A Directorate-General is usually headed by a "political civil servant" with the rank of "*Ministerialdirektor*", who – like the civil servant State Secretary – can be transferred to provisional retirement at any time. After the Minister and the State Secretaries, the Head of Directorate-General is the highest substantive decision-making instance. He or she supervises and coordinates the work within the Directorate-General and ensures the two-way flow of information between the political directorate and the Directorate-General. The Directorates-General are subdivided into two Directorates. The Head of Directorate is

responsible for management and planning in respect of the Divisions assigned to him or her.

The Divisions are the basic organisational units of the Federal Ministry of Justice and they carry out the substantive work. The heads of Division are assigned employees of graduate level ("higher service") – mainly trained lawyers – as desk officers, as well as clerical and secretarial staff, depending on requirements. The distribution of work within a Division is determined by the Head of Division.

2.3 Tasks of the Individual Directorates-General in the Federal Ministry of Justice

The Federal Ministry of Justice has six Directorates-General. The breakdown reflects the Ministry's fields of responsibility. With the exception of the Directorate-General Z, the Directorates-General are, as a rule, competent for specific areas of law:

Directorate-General Z	Administration (Central Affairs)
Directorate-General R	Judicial System
Directorate-General I	Civil Law
Directorate-General II	Criminal Law
Directorate-General III	Commercial & Economic Law
Directorate-General IV	Constitutional and Administrative Law; European and International Law

2.3.1 Directorate-General Z (Administration) has the task of establishing the staffing, organisational and budgetary conditions as well as the infrastructure for the work of the Ministry and of the Federal courts and authorities within the remit of the Federal Ministry of Justice. The Ministry attaches great importance to increased use of IT in order to rationalise working processes, as well as to improve the effectiveness of communication and the flow of information both internally and externally. In addition, Directorate-General Z supervises various projects aimed at using modern IT in access to the Federal Courts and authorities within the remit of the Federal Ministry of Justice ("*eJustice*"), as well as in internal communication and the management of documents, and also at coordinating IT standards both nationally and internationally.

Directorate-General Z is also responsible for advancing the use of electronic tools as an aid in the legislative process at Federal level. For instance, the "eNorm" software application is designed to make it possible for one and the same electronic document to be worked on from the first draft of an instrument right through to its promulgation, thus helping to avoid the use of multiple media, duplication of work and numerous different sources of error. A further focal point is facilitation of electronic access to Federal law. Current and former versions of all Federal laws and statutory ordinances, as well as all amendments, are made available to subscribers via the computer-based legal information system "*juris*", whilst a collection of laws currently in force can also be accessed on the Internet site "Gesetze-im-Internet.de", a service provided to the public free of charge. Directorate-General Z is also responsible for the administration of the Federation's participatory interests in the company "*juris GmbH*".

Finally, responsibility for fostering international relations also falls within the remit of Directorate-General Z. Within this framework Directorate-General Z is responsible inter alia for the German-Chinese Dialogue on the Rule of Law, and also performs tasks of the Federal Ministry of Justice as provided for in the Statutes of the German Foundation for International Legal Cooperation and the Institute for the Law of Countries of Eastern Europe, based in Munich.

2.3.2 Directorate-General R (Judicial System) is responsible for the courts constitutions – i.e. for Federal law regulations on the structure and organisation of the courts and the public prosecution offices (also in the Federal *Länder*). It also has responsibility for the provisions of procedural law for the different jurisdictions, including the law governing costs and fees and the rules on investigation proceedings in criminal matters. It also deals with the law on judicial procedure in the field of non-contentious proceedings, especially the procedure in guardianship cases, matters relating to the custody of persons of full age, probate cases and register cases – as well as the law relating to debt enforcement and insolvency law. Lastly, it is also competent for the law governing the legal professions (above all, judges, public prosecutors, *Rechtspfleger* (senior judicial officers), lawyers and notaries), including the law governing lawyers' fees. Directorate-General R provides assistance for the further training of judges and public prosecutors, notably within the framework of the

Deutsche Richterakademie (German Judicial Academy). Current focal points include fundamental issues relating to pre-court and extrajudicial dispute settlement at national and international level, as well as promoting the use of mediation procedures.

2.3.3 The work in Directorate-General I (Civil Law) centres on civil law, which governs the legal framework for private legal relationships between citizens in our liberal society. The core of German civil law has been laid down in just under 2,400 sections of the German Civil Code [*Bürgerliches Gesetzbuch* (BGB)]. The Civil Code contains comprehensive general regulations governing legal transactions as well as provisions governing specific types of contract, for example contracts of sale, tenancy agreements, loan agreements and tourist travel contracts. The Civil Code regulates property law (including real estate law and mortgage law), the law of succession, and family law including matrimonial law (marriage, matrimonial property regimes, divorce and the legal consequences of divorce), the law relating to parent and child matters (parentage, custody, rights of access, guardianship, adoption), maintenance law and provisions on the legal custody of adult persons in need of protection.

The tasks of Directorate-General I also encompass the protection of consumers against legal disadvantages by means of a balanced shaping of provisions of private law, for example the law on standard terms and conditions, the law governing tourist travel contracts and the law on consumer credit. This Directorate-General also deals with provisions that provide for reasonable compensation, for example, for injuries in road, rail or air traffic or for damages resulting from products or environmentally hazardous facilities. Further, great importance is attached to the harmonisation of European and international civil law as well as international private law. International private law determines which legal system should apply in cases that affect more than one state. Other important international activities include mutual legal assistance with foreign countries. Lastly, the Directorate-General deals with the field of the law relating to the regulation of unresolved property claims in connection with German reunification.

2.3.4 Directorate-General II (Criminal Law) is responsible for criminal law, including juvenile criminal law, for the law on regulatory offences, the law governing the Federal Central Criminal Register, the law on compensation for measures of criminal prosecution, the law on pardon and amnesty, as well as statistics on criminal prosecution. This Directorate-General is also competent for the law relating to crimes against the state, including the suppression of terrorism at both international and international level, as well as the criminal law in respect of traffic offences, economic crime, computer crime and environmental protection; the prevention of crime also comes within the remit of this Directorate-General. The work of this Directorate-General focuses on adapting criminal law to cover new manifestations of crime as well as ensuring the accommodation of victims' interests, in particular through provisions on compensation of the victim and on offender-victim mediation. Directorate-General II also performs the legal scrutiny of draft legislation of all the other Ministries which relates to criminal law or the law governing regulatory offences. Furthermore, Directorate-General II exercises substantive supervision over the Federal Prosecutor General of the Federal Court of Justice, as well as over the Federal Central Criminal Register and the Central Trade and Industry Register within the Federal Office of Justice. Responsibility for the public prosecution offices of the Federal *Länder* as well as for execution of sentences lies with the individual *Länder*. Directorate-General II is also competent for tasks in the field of international cooperation in criminal matters, including extradition and mutual assistance. This involves both the negotiation of agreements under international law as well as substantive supervision over the Federal Office of Justice in respect of the processing of individual cases. Both cooperation in criminal-law matters and substantive criminal law are being increasingly influenced by requirements under European law. These primarily focus on harmonisation of the national legal systems and recognition of the judicial decisions of other EU Member States.

2.3.5 Directorate-General III (Commercial & Economic Law) is responsible for legislation in the area of commercial and company law, accounting and reporting law, insurance contract law, industrial property protection (patent law, utility model law, the law on industrial designs, trade mark law, the law against unfair competition) as well as copyright law. Furthermore, it is also responsible for performing the scrutiny of draft legislation of all other Ministries in the fields of economic law, law of public

finance and tax law. The work in the field of the law on new communications technologies and new technologies in the natural sciences is due particular emphasis. The remit of Directorate-General III is anchored in international developments and its work determined by these developments more than that of any other Directorate-General. That is why a major focus of Directorate-General III is on participation in the work of the European Communities and the European Patent Organisation, as well as that of the United Nations and its specialised agencies. The tasks of modernising company law, reforming accounting rules and the law against unfair competition, establishing a Community patent and a European patent jurisdiction, as well as the issue of combating product piracy are currently at the fore.

2.3.6 Directorate-General IV (Constitutional and Administrative Law; European and International Law) is responsible for constitutional law, reparation for injustice committed by the regime of the former German Democratic Republic (GDR), and the scrutiny of legal provisions, which encompasses the examination of draft legislation in terms of systematic legal logic and compliance with formal requirements. It participates in cases before the Federal Constitutional Court where the Federal Government is one of the parties or is entitled to present an opinion, and has overall responsibility for the Federal Constitutional Court Act.

As part of its task to carry out the scrutiny of legal provisions, it examines draft legislation from the other Federal Ministries as well as from the specialist Directorates-General of the Federal Ministry of Justice as to its conformity with constitutional law and its compatibility with existing national law. Furthermore, it is examined whether the systematic logic of laws and the principles of legal logic have been adhered to and whether clear and uniform language has been used. Recommendations on the standard formal structure and wording of legislation are contained in the "Handbook on Formal Requirements for Drafting Legislation" published by the Federal Ministry of Justice; the third edition is due to be published in 2009.

Directorate-General IV also brings together competencies of the Federal Ministry of Justice for those areas that extend beyond the national legal system. In the fields of

public international law and European law it is responsible for the legal scrutiny of proposed legal instruments under public international law or the law of the European Union which involve the Federal Republic of Germany, and also takes a drafting role and carries out scrutiny in respect of legislation to implement such instruments into domestic law. It takes part in drafting and negotiating international treaties and it plays an active part in the implementation, development and extension of cooperation within the European Union in the fields of Justice and Home Affairs.

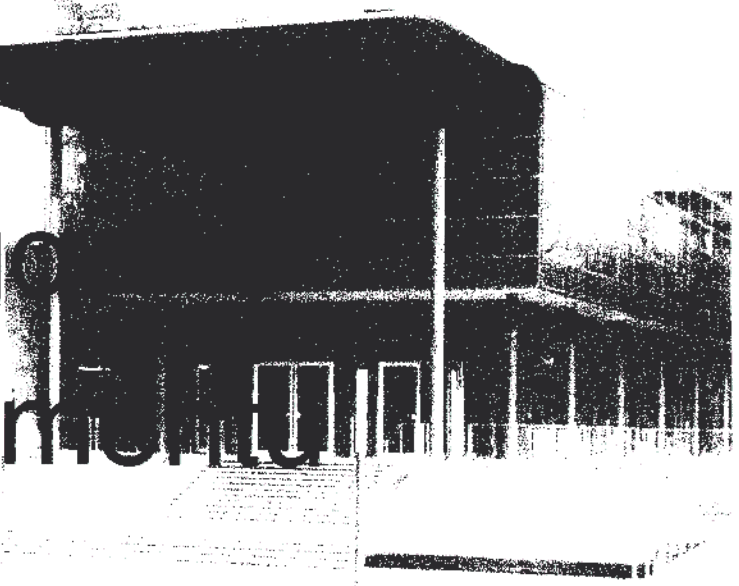
The Agent of the Federal Government for Matters Relating to Human Rights also belongs to Directorate-General IV; she is responsible for drafting and implementation of the international human rights treaties of the United Nations and the Council of Europe. In addition, as the Agent of the Government of the Federal Republic of Germany, she represents the Federal Republic of Germany before the European Court of Human Rights and before the Human Rights Committee, the Committee on the Elimination of Racial Discrimination, and the Committee against Torture of the United Nations. She is a member of the Steering Committee for Human Rights of the Council of Europe. and its subcommittees European Commission against Racism and Intolerance as well as of the. The Agent is also a member of the board of trustees of the German Institute for Human Rights.

3. Employees of the Federal Ministry of Justice

In 1949 the Federal Ministry of Justice started work with approximately 80 members of staff; it now has 651 employees (as of 3 November 2009). There are 261 lawyers, 107 of whom are women. The lawyers include 82 judges, public prosecutors and other public officials of the *Länder,* who are seconded to the Federal Ministry of Justice for a fixed period of time – usually for two to three years. The seconded judges do not perform any judicial responsibilities during this time; rather, they take on expert tasks within the Ministry's Divisions. The interests of the staff of the Federal Ministry of Justice are represented by the Staff Council, the Equality Commissioner and the Disabled Persons' Representative.

Since the move of the Federal Government from Bonn to Berlin in 1999, most of the Ministry's employees work at its headquarters in Berlin. A sub-office of the Federal Ministry of Justice with 22 employees has remained in Bonn.

Mi srdačno dobrodošli
iz Bosne i Hercego
u saksonska parlamentu



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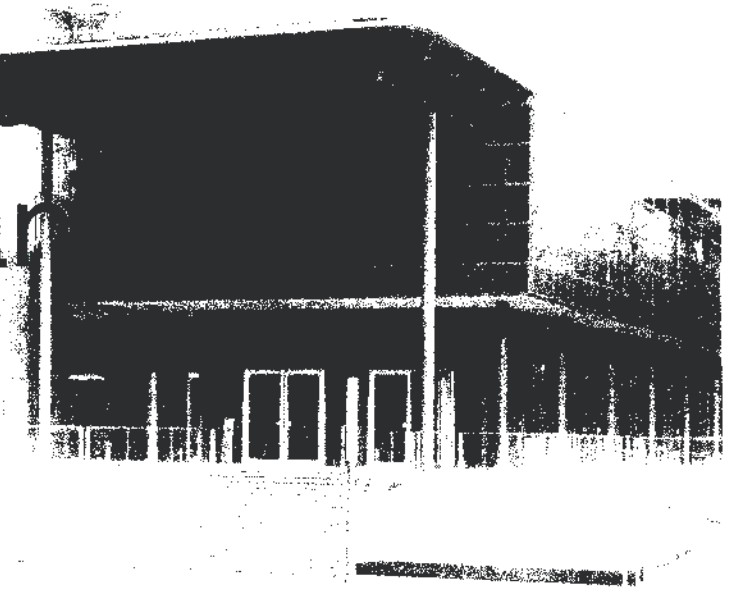

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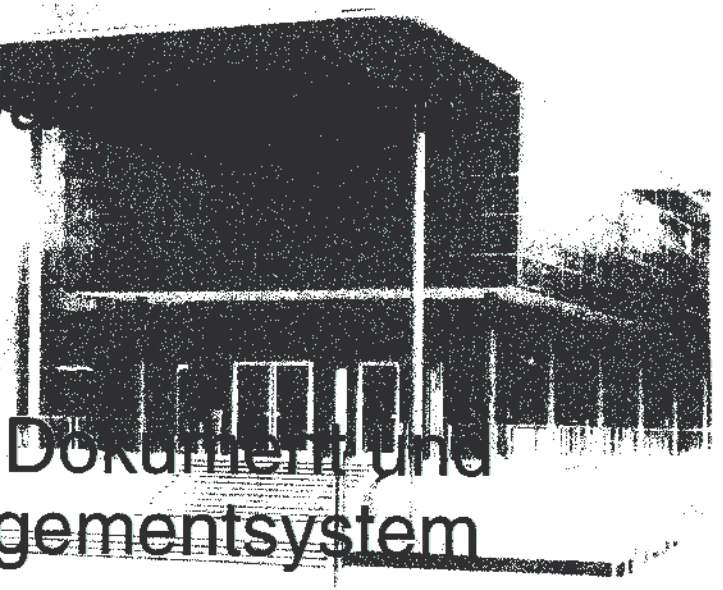

1. Erfassen in der Datenbank
2. Umwandeln zum elektronischen Dokument und Export in das Dokumentenmanagementsystem
3. Ablegen des Dokumentes in EDAS
4. Erstellen der Dokumentation, um den Vorgang (die „Entwicklung“) des Dokumentes abzubilden.

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Sächsischer Landtag
5. Wahlperiode

DRUCKSACHE 5 /

Antrag

der / des **Fraktion der Demokraten**

Thema: **Neuwahlen in Sachsen**

Der Landtag möge beschließen:

Im Dezember 2010 soll es Neuwahlen für den Landtag geben.

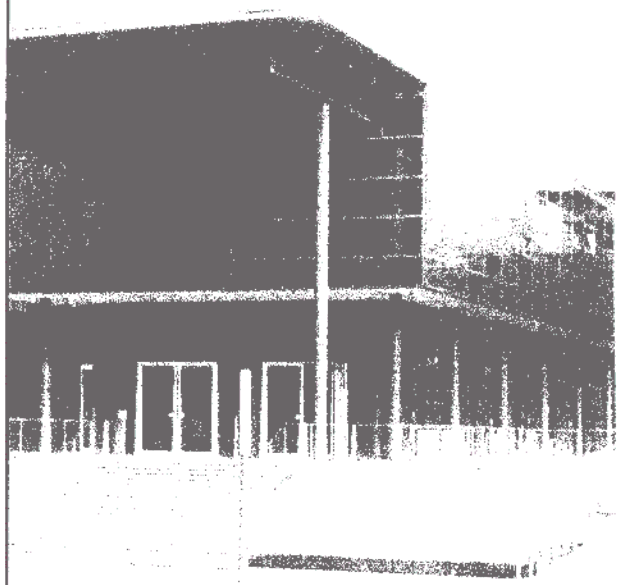
Begründung:

Die aktuelle politische Lage begründet dieses Vorgehen

Dresden, **03.06.2010**

Max Mustermann

Max Mustermann
Fraktionsvorsitzender der Fraktion der Demokraten



1. Parlamentarische Geschäftsstelle

Erfassen in der Datenbank

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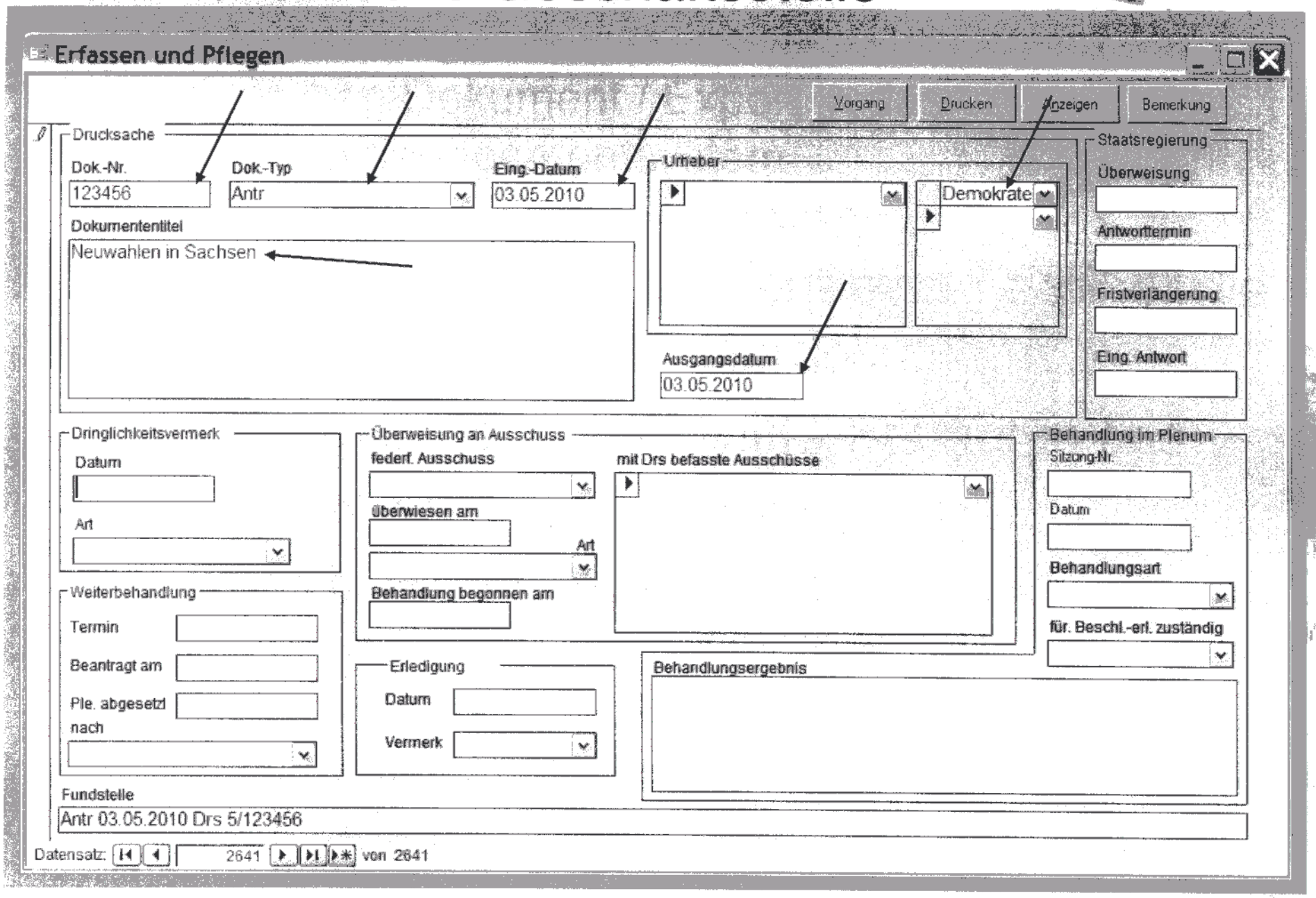
- Vergabe einer laufenden Nummer = 5 / 12345
  Grundlage für die Darstellung und Verwaltung des Dokumentes mit Hilfe einer Datenbank

- Erfassen der Basisdaten in der Datenbank
  (Dokumententyp, Titel, Urheber, Eingangsdatum, Ausgabedatum, Weiterbehandlung)

1. Parlamentarische Geschäftsstelle



2. Parlamentsdruckerei

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- Scannen des Originals und Umwandeln zum elektronischen Dokument / Export in das Dokumentenmanagementsystem

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- Export des Dokuments im - *.tiff - F[illegible] Dokumentenmanagementsystem
  - Des weiteren wird auf diesem Weg eine Druckvorlage für die Verteilung als Papier-Dokument erstellt.
  - Nach dem Druck (hier ca. 275 Exemplare je Dokument) erfolgt die Verteilung der Papierdokumente an die MdL mit Hilfe der Postfächer.

3. Parlamentsarchiv

Ablegen des Dokumentes im elektronischen Dokumentenarchiv (DocuWare)

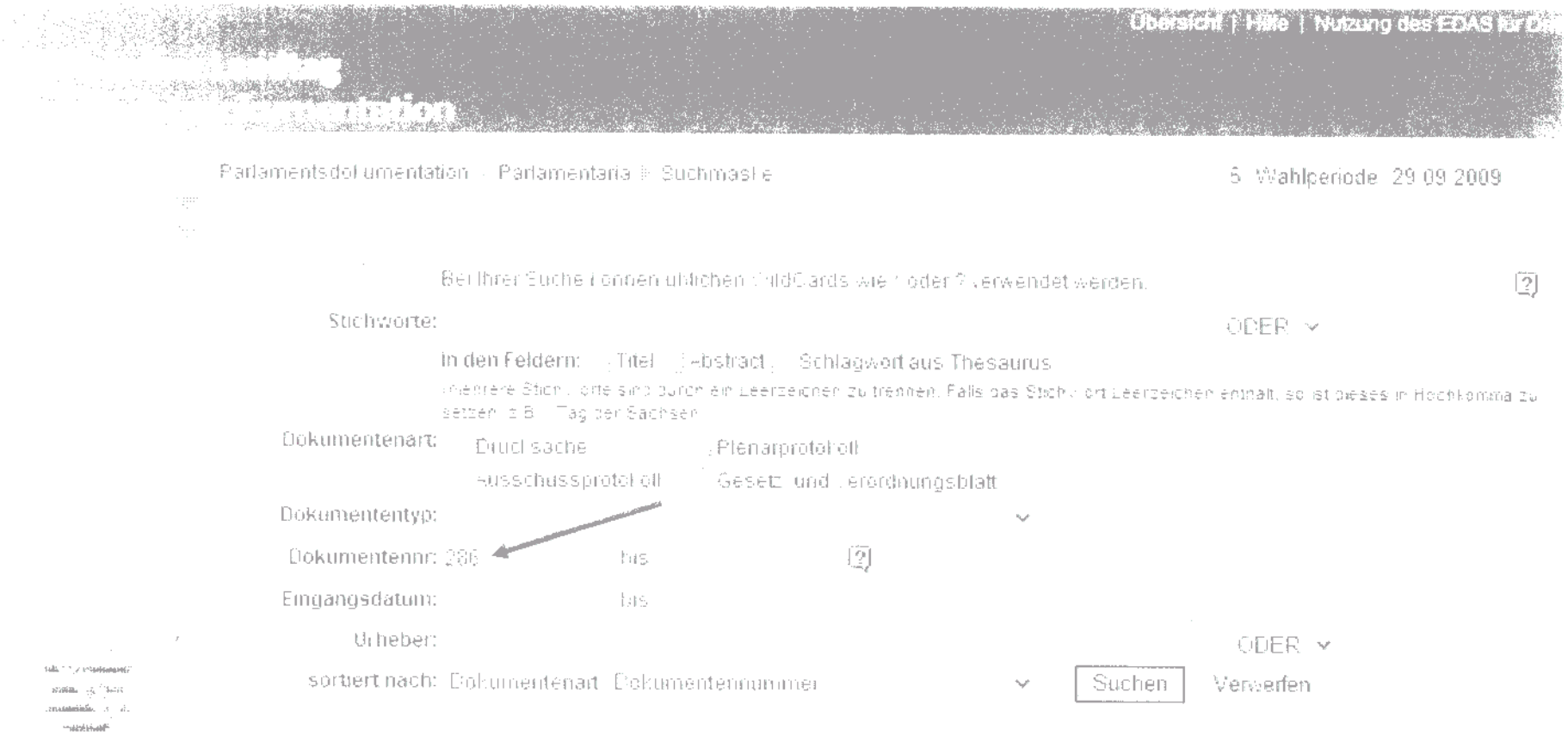
- Die elektronische Vorlage wird mit Hilfe von DocuWare für das EDAS bereitgestellt.
- An dieser Stelle werden Datenbankeintrag und die bildliche Darstellung des Dokumentes zusammengeführt.
- Damit ist das Dokument im EDAS sichtbar und über die hinterlegten Daten recherchierbar.

4. Parlamentsdokumentation

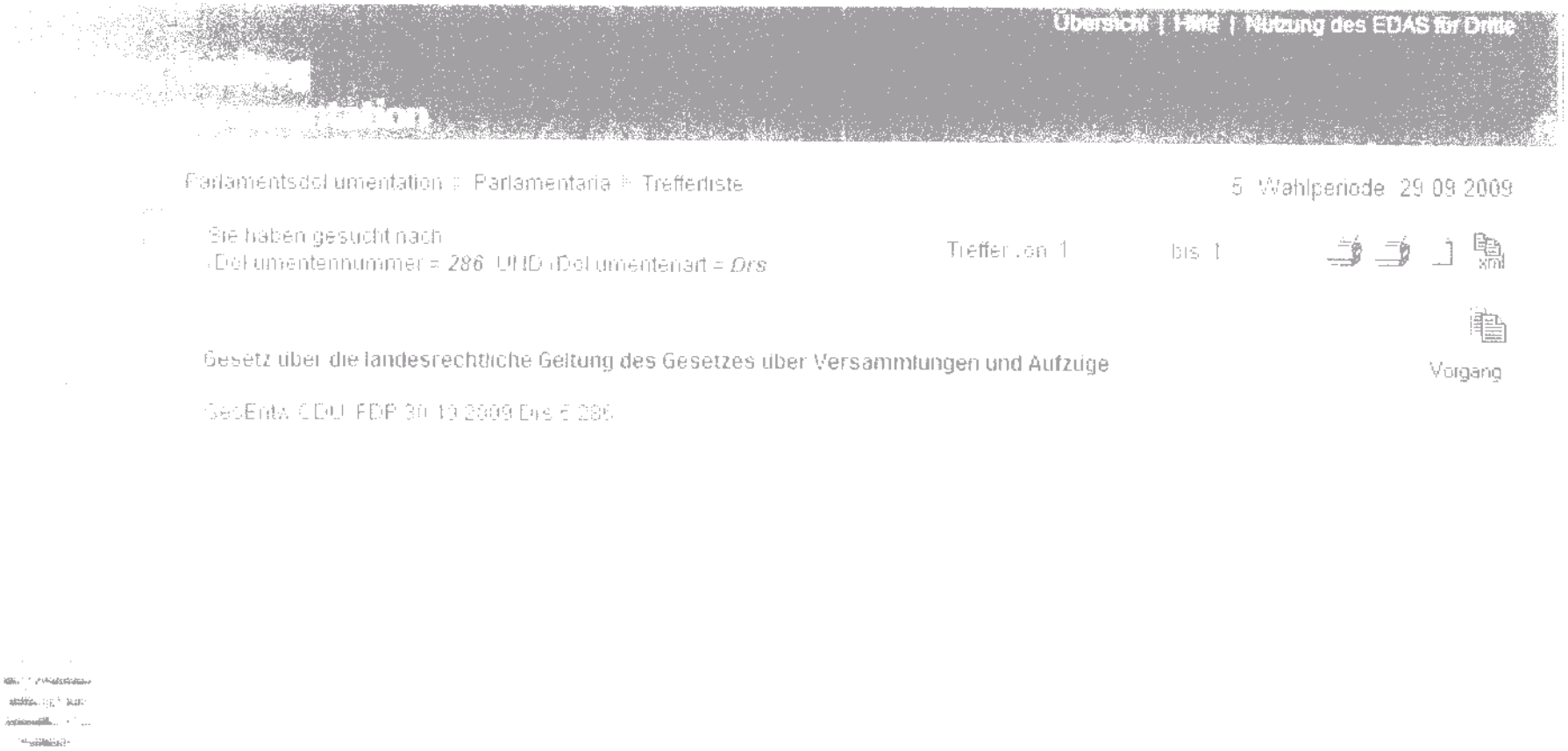
Erstellen der Dokumentation, um den Vorgang (die „Entwicklung“) des Dokumentes abzubilden

- Erfassung und Auswertung der Parlamentsmaterialien als Vorgangsdokumentation
  - hier beginnt die Eröffnung des Vorgangs für das Dokument (hinzufügen von: Ausschussprotokollen, Beschlussempfehlungen, Änderungsanträgen…)
- Verschlagwortung auf der Basis eines bundeseinheitlichen Thesaurus
  - das Dokument wird einem oder mehreren Themenbereichen zugeordnet

- Suchmaske für Drucksachen im EDAS



- Ansicht eines Dokuments im EDAS



- Übersicht der Datenbankeinträge

Parlamentsdokumentation » Parlamentaria » Treffer 5 Wahlperiode 29.09.2009

Vorgang

Drs. Typ:	Eing.-datum:	Ausg.-datum:	Urheber:

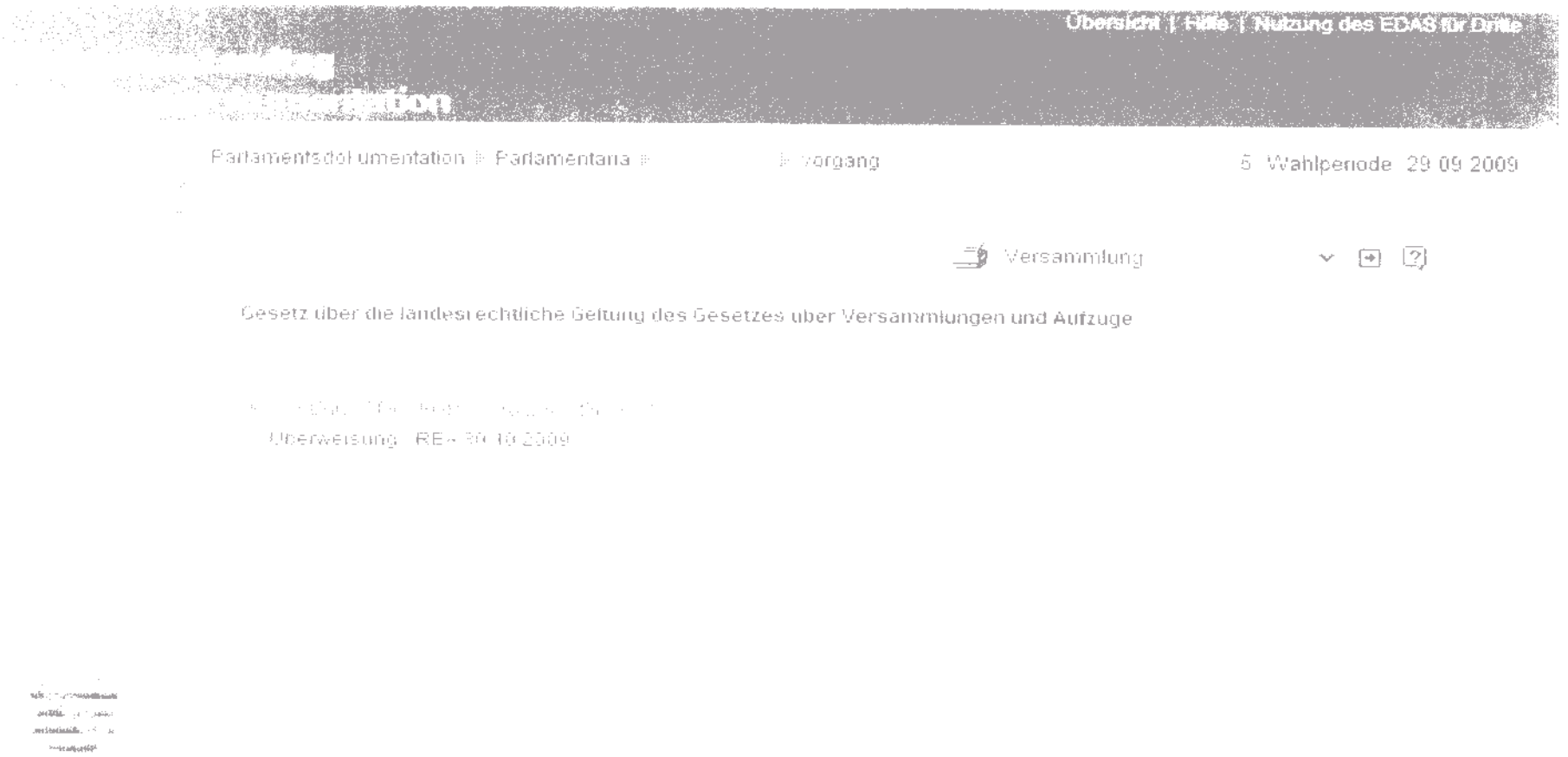
Titel: Gesetz über die landesrechtliche Geltung des Gesetzes über Versammlungen und Aufzüge

Überweisung:	federf. Ausschuss:
Antworttermin:	Datum:
Fristverlängerung:	Art:
Eingang Antwort:	Mit Drs. bef. Ausschüsse:

Sitzungs Nr.:	Datum:	Art:	Ergebnis:

Termin:	Datum:
Beantragt am:	Vermerk:

- Ansicht des Vorgangs zum Dokument



- Übersicht der per EDAS verarbeiteten Drucksachen der 4. Wahlperiode

	Drucksachentyp	Anzahl
1	Änderungsantrag	779
2	Antrag	1275
3	Beratende Äußerung	5
4	Beschlussempfehlung	16
5	Beschlussempfehlung und Bericht	372
6	Dringlicher Antrag	30
7	Einspruch	5
8	Entschließungsantrag	104
9	Ergänzungsvorlage	2
10	Gesetzentwurf	211
11	Geschäftsordnungsantrag	5
12	Große Anfrage	73
13	Gutachtliche Äußerung	1
14	Kleine Anfrage	12279
15	Mündliche Anfrage	44
16	Sammel-Drucksache	98
17	Unterrichtung	489
18	Wahlvorschlag	118
19	Zusammenstellung beschlossener Änderungsanträge	20
	Gesamt	**15926**

Hvala vam na pozornosti.

Online Erfassung parlamentarischen Schriftgutes – EDAS*input*

Delegation BiH am
6. Juni 2010

Vorstellung des Pilotsystems

Dipl.-Verw.Wiss. Kilian Kindler
Referatsleiter Haushalt, Organisation, Informationstechnik

Sächsischer Landtag, Verwaltung

EDAS „heute“

- Sie haben eben gesehen:

  - Texte werden als Datei erstellt
  - Texte werden gedruckt
  - Das Papier wird von Hand unterschieben
  - Das Papier wird per Post verschickt
  - Das Papier wird als Bilddatei (.tiff) eingescannt gedruckt und verteilt
  - Der Text wird als „Bild“ veröffentlicht

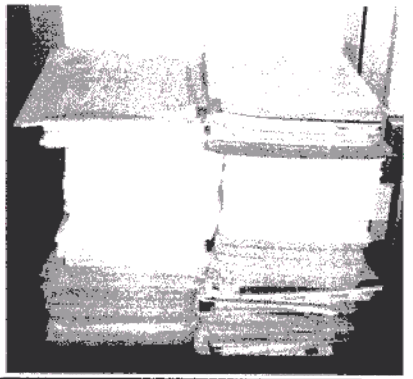
EDAS „heute“

- Nachteile:
  - Zeitverlust
  - Keine Suche nach Text möglich
  - Text kann nicht verarbeitet werden
  - Sehr viel Papier wird bedruckt, bewegt und…

EDAS „heute“

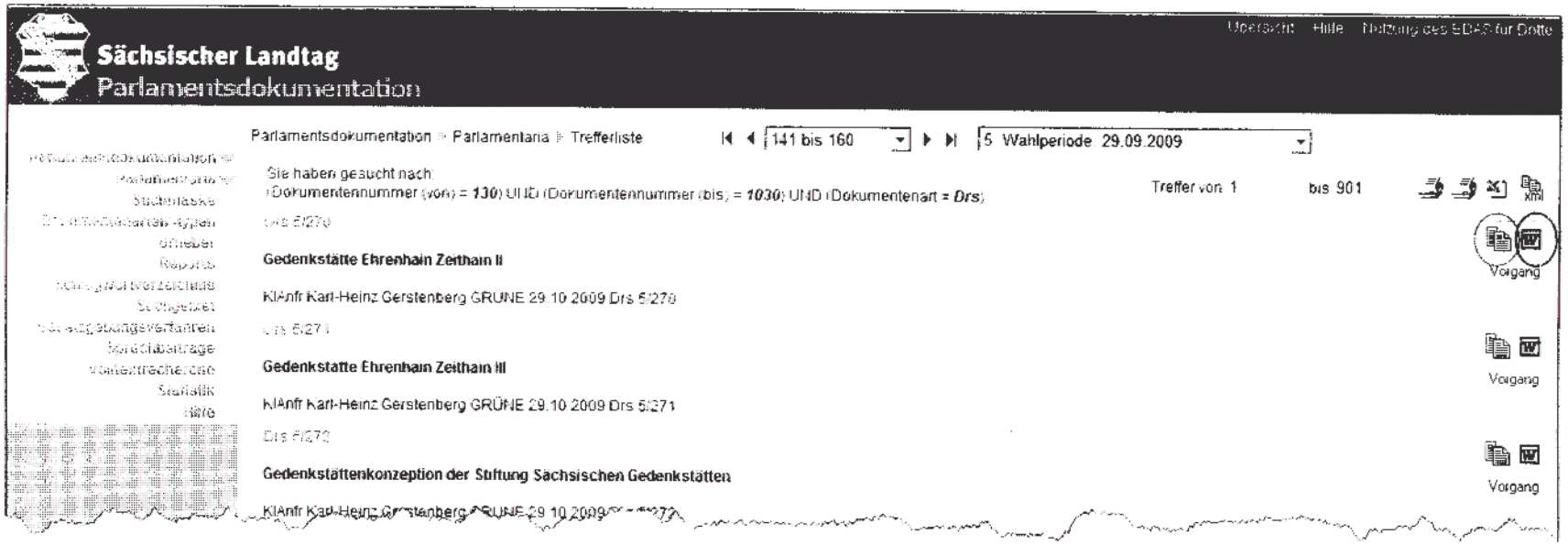
- Nachteile:
  - Zeitverlust
  - Keine Suche nach Text möglich
  - Text kann nicht verarbeitet werden
  - Sehr viel Papier wird bedruckt, bewegt und weggeworfen!

    → Kosten! €



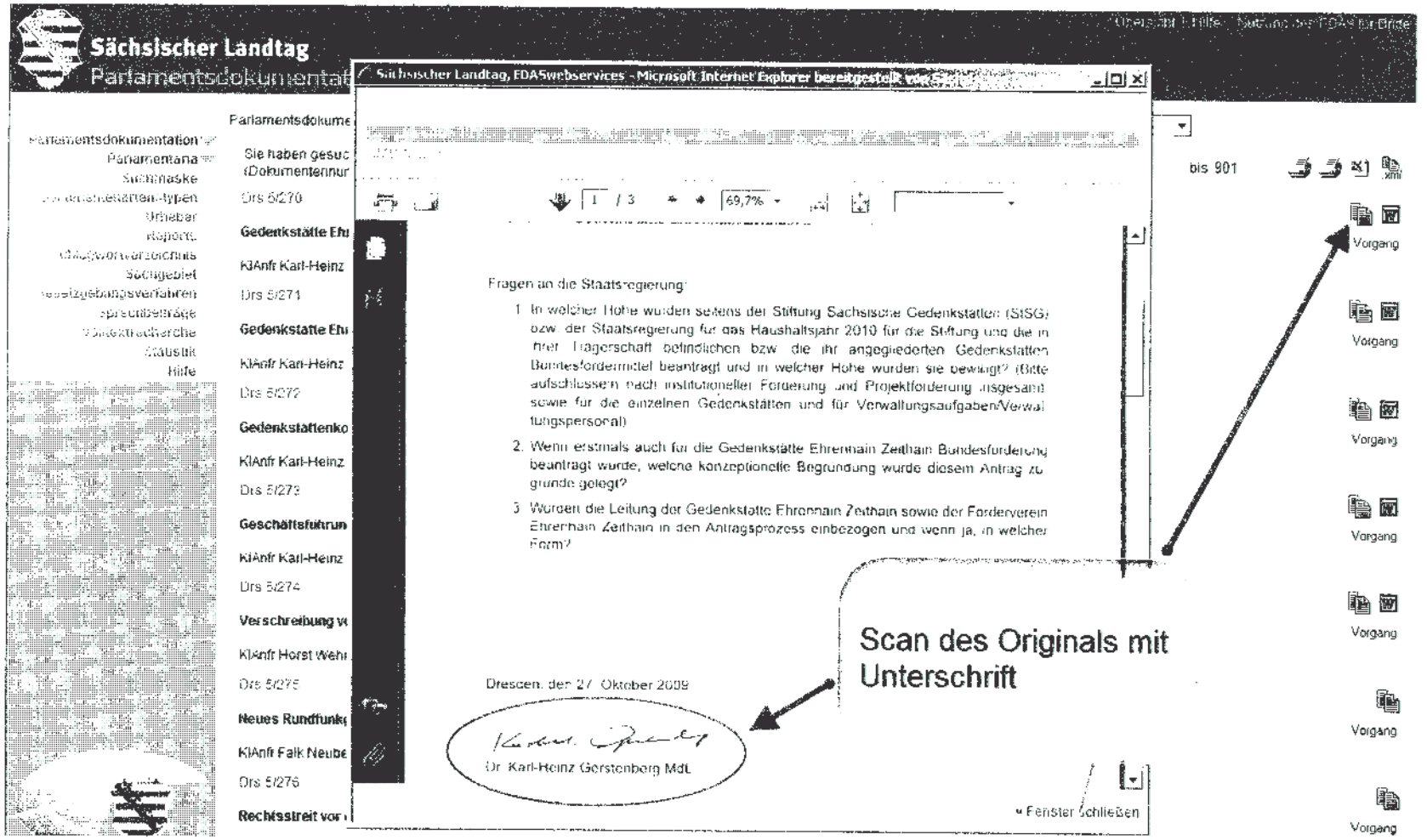
EDAS „heute“

- Lösung heute:



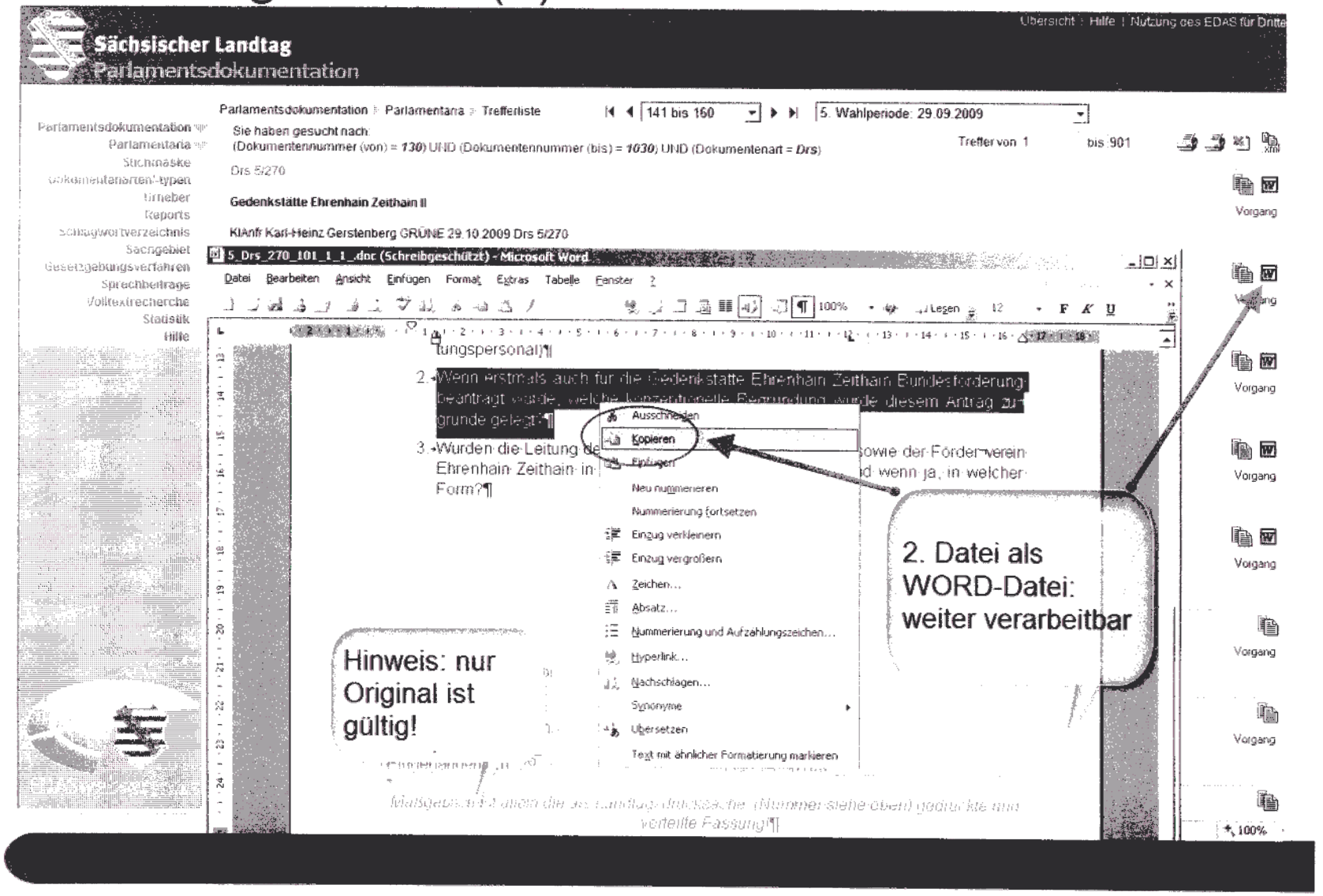
EDAS „heute“

- Lösung heute 1(2):



EDAS „heute“

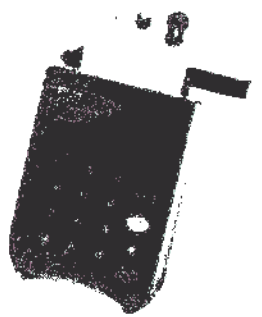
- Lösung heute 2(2):



EDAS*input*

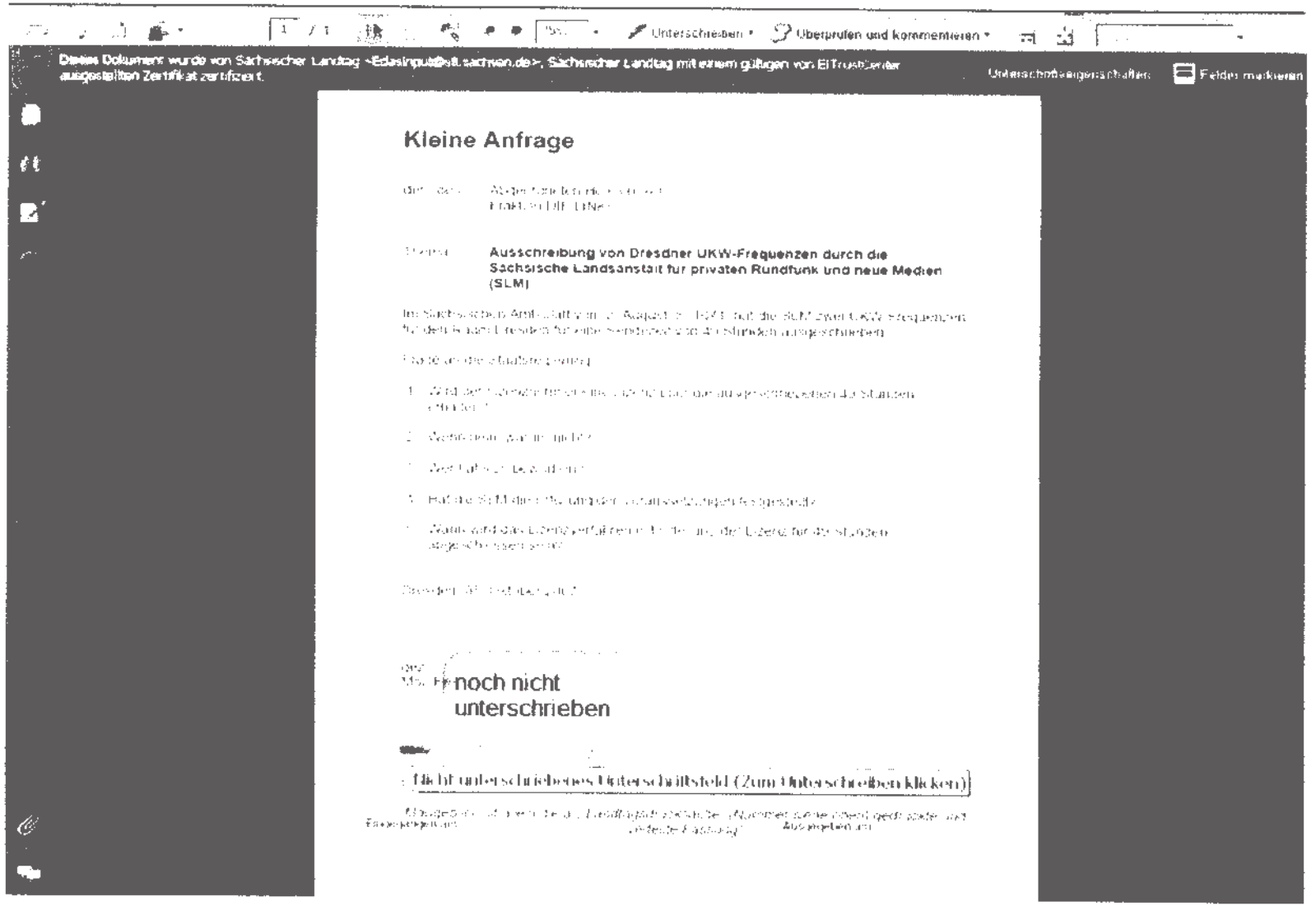
- Sie könnten „morgen“ sehen 1(2):

  - Texte werden *weiterhin* als Datei erstellt
    ✓
  - Texte werden *nicht* gedruckt
    sondern in gewandelt
  - Das Papier wird *nicht* von Hand unterschieben
    sondern elektronisch signiert

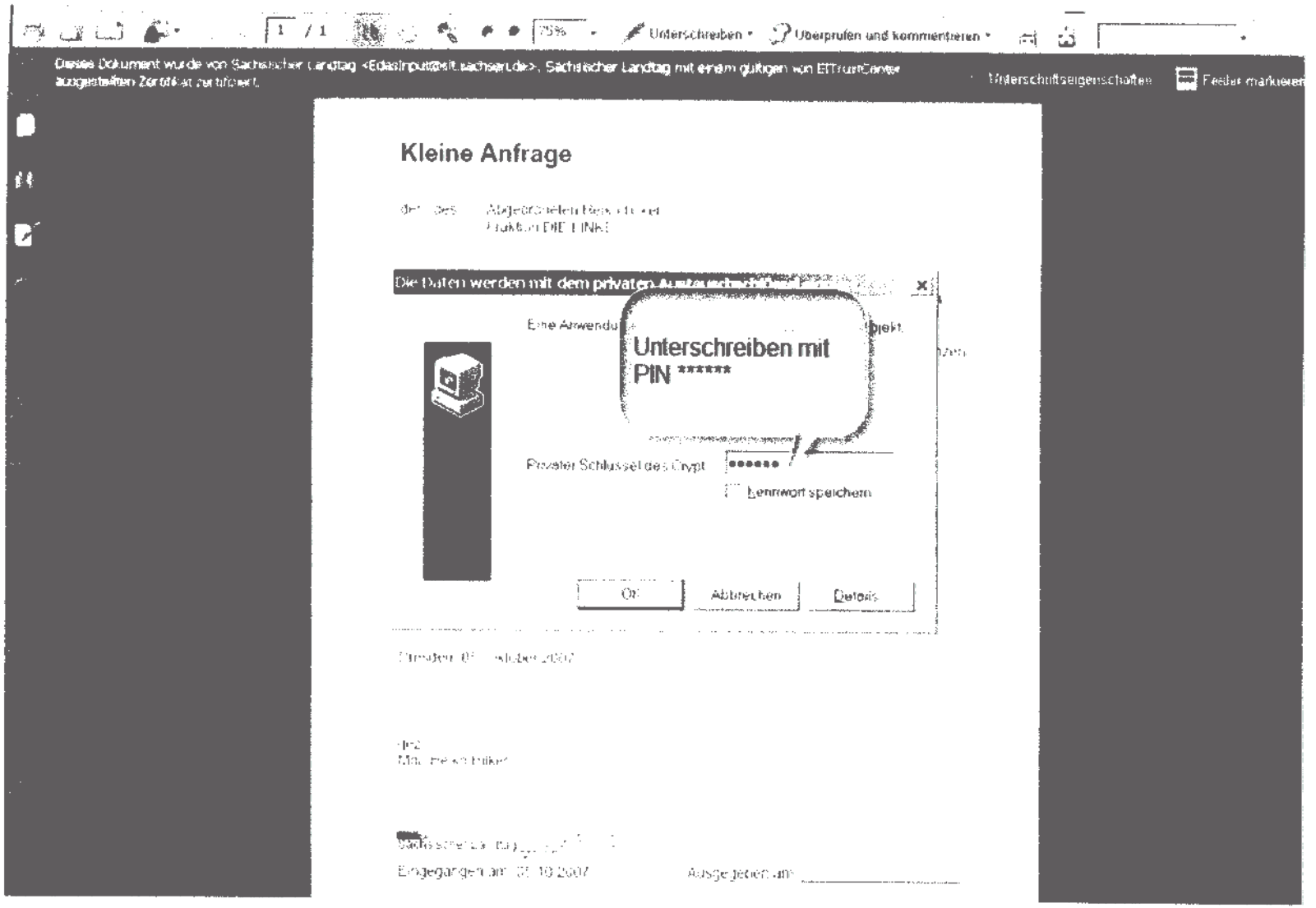


→ Beispiel

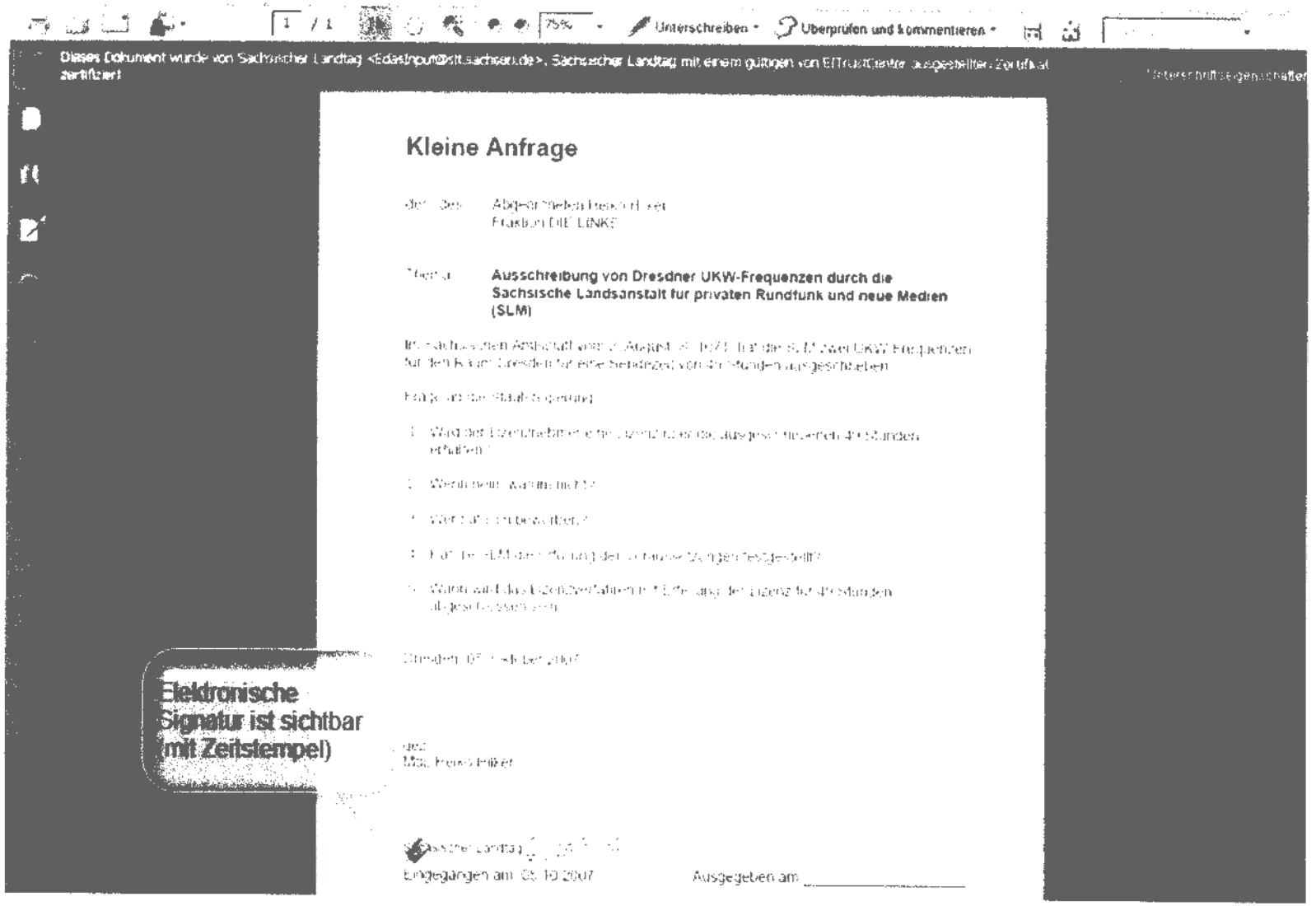
Elektronische Signatur



Elektronische Signatur



Elektronische Signatur



EDAS*input*

- Sie könnten „morgen“ sehen 2(2):

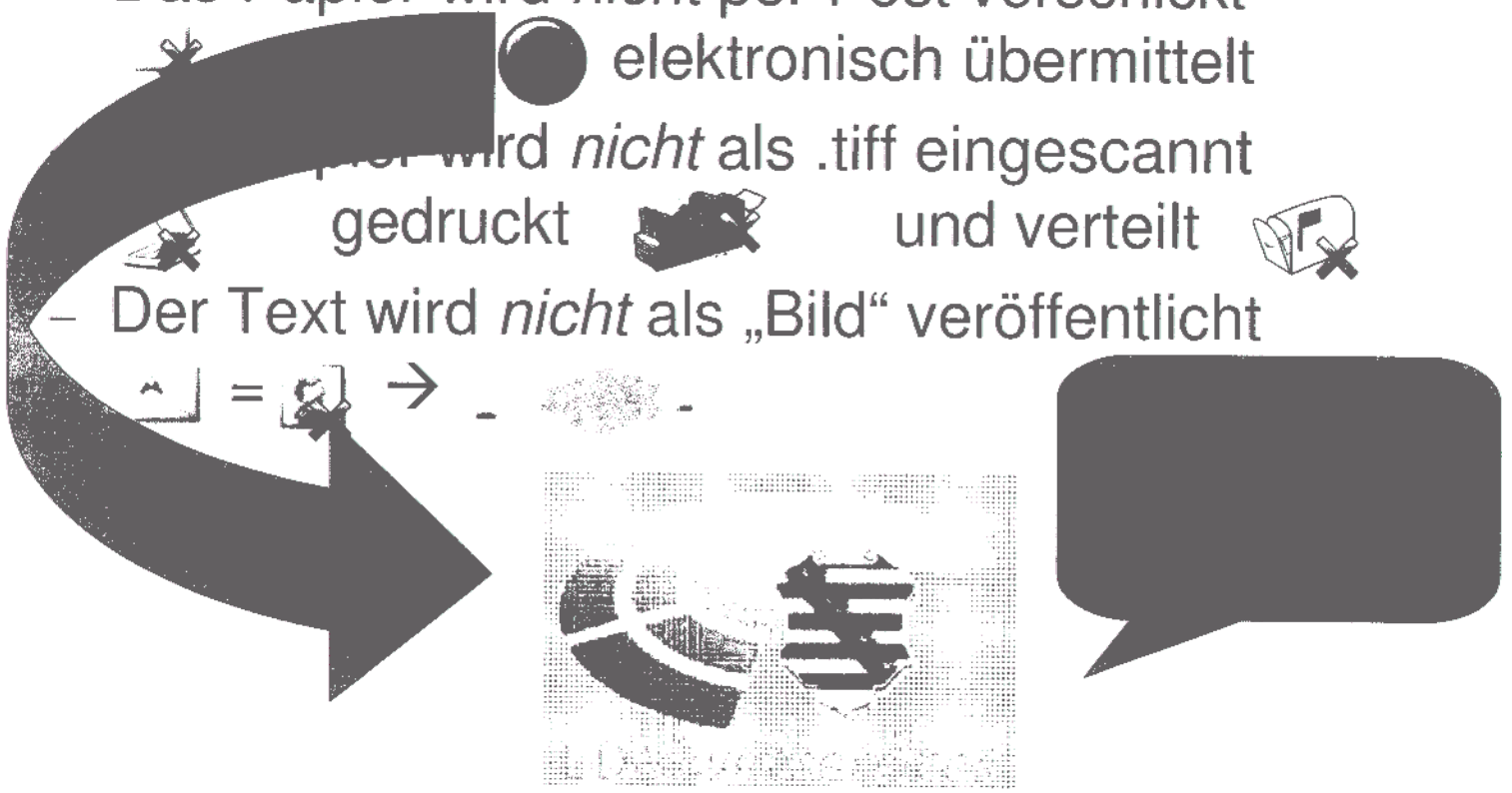
  - Das Papier wird *nicht* per Post verschickt
    sondern elektronisch übermittelt
  - Das Papier wird *nicht* als .tiff eingescannt
    gedruckt und verteilt
  - Der Text wird *nicht* als „Bild“ veröffentlicht

EDAS*input*

- Sie könnten „morgen“ sehen 2 (2):
  - Das Papier wird *nicht* per Post verschickt
  - elektronisch übermittelt
  - rd *nicht* als .tiff eingescannt
  - gedruckt und verteilt
  - Der Text wird *nicht* als „Bild“ veröffentlicht

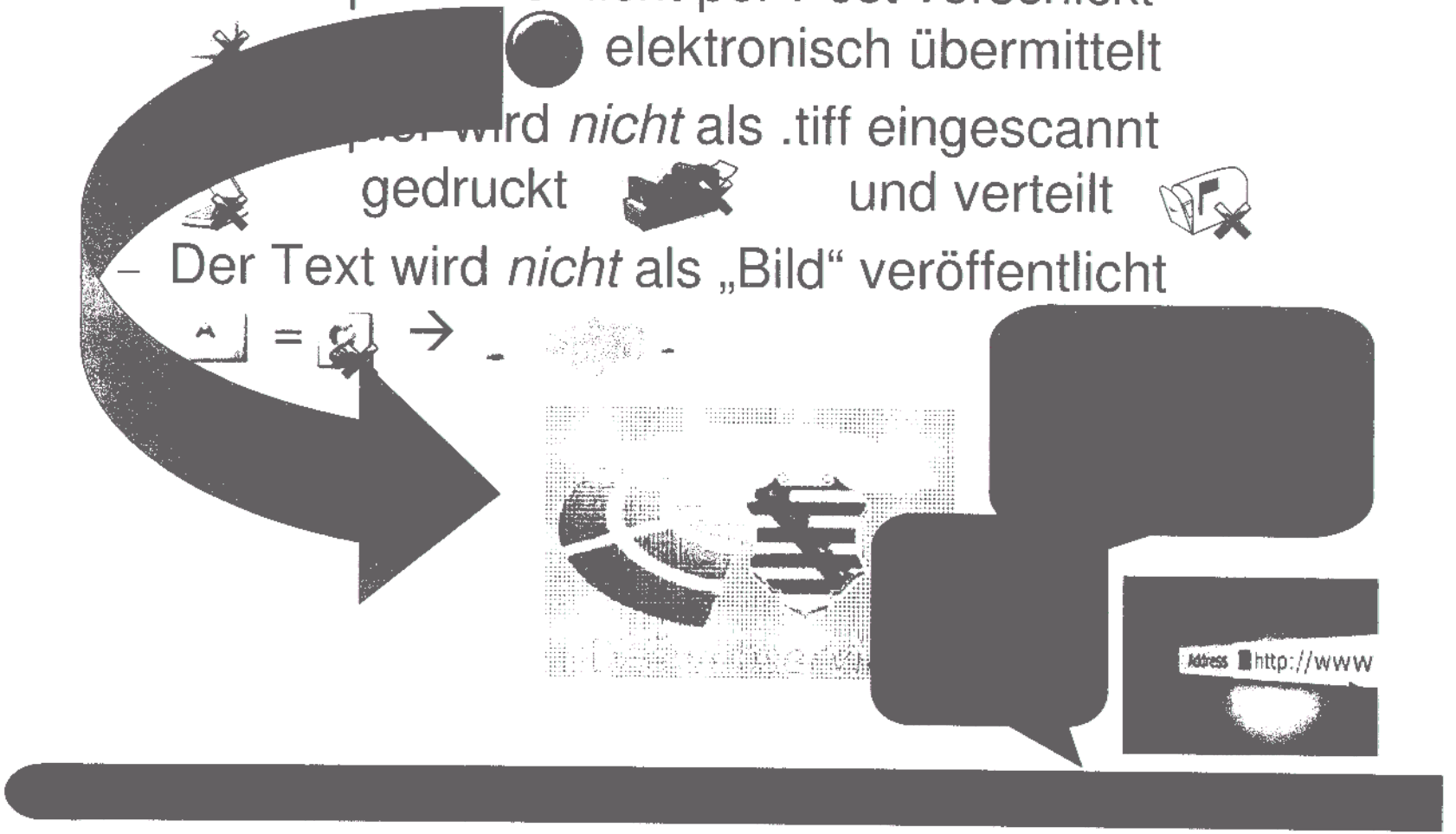
EDAS*input*

- Sie könnten „morgen“ sehen 2 (2):
  - Das Papier wird *nicht* per Post verschickt
    elektronisch übermittelt
    ird *nicht* als .tiff eingescannt
    gedruckt und verteilt
  - Der Text wird *nicht* als „Bild“ veröffentlicht



EDAS*input*

- Sie könnten „morgen“ sehen 2 (2):
  - Das Papier wird *nicht* per Post verschickt
    elektronisch übermittelt
    rd *nicht* als .tiff eingescannt
    gedruckt und verteilt
  - Der Text wird *nicht* als „Bild“ veröffentlicht



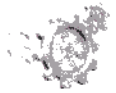
EDAS*input*

- Vorteile:
  - Zeitgewinn
  - Suche nach Text möglich
  - Text kann verarbeitet werden (codet information – ci)
  - Verzicht auf Papier möglich

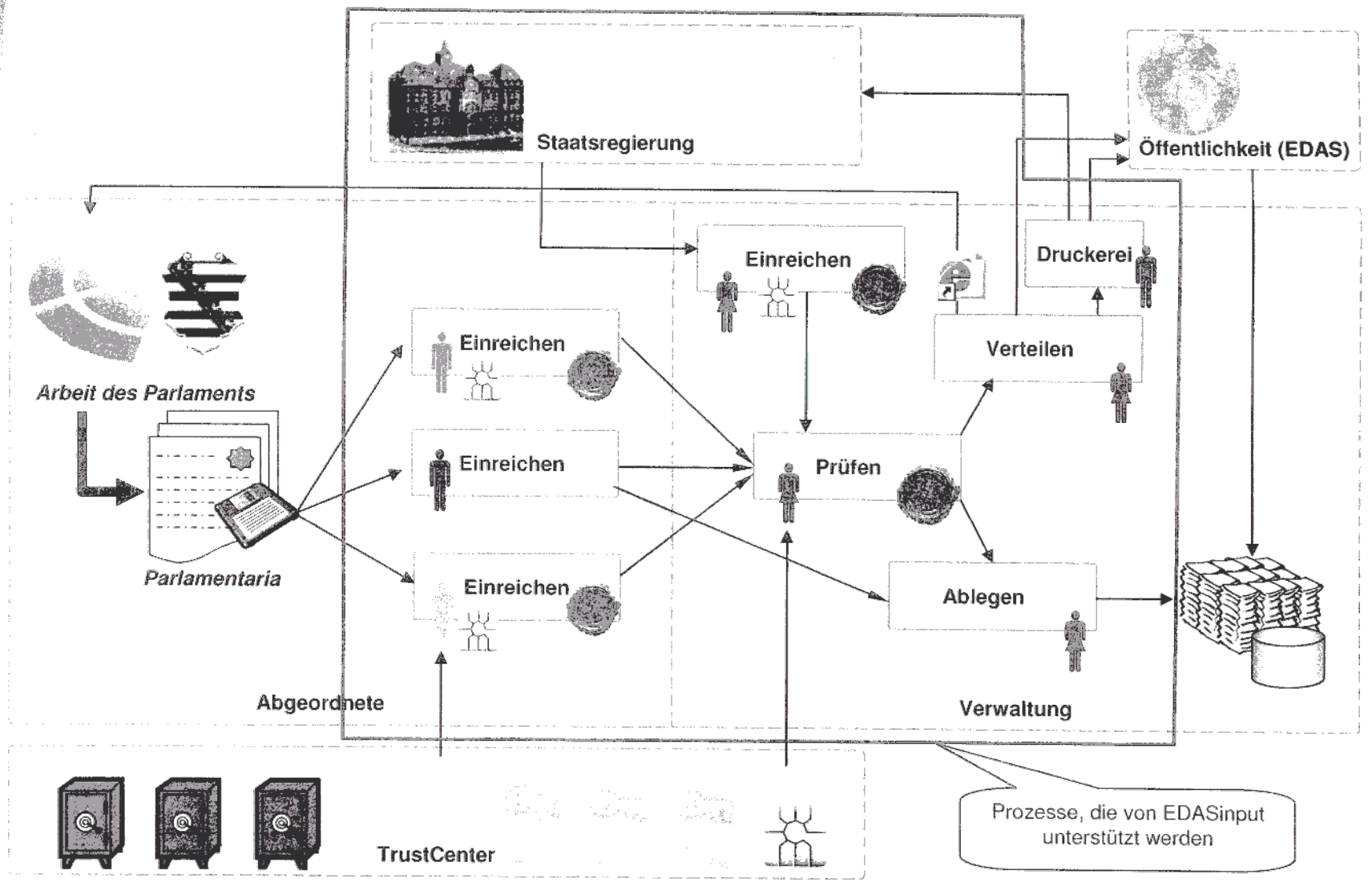
arbeiten: archivieren:

EDAS*input*

- Realisierung…
  - technisch möglich?



Technische Realisierung



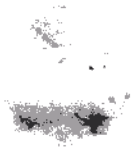
EDAS*input*

- Realisierung…
  - technisch möglich?

EDAS*input*

- Realisierung…
  - technisch möglich?

  - finanziell sinnvoll?



Wirtschaftlichkeit

bisheriges Verfahren - mit EDAS*input*

Papier

Druckkosten

Speicherbedarf

Raumbedarf

Personalaufwand

...

Investitionen (~ 170.000€)

laufende Kosten

(19.000 – 27.000 €/a)

EDAS*input*

- Realisierung…
  - technisch möglich?

  - finanziell sinnvoll?

EDAS*input*

- Realisierung…
  - technisch möglich?
  - finanziell sinnvoll?
  - rechtlich möglich?

EU-Signaturrichtlinie

RICHTLINIE 1999/93/EG DES EUROPÄISCHEN PARLAMENTS UND DES RATES

vom 13. Dezember 1999

über gemeinschaftliche Rahmenbedingungen für elektronische Signaturen

DAS EUROPÄISCHE PARLAMENT UND DER RAT DER EUROPÄISCHEN UNION —

gestützt auf den Vertrag zur Gründung der Europäischen Gemeinschaft, insbesondere auf Artikel 47 Absatz 2, Artikel 55 und 95,

auf Vorschlag der Kommission (1),

nach Stellungnahme des Wirtschafts- und Sozialausschusses (2),

nach Stellungnahme des Ausschusses der Regionen (3),

gemäß dem Verfahren des Artikels 251 des Vertrags (4),

in Erwägung nachstehender Gründe:

(1) Am 16. April 1997 hat die Kommission dem Europäischen Parlament, dem Rat, dem Wirtschafts- und Sozialausschuß und dem Ausschuß der Regionen eine Mitteilung mit dem Titel „Europäische Initiative für den elektronischen Geschäftsverkehr" vorgelegt.

erfüllen, die speziell für Produkte für elektronische Signaturen gelten, um so den freien Verkehr im Binnenmarkt zu gewährleisten und das Vertrauen in digitale Signaturen zu fördern, wobei die Verordnung (EG) Nr. 3381/94 des Rates vom 19. Dezember 1994 über eine Gemeinschaftsregelung der Ausfuhrkontrolle von Gütern mit doppeltem Verwendungszweck (5) und der Beschluß 94/942/GASP des Rates vom 19. Dezember 1994 über die vom Rat angenommene gemeinsame Aktion zur Ausfuhrkontrolle von Gütern mit doppeltem Verwendungszweck (6) unberührt bleiben.

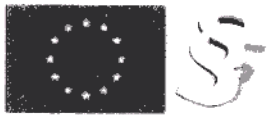
(6) Mit der vorliegenden Richtlinie wird die Erbringung von Dienstleistungen im Bereich der Vertraulichkeit von Informationen nicht harmonisiert, wenn für derartige Dienstleistungen einzelstaatliche Vorschriften hinsichtlich der öffentlichen Ordnung oder Sicherheit gelten.

(7) Der Binnenmarkt gewährleistet die Freizügigkeit von

EDAS*input*

- Realisierung…
  - technisch möglich?

  - finanziell sinnvoll?

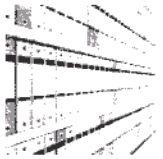
  - rechtlich möglich?
    

EDAS*input*

- Realisierung…
  - technisch möglich?

    ✓
  - finanziell sinnvoll?

    ✓
  - rechtlich möglich?

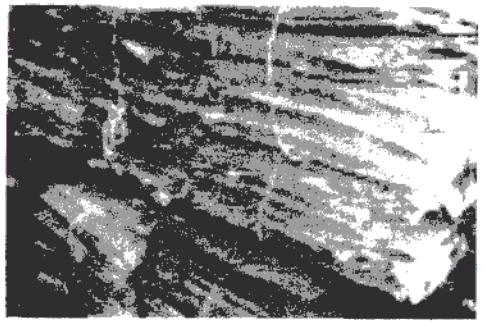
    ✓
  - archivarisch sinnvoll?
    
    vs.

Archivierung

als Papier

Haltbarkeit

endlich



Verfügbarkeit

begrenzt

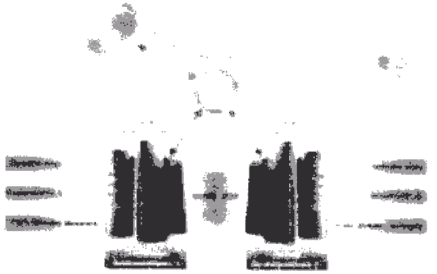
digital

Haltbarkeit

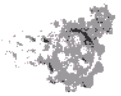
ewig

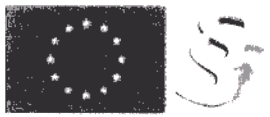
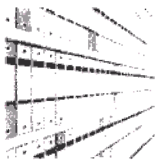
Verfügbarkeit

unbegrenzt



EDAS*input*

- Realisierung…
  - technisch möglich?
    
    ✓
  - finanziell sinnvoll?

    ✓
  - rechtlich möglich?
    
    ✓
  - archivarisch sinnvoll?
    
    vs.

    ✓

Hauptmerkmale von EDAS*input* 1(2)

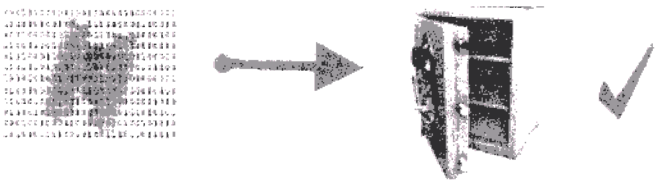
- Elektronisches Dokument ist das Original

- Medienbruchfreier Prozess

- Anforderungen des Signaturgesetzes erfüllt

  (Durch qualifizierte elektronische Signatur gerichtsfest)

- Langzeitarchivierung umsetzbar



Hauptmerkmale von EDAS*input* 2(2)

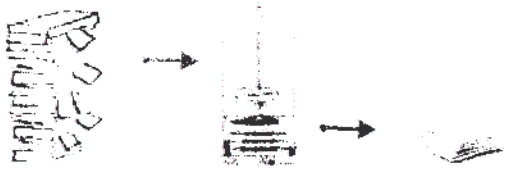
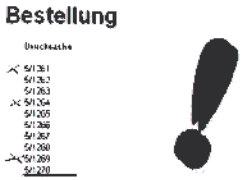
- Gesicherter Zugriff durch berechtigte Nutzer

- Moderne, integrierte Webanwendung

- Zukunftssicherheit durch Nutzung von Softwarekomponenten namhafter Hersteller

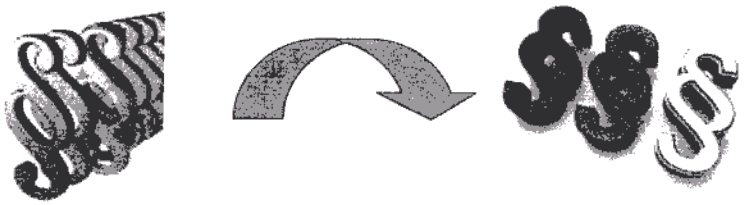
Future : Adobe Microsoft TRUST ...

- Minimierung von Papierkopien, aber bei Bedarf immer möglich

EDAS*input*

- Voraussetzungen:
  - Änderung der Geschäftsordnung des Landtages



  - Umdenken der Nutzer

Akzeptanz

Herzlichen Dank für Ihre Aufmerksamkeit!

Hvala vam na pozornosti !