

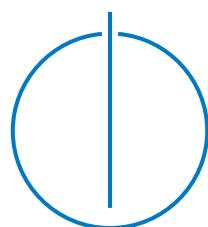


FAKULTÄT FÜR INFORMATIK
DER TECHNISCHEN UNIVERSITÄT MÜNCHEN

Bachelor's Thesis in Informatik

**IT-SUPPORTED OPTIMIZATION
POTENTIALS IN THE
IDENTIFICATION OF NEEDS FOR
ACTION IN COMPANIES THROUGH
LEGISLATIVE CHANGES**

Patrick Katzer





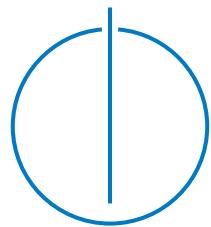
FAKULTÄT FÜR INFORMATIK
DER TECHNISCHEN UNIVERSITÄT MÜNCHEN

Bachelor's Thesis in Informatik

**IT-GESTÜTZTE
OPTIMIERUNGSPOTENTIALE BEI DER
ERMITTlung VON HANDLUNGSBEDARFEN
IN UNTERNEHMEN DURCH
GESETZESÄNDERUNGEN**

**IT-SUPPORTED OPTIMIZATION
POTENTIALS IN THE IDENTIFICATION OF
NEEDS FOR ACTION IN COMPANIES
THROUGH LEGISLATIVE CHANGES**

Erstbetreuer: Prof. Dr. rer.nat. Florian Matthes
Zweitbetreuer: M.Sc. Ingo Glaser
Tag der Einreichung: 15.05.2020



Erklärung

Ich versichere, dass ich diese Bachelor's Thesis selbständig verfasst und nur die angegebenen Quellen und Hilfsmittel verwendet habe.

I assure the single handed composition of this bachelor's thesis only supported by declared resources.

Passau, den 13.Mai 2020

Patrick Katzer

Zusammenfassung

Regulatory Compliance, die Anforderung an eine Firma, sich über relevante Gesetze bewusst zu sein sowie sich nicht von Gesetzesänderungen überraschen zu lassen ist eine Herausforderung, die auf Grund von Globalisierung, und der damit steigenden Anzahl an für Firmen relevanten Gesetzen, immer wichtiger für Unternehmen ist.

Diese Arbeit beschäftigt sich damit, wie Gesetzesänderungen auf Bundes- sowie Europäischer Ebene veröffentlicht werden. Dabei wird sowohl auf offizielle als auch auf private Anbieter eingegangen. Anschließend wird untersucht, wie Unternehmen mit Gesetzesänderungen umgehen, um die Einhaltung gesetzlicher Vorschriften zu gewähren.

Bei Interviews mit Firmen zu den Anforderungen an ein System zur Veröffentlichung von Gesetzesänderungen zeigte sich, dass keine der vorhandenen Lösungen sämtliche Anforderungen erfüllt.

Basierend auf diesen Ergebnissen kommt die Arbeit zu dem Ergebnis, dass ein neues System für die Veröffentlichung von Gesetzesänderungen gebraucht wird, um den oben genannten Prozess zu optimieren. Ein solches System, aufgebaut als Web-Portal, muss Gesetzesänderungen automatisch schon vor ihrer Verabschiedung veröffentlichen. Nach einer automatisierten Prüfung der Relevanz werden Benutzer über die für sie relevanten Änderungen informiert. Des Weiteren ist es wichtig, dass Experten wie zum Beispiel juristische Verlage in das System integriert werden, um Gesetzestexte zu interpretieren und bei Bedarf Fragen zu beantworten.

Eine erste technische Umsetzbarkeitsanalyse zeigt das ein solches System rein technisch implementierbar ist. Eine Kosten-Nutzen-Analyse sowie die Implementierung an sich sind Teil einer weiteren wissenschaftlichen Arbeit.

Abstract

Regulatory compliance, the requirement as a company to be aware of relevant laws and not to be surprised by changes in the law, is more important than ever for a company due to globalization and thus an increasing number of relevant laws.

This thesis deals with how changes in the law are published on a federal and European level. Both official and private services are covered. It then examines how companies deal with changes in legislation and what ways they use to ensure regulatory compliance.

Interviews with companies on the requirements for a system for publishing changes in the law showed that current solutions do not meet them.

Based on these results, the paper concludes that a new system for publishing regulatory changes is needed to optimize these processes. This system, set up as a web portal, must automatically publish changes in the law before they are passed and, after an automatically relevance check, inform users about the changes. Furthermore, it is essential to be able to integrate experts such as legal publishers into this system to interpret legal texts and answer questions if necessary.

An initial technical feasibility study shows that such a system could be implemented on a purely technical level. A cost-benefit analysis, as well as the implementation itself, is part of future scientific work.

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1. Introduction

1.1. Motivation

Every parliamentary term, there are about 500 new or amended laws. [Bu18, S. 5] These legislative changes demand a need for action in companies, where these laws have a material impact.

Overlooking legal changes within a company can lead to significant legal and, consequently, financial problems due to penalty fees for a company. It is, therefore, essential for a company to keep a constant eye on changes in the law and to be able to act early enough when relevant changes in the law occur. This task includes knowing at which level (state, federal, and European level) the relevant changes in the law are taking place. Furthermore, every change in the law must be examined to see whether it has an impact on the respective industry. Finally, the content of the law must be interpreted correctly, and appropriate steps should be taken to comply with the law.

The company DATEV from Nuremberg is also struggling with this problem. As an IT service provider with a focus on tax consulting, it is essential for them to keep abreast of changes in tax law early and reliably. Since tax law in Germany is one of the legal matters with the most changes, the effort and costs to ensure this are very high. For this reason DATEV wanted to know whether this procedure could not be simplified with the help of legal-tech. The aim of this thesis is to find that out.

As a basis for the search for optimization potentials, the goal is to find out how the information about a legislative change is published. Further research carries out on how the companies proceed to get information about changes in law and how they identify their relevance.

1. Introduction

With this process identified, the thesis wants to find out which requirements a system for publishing legal changes have to meet to optimize this process and which of the existing systems meet these specifications.

Finally, a system is designed that meets the desired requirements. Such a new system can significantly simplify the previous process of companies such as DATEV and thus fulfills a potential for optimization.

1.2. Structure of the Thesis

In this chapter, a short motivation was presented. In the second chapter, the research questions and the approach for answering them are explained. Chapter three informs about related work about information publishing and retrieval of legislative changes.

The central part of this thesis is divided into three parts, chapters four, five, and six:

The first chapter is about how the information about legislative changes is published. The chapter separates in German laws and European laws. In each chapter, the formal process of the government/parliament is discussed, as well as solutions of private companies.

The second part is about how companies retrieve information about changes in law and how they identify their relevance. To achieve this, the process of two companies, a legal publishing company and a company for medical devices, are analyzed.

The third part, chapter six, wants to find IT-supported optimization potentials in this process. One optimization approach is an improved system for publishing legislative changes. This chapter describes the requirements for such a system and checks which existing systems meet these requirements.

Chapter seven shows how these results can be expanded in the future.

The last chapter is a summary of the results of this thesis.

2. Research Method

2.1. Research Questions

To find a solution to this problem, it is first necessary to clarify the current situation of publishing changes in the law and how companies deal with them. After that, it can be searched for the potential of optimization. These objectives are summarized in the following research questions:

How is the information about legislative changes published?

To research the information retrieval of legislative changes from companies, finding out how the information about a new or changed law is published for the people is necessary. A distinction must be made between German and European laws. In both cases, there are formal ways of the government/parliament and solutions of private companies.

How does the information about a legislative change reach the stakeholder inside a company?

Which way do the companies use to get information on legislative changes? Do they have distributors who get them the information specific to their field?

How do companies recognize the relevance of legislative changes based on the need for action?

In the current legislative period (2017-2021), 210 new laws were passed up to 2 March 2020 alone. [De, S. 1] Not all of them have an impact for a company. So, how do companies identify if a legislative change is relevant for them and that they have a need for action inside the company?

What are the it-supported optimization potentials to improve this process?

How can companies improve this process of information retrieval of legislative changes through IT-supported solutions?

2. Research Method

What could an improved system for publishing legislative changes look like?

How would a system for publishing legislative changes need to be improved to help companies in their work? What requirements must such a system meet?

2.2. Research Approach

The research method of my thesis is based on the approach of Design Science according to Hevner et al. [A.04] Joan Ernst van Aken states that Design Science Research looks to develop valid and reliable knowledge for designing solutions. [Ak12] According to Hevner, these three cycles must be present and identifiable in a design science research project:

- The **Rigor Cycle** connects the design science activities with the knowledge base of scientific foundations, experience, and expertise that informs the research project.
- The **Relevance Cycle** bridges the contextual environment of the research project with the design science activities.
- The central **Design Cycle** iterates between the core activities of building and evaluating the design artifacts and processes of the research.

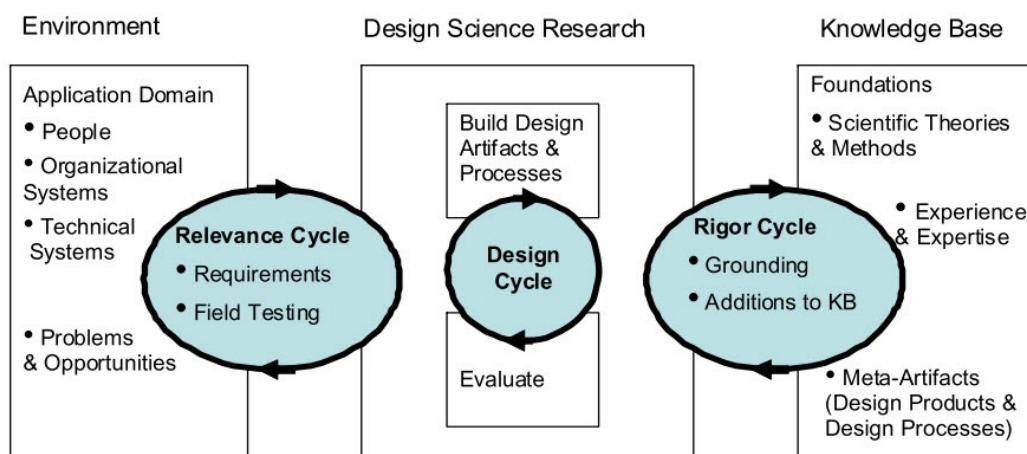


Abbildung 2.1.: Design Science Research Cycles

2. Research Method

A knowledgebase is required for the Rigor Cycle. This was done by literature research on the topic of Information Retrieval. Besides, expert interviews were conducted to find out more about the legislative process in Chapter 3, and for Chapter 4 extensive online research on existing publication services of legislative changes was conducted.

Chapter 5 lays the foundation for the Relevance Cycle by determining the current situation and its problems through interviews with companies.

Chapter 6 defines requirements for a new system based on the companies' problems with the old systems and their wishes. Then the new system is designed in the Design Cycle, and the requirements are evaluated for feasibility.

3. Prerequisites

3.1. Legislative Process

3.1.1. Germany

Art. 76 Abs. 1 GG¹ provides that draft laws can be brought in by the Federal Government, the Federal Council, or by at least 5 % of the members of the Bundestag or a parliamentary group.

Draft laws of the Federal Government must first be submitted to the Bundesrat for comment. They are then submitted to the Bundestag, together with the Bundesrat's statement and a counter-statement by the Federal Government.²

Draft laws of the Bundesrat are submitted to the Bundestag, which is supposed to present its opinion.³

The federal laws are then passed by the Bundestag and forwarded to the Bundesrat. In the Bundestag, the drafts are dealt with in three consultations (readings). Between the first and the second or third reading, the bills are discussed in the Bundestag committees.⁴

If a bill is requiring consent (Zustimmungsgesetze), the Bundestag can object to it and thus prevent its adoption. With objection laws (Einspruchsgesetze), this is only possible if the Bundestag does not vote against the objection by a majority. In both cases, if an objection is raised, a conciliation committee must be convened to work out a compromise.⁵

¹https://www.gesetze-im-internet.de/gg/art_76.html

²Art. 76 Abs. 2 GG

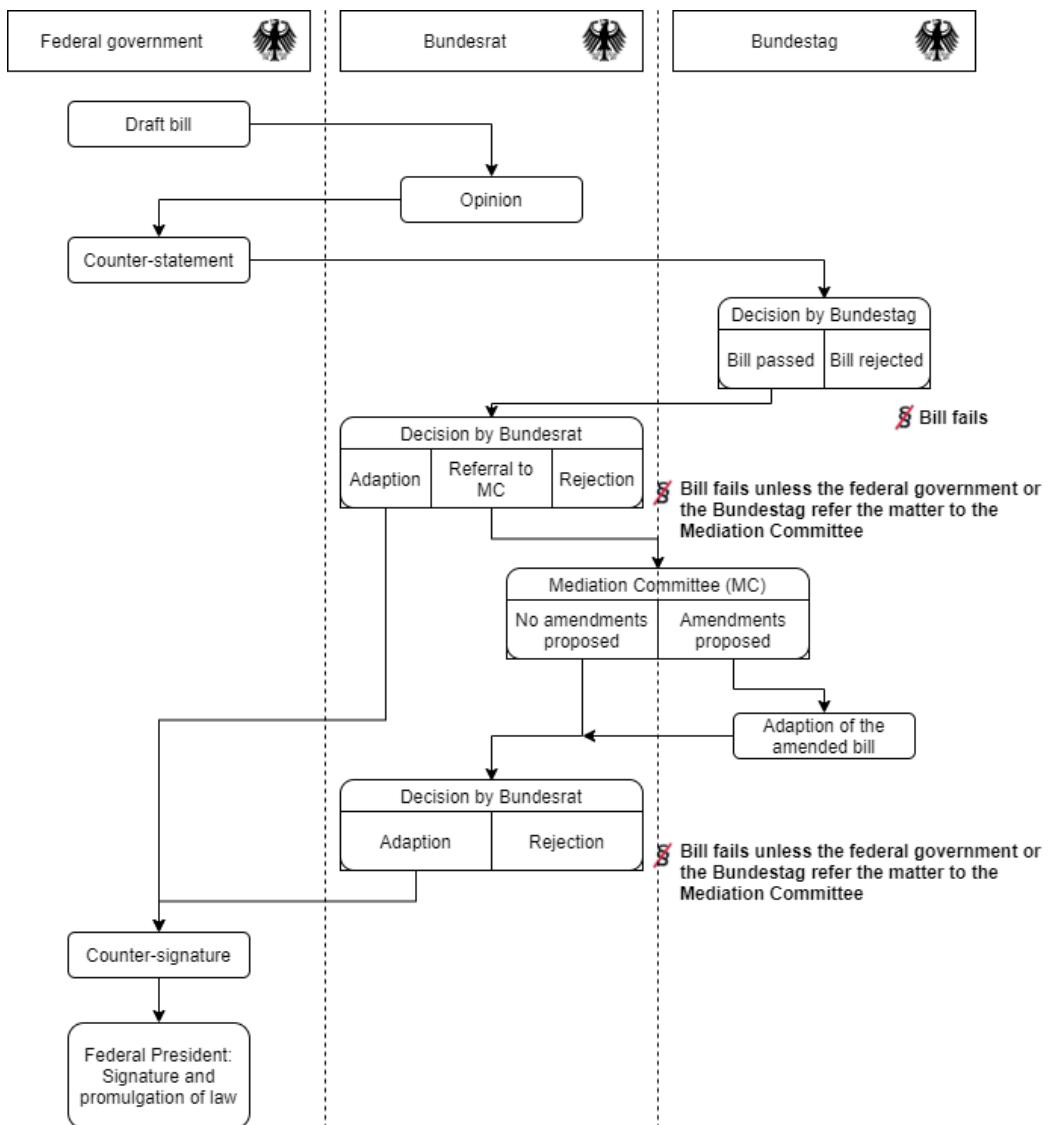
³Art. 76 Abs. 3 GG

⁴Art. 77 Abs. 1 GG

⁵vgl. Art 77 Abs. 2-4 GG

3. Prerequisites

The Federal President finally executes the federal law and then promulgated in the Bundesgesetzblatt. The Federal President has the right to examine whether the law is in conformity with the Constitution and is also otherwise in conformity with the Constitution.⁶ [Bu]

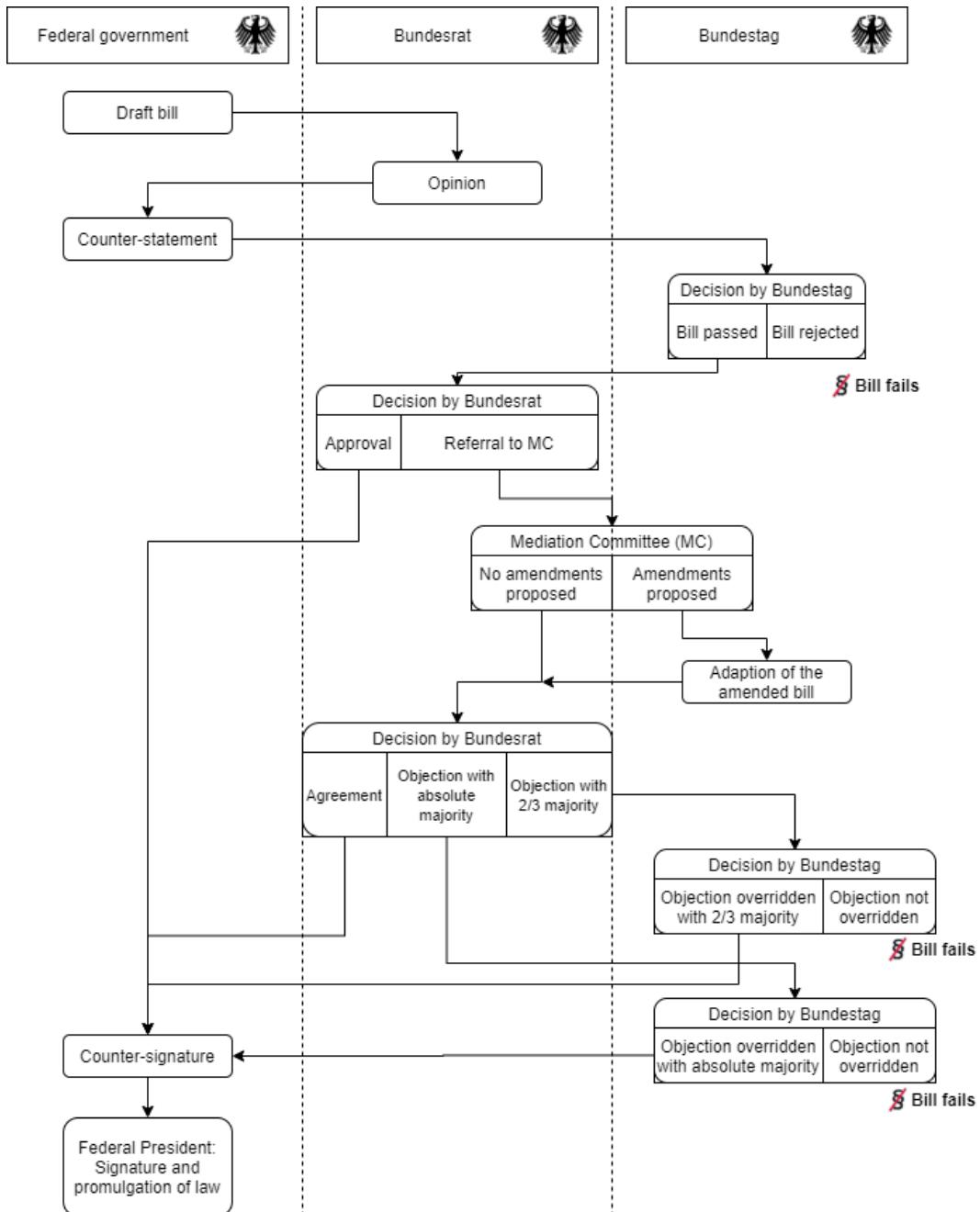


Own design according to: Bundesrat 2014

Abbildung 3.1.: Legislative Process of a German Federal Consent Bill

⁶Art. 78 GG

3. Prerequisites



Own design according to: Bundesrat 2014

Abbildung 3.2.: Legislative Process of a German Federal Objection Bill

3. Prerequisites

3.1.2. European Union

At the European level, a distinction is made between directives and regulations. Directives must be transposed into national law by member states within a deadline. In contrast, regulations are immediately and directly valid in all EU member states.

Since the Treaty of Lisbon came into force late 2009, the *Ordinary legislative procedure (COD)* is the standard decision-making procedure used in the European Union.

The procedure is as follows:

1. **Initiative:** The European Commission submits a proposal to the Parliament and the Council.
2. **Approval of Amendments:** The Parliament takes a vote on the proposal. There are two possible outcomes:
 - a) The EP approves the proposal
 - b) The EP amends the proposalThe - possibly amended - proposal is put before the Council. There are two possible outcomes:
 - a) The Council approves the proposal, the proposal is adopted
 - b) The Council amends the proposal. The Council is allowed to amend any possible amendments made by the Parliament
3. **Amended Proposal, Second Reading:** The proposal, as amended by the Council, is submitted to Parliament. Parliament has four options:
 - a) If the EP does not make any decision regarding the Council proposal, it is adopted
 - b) The EP approves the amended proposal, it is adopted
 - c) The EP rejects the proposal, the proposal is not adopted
 - d) The EP amends the proposal. The Parliament is allowed to amend amendments made by the Council

3. Prerequisites

If Parliament decides to amend the proposal, the proposal is sent to the Commission. The Commission will issue an opinion on the amended proposal, after which the proposal is submitted to the Council. At the Council, there are two possible outcomes:

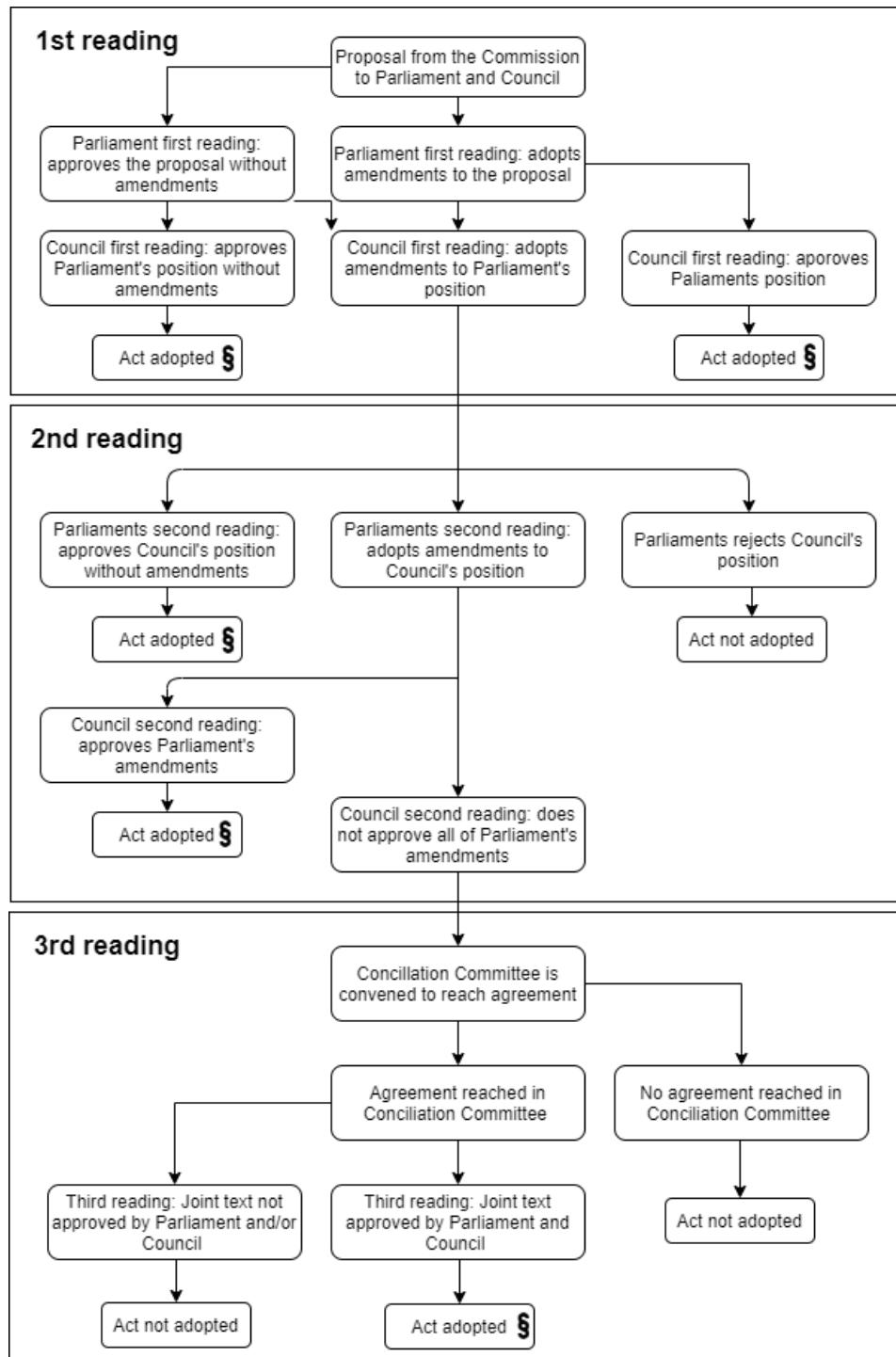
- a) The Council approves the amended and reviewed proposal. Decision-making in the Council at this point depends on the advice of the Commission:
 - i. If the Commission issued a positive opinion, the Council decides on the basis of qualified majority voting
 - ii. If the Commission issued a negative opinion the Council decides on the basis of unanimity
- b) The Council rejects the proposal, conciliation is initiated automatically

4. **Conciliation:** When Council in their second reading does not approve of some or all amendments made by Parliament, a Conciliation Committee is convened. The Committee is composed of delegations of Council, Parliament and Commission. Negotiations take place on the basis of the proposals made by the Parliament and the Council in their respective second readings.

If negotiations on an amended proposal are not concluded within six weeks, the proposal is rejected.

5. **Third reading:** Both the Parliament and the Council have to decide on the amended proposal. They can either approve or reject the proposal, amendments are not permitted. [EUA]

3. Prerequisites



Own design according to: European Parliament⁷

Abbildung 3.3.: The Ordinary Legislative Procedure of the European Parliament - step by step

3. Prerequisites

3.2. Types and challenges of legislative changes

There are different types of changes in the law with different difficulties that arise in dealing with them. This chapter gives a brief overview of them.

3.2.1. Amendment of existing laws

The most common type of amendment to the law is the adaptation of existing law. Paragraphs are changed, or completely new paragraphs are added. In both cases, the paragraph remains the same.

This is the most straightforward way of changing the law, as changes can be easily compared.

3.2.2. Creation of new legislation

Another type of law change is the creation of an entirely new law.

This is particularly difficult when a law is dropped and replaced by the new law. As a result, it can happen that the law §5 has so far dealt with a specific topic and now covers a completely different subject area.

The same problem also occurs when a law moves and now gets a completely new paragraph. A good example is the basis of the claim for damages for pain and suffering. This was previously regulated in the German Civil Code under § 847 BGB. Due to the last reform of the law of obligations in 2002, the claim for damages for pain and suffering is now regulated in § 253 II BGB.

3.2.3. Special cases

3.2.3.1. Assessment periods

A particular case of changes in the law, which can cause difficulties, are the so-called laws with an assessment period. In this case, the period of validity does not coincide with the date of entry into force. It can be before the publication date, but also after it.

However, these occur only in tax law.

3. Prerequisites

3.3. Regulatory Monitoring

Regulatory Monitoring, also known as Legal Horizon Scanning, describes the task of companies to keep an eye on relevant planned or already adopted legislative changes for the purpose of regulatory compliance.

Regulatory compliance aims to ensure that companies are aware of laws relevant to them and act accordingly to comply with these laws and regulations. [Li16]

This can be done through partners in ministries, the press, partner firms such as legal publishers, or regulatory monitoring tools.

4. Information Publishing of Legislative Changes

Every time the government passes a law, this information has to reach the people. This chapter explains how the government achieves this as well as which services private companies offer to inform about legislative changes.

4.1. German Laws

4.1.1. Publication by Federal Ministry of Justice and Consumer Protection

4.1.1.1. Bundesgesetzblatt

To inform the German nation about new laws is the responsibility of the Federal Ministry of Justice and Consumer Protection. To accomplish this task, they have the Bundesgesetzblatt. It is the only official promulgating publication published by the Bundesanzeiger Verlag. A new or changed law is only valid if it was published there.⁸

The Bundesgesetzblatt is divided into two parts. The first part contains all federal laws, ordinances of essential or permanent importance, decisions on competence, decision formulas of the judgments of the Federal Constitutional Court, orders and decrees of the Federal President, notices on internal affairs of the Bundestag and Bundesrat and other announcements. The second part contains the international conventions and treaties in force in Germany, the legislation enacted to bring them into force and related notices, and customs tariff legislation.⁹

⁸Artikel 82 Absatz 1 Satz 1 GG

⁹<https://www.bgbler.de/informationen/ueber-das-bgbler.html>

4. Information Publishing of Legislative Changes

A change of law is explained in the Bundesgesetzblatt as following:

Das Einkommenssteuergesetz in der Fassung der Bekanntmachung vom 8. Oktober 2009 (BGBl. I S. 3366, 3862), das zuletzt durch Artikel 5 des Gesetzes vom 21. Dezember 2019 (BGBl. I S 2875) geändert worden ist, wird wie folgt geändert:

1. In der Inhaltsübersicht werden nach der Angabe zu § 35b die folgenden Angaben eingeführt:

"6. Steuerermäßigungen für energetischen Maßnahmen bei zu eignen Wohnzwecken genutzten Gebäuden.

§ 35c Steuerermäßigung für energetischen Maßnahmen bei zu eignen Wohnzwecken genutzten Gebäuden".

English translation:

The Income Tax Act in the version published on 8 October 2009 (BGBl. I p. 3366, 3862), last amended by Article 5 of the Act of 21 December 2019 (BGBl I p. 2875), is amended as follows:

1. In the table of contents, the following information is introduced after § 35b:

"6. Tax reductions for energy efficiency measures in buildings used for residential purposes.

§ 35c Tax reduction for energy-related measures in buildings used for residential purposes".

On the Homepage of the Bundesanzeiger Verlag, every citizen can have free access to the archive with all Bundesgesetzblatt issues from 1949, including the current one. A printed version, the functions to print and search inside the archive, as well as an email-service to get informed about a new version, costs money.¹⁰

¹⁰<https://www.bgbbl.de/produkte.html>

4. Information Publishing of Legislative Changes

4.1.1.2. Gesetze im Internet

Gesetze im Internet is a free platform of the Federal Ministry of Justice and Consumer Protection in cooperation with the juris GmbH. The website contains nearly all current federal laws to retrieve them free of charge. Additionally, there is an update service that lists all adopted laws of the last 6 months.

Furthermore, there is the possibility to subscribe to an RSS-Feed to get the information about a passed law automatically.¹¹ Important: The laws published on Gesetze im Internet are not the official version. These can only be found in the paper edition of the Bundesgesetzblatt ([4.1.1.1](#)).

4.1.2. Publication by Private Companies

Parallel to the Bundesgesetzblatt, private companies have their solutions to inform about legislative changes.

4.1.2.1. juris

The juris GmbH is the market leader on the German market for electronic legal information. Their online offer includes decisions, legal norms, administrative regulations, and European law as well as specialist portals, modules, commentaries, journals, and information services.

In the database, you can select laws for which you want to have a notification if a change occurs.¹²

¹¹<https://www.gesetze-im-internet.de>

¹²https://www.juris.de/jportal/nav/juris_2015/unternehmen_2/ueber_juris/ueber_juris.jsp

4. Information Publishing of Legislative Changes

4.1.2.2. beck-aktuell

beck-aktuell is the online information service about current legal notifications of the C. H. Beck publishing house. Under the tab *Gesetzgebung*¹³ is all information about legislative changes. An extra feature here is that you not only can find passed laws but also unfinished legislation. Another feature is that you can get information about the development of the legislative process, the objective of the law as well as literature like legal essays and other material.¹⁴

4.1.2.3. buzer.de

Buzer.de is a private online database for current and former federal law. Similar to Gesetze im Internet (4.1.1.2), it offers an enumeration of recently passed laws (last 100 days) and an RSS-Feed to get the information automatically. A particular service here is the email notification service. It is possible to set up the service so that you only receive notifications on the legislation of interest or even only a specific law. An advantage of Buzzer is not only the enumeration of every single change in the law but the possibility of comparing the old and new versions of the law and highlighting text changes.¹⁵

m.W.v. (verkündet)	ändert	die Vorschriften ... (Synopse/Diff)	der folgenden Gesetze und/oder Verordnungen
zukünftige Änderungen			
01.04.2021	Artikel 3	(noch nicht in Kraft)	Infektionsschutzgesetz (IfSG)
01.01.2021	Artikel 2	(noch nicht in Kraft)	Infektionsschutzgesetz (IfSG)
vergangene und konsolidierte Änderungen (Änderung verpasst? COVIfSGAnpG abonnieren!)			
30.03.2020	Artikel 1	Synopse gesamt oder einzel für § 56, § 57, § 58, § 66	Infektionsschutzgesetz (IfSG)
28.03.2020	Artikel 1	Synopse gesamt oder einzel für § 4, § 5, § 5a (neu), § 28, § 73	Infektionsschutzgesetz (IfSG)
	Artikel 4	§ 12	IGV-Durchführungsgesetz (IGV-DG)
	Artikel 5	Synopse gesamt oder einzel für § 4a, § 287a (neu)	Sozialgesetzbuch (SGB) Fünftes Buch (V) - Gesetzliche Krankenversicherung - (SGB V)
	Artikel 6	§ 246b (neu)	Baugesetzbuch (BauGB)

Abbildung 4.1.: Description of legislative changes in buzer.de

¹³<https://rsw.beck.de/aktuell/gesetzgebung>

¹⁴<https://rsw.beck.de/aktuell/gesetzgebung>

¹⁵<https://www.buzer.de>

4. Information Publishing of Legislative Changes

§ 10b EStG a.F. (alte Fassung) in der vor dem 15.04.2010 geltenden Fassung	§ 10b EStG n.F. (neue Fassung) in der am 15.04.2010 geltenden Fassung durch Artikel 1 G. v. 08.04.2010 BGBl. I S. 386
← frühere Fassung von § 10b	nächste Fassung von § 10b →
← vorherige Änderung durch Artikel 1	nächste Änderung durch Artikel 1 →
(nur bei geänderter Numerierung hier alte Norm auswählen ▾ <input type="button" value="vergleichen"/>	
(Anzeige unveränderter Textabschnitte u. U. gekürzt - Doppelklick für Vollansicht)	

§ 10b Steuerbegünstigte Zwecke

(Text alte Fassung) ▾ (1) Zuwendungen (Spenden und Mitgliedsbeiträge) zur Förderung steuerbegünstigter Zwecke im Sinne der §§ 52 bis 54 der Abgabenordnung an eine inländische juristische Person des öffentlichen Rechts oder an eine inländische öffentliche Dienststelle oder an eine nach § 5 Abs. 1 Nr. 9 des Körperschaftsteuergesetzes steuerbefreite Körperschaft, Personenvereinigung oder Vermögensmasse können insgesamt bis zu	(Text neue Fassung) (1) Zuwendungen (Spenden und Mitgliedsbeiträge) zur Förderung steuerbegünstigter Zwecke im Sinne der §§ 52 bis 54 der Abgabenordnung können insgesamt bis zu
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Abbildung 4.2.: Comparison of two versions of the law in buzer.de

Buzzer also offers a table of already announced legal changes that soon come into force. The list is also limited to the next 100 days.

4.2. European Laws

4.2.1. Publication by European Union

4.2.1.1. Official Journal of the European Union (OJEU)

The OJEU is the official gazette for the European Union, similar to the Bundesgesetzblatt (4.1.1.1) for the Federal Republic of Germany. It is published daily (working days) in all official languages of the EU, except Irish. Similar to the Bundesgesetzblatt, only legal acts published in the OJEU are binding. However, since July 2013, the electronic version of OJEU is legally binding and not the paper version.

It is published in separate series. The L-series contains EU legislation, including regulations, directives, and decisions. The C-series contains resolutions, information, announcements, and notices.¹⁶ [EUB]

¹⁶<https://eur-lex.europa.eu/content/help/oj/intro.html>

4. Information Publishing of Legislative Changes

In the publication of a new regulation or directive, the reasons for the amendment are first explained. The entire adopted law follows this.

The OJEU is available at EUR-Lex, an official website of the European Union Law.¹⁷ All official journals from 1952 are available there free of charge.¹⁸

4.2.1.2. The Legislative Observatory (Oeil)

The Legislative Observatory, or Oeil (French: Eye) for short, is a database of the European Parliament.

It contains all ongoing proceedings and associated documents of the European legislation. Additionally, it also contains all concluded proceedings with all the associated documents since July 1994. It is updated daily and is available in English and French.

The database has a search function, a plenary calendar to search for information on Parliament's past, present, and future part-sessions, and the possibility to get notifications when changes occur. An RSS feed is also provided.¹⁹

4.2.2. Publication by Private Companies

4.2.2.1. Legal Horizon AG

The Legal Horizon AG offers a service that gives information about laws used in specific industry sectors like finance, automotive, pharmacy, chemical, energy, and food industry. It also scans relevant legislation to inform about changes in the regulations affecting it.

This service is offered on a web interface.²⁰

¹⁷<https://eur-lex.europa.eu/content/welcome/about.html>

¹⁸<https://eur-lex.europa.eu/oj/direct-access.html>

¹⁹<https://oeil.secure.europarl.europa.eu>

²⁰<https://www.legalhorizon.de/>

4. Information Publishing of Legislative Changes

4.2.2.2. EU Monitor

The EU Monitor is a software from a Dutch company called PDC. It informs automatically about all statutory events relevant to a company. This includes:

- Consultations of the European Parliament
- All planned and proposed EU legislation
- The latest developments and documents in the EU policy-making process
- All proposals and topics on the agenda of the EU institutions, legislative and non-legislative

The EU Monitor is updated continually and all sources are monitored 24/7. The service is offered in a web portal and supports most mobile devices and tablets.²¹²²

4.2.2.3. FiscalNote EU Issue Tracker

The EU Issue Tracker from FiscalNote is the leading regulatory monitoring service used by companies such as Airbus, Amazon, and BMW.²³

4.2.2.4. PwC Compliance Monitoring Tool

The PwC Compliance Monitoring Tool is a tool to digitally support compliance processes. It continuously keeps users informed about regulatory publications and updates, thus ensuring a complete collection of regulatory requirements. The PwC Compliance Monitoring Tool mainly uses RSS and ATOM feeds as a source for legislative changes. Regular updates are checked for relevance and then published in the tool. The workflow process of the respective company is taken into account. [Pr]

²¹<https://www.eumonitor.eu>

²²https://www.pdc.nl/casebeschrijving/eu_monitor_2

²³<https://fiscalnote.com/products/eu-issue-tracker>

4. Information Publishing of Legislative Changes

4.3. Overview

Services	German Laws	European Laws	Unadopted Laws	Notification Service	RSS-Service
Bundesgesetzblatt	✓	✗	✗	✓	✗
Gesetze im Internet	✓	✗	✗	✗	✓
juris	✓	✓	✗	✓	✗
beck-aktuell	✓	✗	✓	✗	✗
buzer.de	✓	✗	✓	✓	✓
OJEU	✗	✓	✗	✗	✗
Oeil	✗	✓	✓	✓	✓
Legal Horizon AG	✓	✓	✓	✓	✗
EU Monitor	✗	✓	✓	✓	✗
FiscalNote EU Issue Tracker	✗	✓	✓	✓	✗
PwC Compliance Monitoring Tool	✓	✓	✓	✓	✗

Tabelle 4.1.: Overview of all services publishing legal changes

5. Information Retrieval of Legislative Changes

If a new legislative initiative takes an organization by surprise, significant damage can result. This chapter explains how companies get information about legislative changes and how they identify if these changes are relevant to them.

5.1. Process Analysis

5.1.1. Verlag Dr. Otto Schmidt

The *Verlag Dr. Otto Schmidt* is a legal publishing house founded in 1905 and based in Cologne, Germany, which specializes primarily in corporate law and tax law.²⁴

As a legal publisher, the *Verlag Dr. Otto Schmidt* has a remarkable role in collecting information on legal changes. On the one hand, he has to retrieve this information for himself to keep up to date with company law and not to commit any infringements. On the other hand, they need this information to create or update their publications.

The majority of these publications are legal commentaries and legal journals.

The process for obtaining information about a law in the legislative process is as follows:

The publishing house gets to know that the legislative changes are going through the legislative process. It usually happens through contacts with people who work in the respective ministries. Besides, they learn all about it from

²⁴<https://www.otto-schmidt.de/geschichte>

5. Information Retrieval of Legislative Changes

the press. For a new law, there are also corresponding readings in the Bundestag, so it is no secret.

Should they nevertheless have missed a change in the law, they also have partners who can bring this to their attention. The Dr. Otto Schmidt publishing house is a close partner of juris and also uses their services as described in chapter 4.1.2.1.

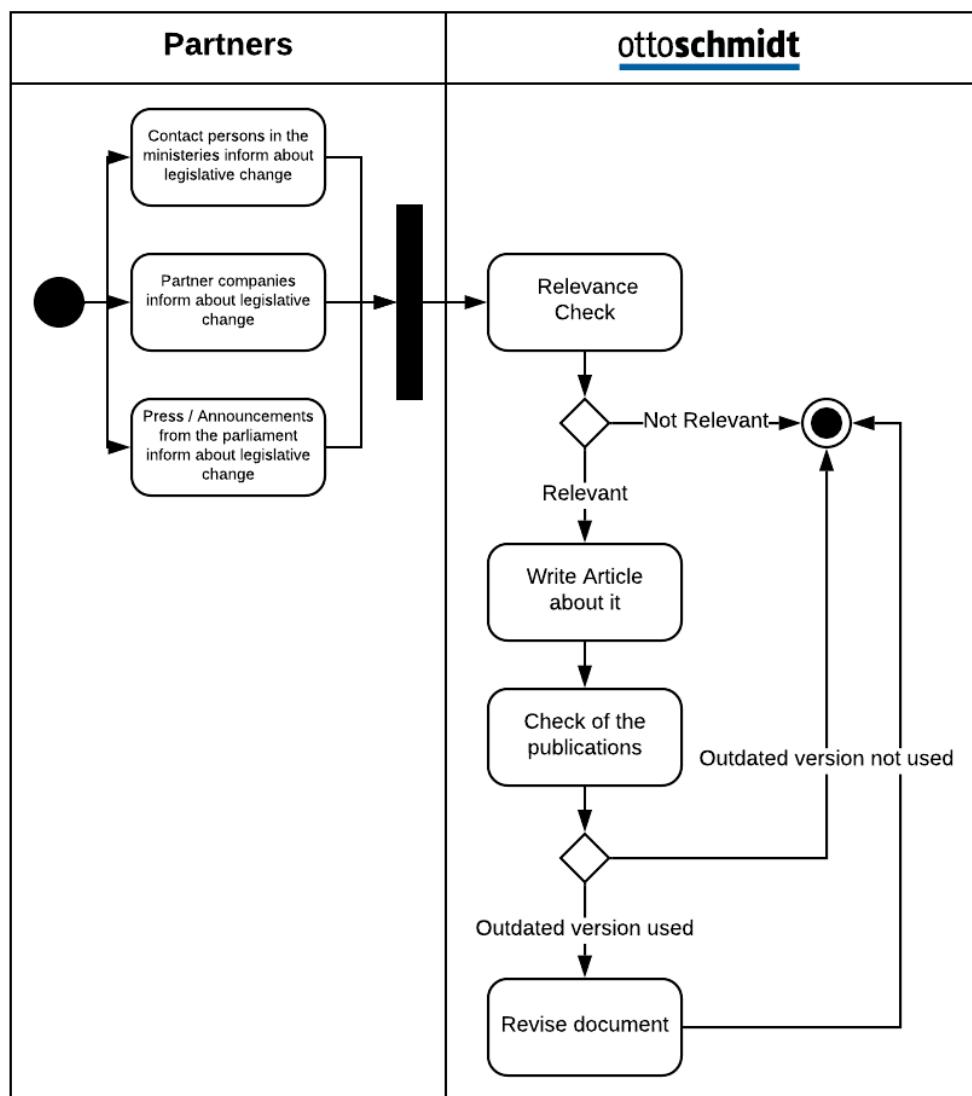


Abbildung 5.1.: Process of Information Retrieval at Dr. Otto Schmidt Verlag

5. Information Retrieval of Legislative Changes

5.1.2. OPED

The company OPED is a manufacturer of medical devices founded in 1992 with its headquarters south of Munich.²⁵

The company is interested in all standards and regulations concerning medical products.

5.1.2.1. DIN EN ISO 13485

At the German level, this is primarily the DIN EN ISO 13485. It includes the requirements for the quality management system for the design and manufacture of medical devices.

Among other things, this standard regulates:

- Audit requirements
- Create process and procedure instructions
- Retention periods for documents and records

If you place medical devices on the market, you usually need a quality management system certified according to ISO 13485. [Job]

5.1.2.2. Medical Device Regulation

At the European level, the Medical Device Regulation (MDR) is the most relevant directive. To be able to sell a medical device on the European market, it must comply with the MDR specifications.

This regulation lays down, among other things:

- Requirements on the products
- Technical documentation requirements
- Classification, approval, placing on the market

²⁵<https://oped.de/warum-oped>

5. Information Retrieval of Legislative Changes

The regulation came into force on 5 April 2017 and is to be applied from 26 May 2020. Companies are currently in a transitional phase. [Joa]

5.1.2.3. Retrieval of Information

OPED cooperates with many partners to always be legally up to date.

Beuth Verlag Berlin The Beuth Verlag, based in Berlin, is a subsidiary of DIN Deutsches Institut für Normung e. V. It mainly distributes national and international norms, standards and technical regulations as well as technical literature for all important industries and professional groups.²⁶

Beuth Verlag offers a live ticker for the OPED, which automatically displays and reports all changes to standards (ISO/EN/DIN) relevant to the industry.

Eurocom e. V. Eurocom e. V. is the manufacturer association for compression therapy and orthopedic aids. Almost all European companies from these sectors operating in the German market belong to the association.²⁷

The OPED is in close contact with Eurocom regarding ISO 13485 and the Medical Device Regulation (MDR) and participates in the committee.

BVMed The Bundesverband Medizintechnologie e. V. (BVMed), based in Berlin is a trade association with over 230 industrial and commercial companies in the medical technology sector. The BVMed represents the interests of its members externally towards politics and the public. It offers its members platforms for dialogue and exchange in working groups and project groups. In addition to information and public relations work, the BVMed is involved in the design of laws, guidelines, and standards for medical devices.²⁸

The OPED is a member of my BVMed and uses it as a contact point for questions regarding the MDR and its interpretation as well as changes.

²⁶<https://www.beuth.de/de/beuth-verlag/ueber-uns>

²⁷<https://www.eurocom-info.de>

²⁸<https://www.bvmed.de/de/bvmed>

5. Information Retrieval of Legislative Changes

Johner Institut The Johner Institute for IT in Healthcare supports employees of hospitals and manufacturers in developing, operating, and applying medical devices and IT solutions for the healthcare sector. To this purpose, it offers extra-occupational master's courses, seminars, consulting for medical device manufacturers, e-learning/video training, and corporate services.²⁹

Johner trains auditors and is used by OPED for expert opinions and training.

BEO BERLIN BEO BERLIN was founded in 2000 and is based in the German capital. They offer support in the preparation of CE documentation, the listing in national health care reimbursement systems, the establishment and supervision of quality management systems, and nursing therapy seminars.³⁰

They carry out clinical evaluations for OPED and hold in-house training courses to ensure that employees have the latest knowledge.

Regular updates and contact person for questions BVMed, the Johner Institute and BEO Berlin offer weekly and monthly updates on open points via newsletter. Furthermore, they are always available as contact persons for questions.

TÜV Süd TÜV Süd carries out the prescribed external audits at OPED annually. For this purpose, OPED and TÜV Süd are in close communication regarding the requirements and hold annual talks at TÜV Süd to coordinate their activities.

²⁹<https://www.johner-institut.de/institut/ueber-uns>

³⁰<https://www.beoberlin.de/de/ueber-uns2/historie>

5. Information Retrieval of Legislative Changes

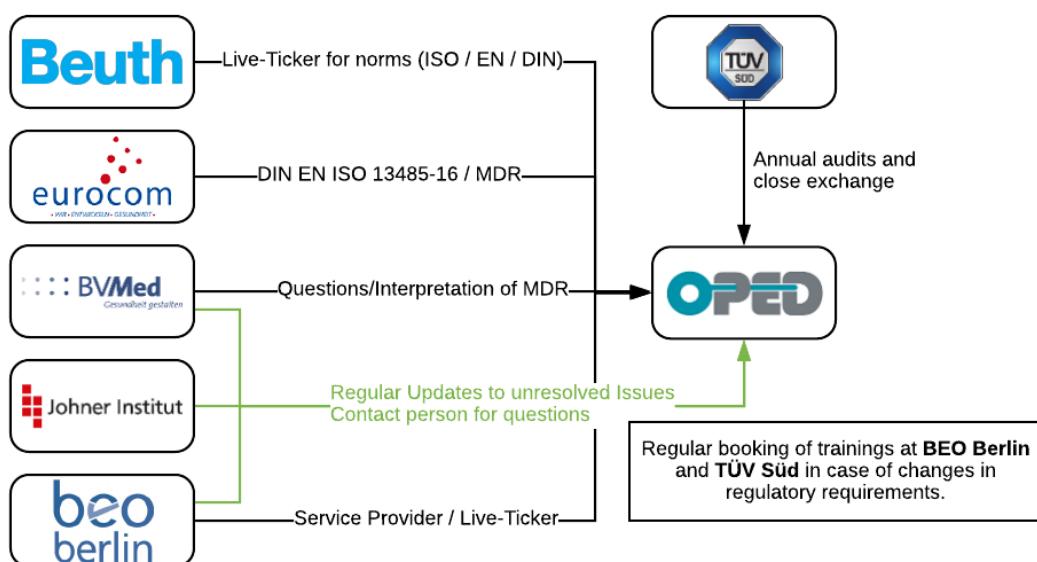


Abbildung 5.2.: Process of Information Retrieval at OPED

6. Optimization Potentials and Conception of an Improved System

6.1. Process Optimization

6.1.1. Verlag Dr. Otto Schmidt

Finding optimization potential in the process of Dr. Otto Schmidt Verlag is difficult. One help is to use systems that automatically send a notification when laws change. Dr. Otto Schmidt Verlag, as a partner of Juris, uses their service. ([4.1.2.1](#))

But this is not an optimization. In this case, the work of observing legislation and having contacts in the ministries is not done by Dr. Otto Schmidt Verlag, but by employees of Juris.

So this procedure does not lead to a reduction of work steps and thus to optimization, but only to a shift of the same work to another service provider.

6.1.2. OPED

Finding process-optimizing actions is also a challenge for the OPED. They depend on partner firms to monitor legislation for them and to tell them what is relevant to them. It would not be economical to monitor the legislation themselves, and they also lack the contacts in the ministries that notify them of changes in the law.

It is also not possible to monitor changes in the law purely via the official publications of the Bundestag and the European Union ([4.1.1.1](#); [4.2.1.1](#)). On the one hand, evaluating each change according to its relevance for the company

would be a considerable effort. On the other hand, in many cases, the information about the adopted change in the law comes too late, since the company must already know about it when planning a change in the law to prepare for the change, and if necessary, to influence the change in the law.

6.2. Conception of an Improved System

6.2.1. Reasons for an improved system for publishing legislative amendments

Both the process by Dr. Otto Schmidt Verlag and OPED show that contact with the ministries and continuous monitoring of legislation is essential to be able to react to changes in legislation in good time. Dr. Otto Schmidt Verlag takes over this job itself or passes it on in part to juris GmbH. OPED has its partners for this, such as Beuth Verlag or the Johner Institute.

An essential optimization would, therefore, be a system that automatically informs about relevant changes in the law at an early stage. This makes the work of the publishers obsolete, or they are only needed to interpret the legal texts.

6.2.2. Requirements

One part of the interview with the companies was to find out what such a system would have to look like to simplify their work. From these wishes, functional and non-functional requirements were created, ranked by importance.

6.2.2.1. Functional Requirements

- **FR1:** All information on one web portal that keeps you informed about changes in the law.
- **FR2:** Legal changes are evaluated according to relevance, and only relevant changes are displayed.

6. Optimization Potentials and Conception of an Improved System

- **FR3:** You can subscribe to specific laws to be notified of any changes.
- **FR4:** A traffic light system allows the status of a law or draft law to be viewed.
- **FR5:** Laws can be viewed in different versions.
- **FR6:** Old and new versions of law can be placed next to each other for comparison, and changes are highlighted in color.
- **FR7:** It can be searched for laws and filtered by metadata.
 - Users can add own tags and metadata to a law
- **FR8:** The laws are stored in a category tree.
- **FR9:** Experts (legal publishers and other) are integrated in the system and can be asked about specific laws.
- **FR10:** Through a time-line, you can jump into old versions of the law and view the version of a particular day.

6.2.2.2. Non Functional Requirements

- **NFR1:** The amendments to the law must be uploaded at the earliest possible time. Not just when they are passed.
- **NFR2:** The publication of legislative amendments should be fully automated.
- **NFR3:** The classification of relevance should be completely automated and, in the best case, constantly improved.

6.2.3. Assessment of the existing systems against the requirements

As described in chapter 4, there are already many services for publishing changes in the law. In this chapter will be checked which these systems do not meet requirements, and thus make a new system necessary.

6. Optimization Potentials and Conception of an Improved System

Table 6.1 contains an overview of all services listed in Chapter 4 and which of them meet the requirements set out in Chapter 6.2.2. Subsequently, the individual services are described in more detail, ascending in the number of fulfilled requirements.

Services	FR1	FR2	FR3	FR4	FR5	FR6	FR7	FR8	FR9	FR10
Bundesgesetzblatt	x	x	x	x	x	x	x	x	x	x
Gesetze im Internet	✓	x	✓	x	✓	x	x	x	x	x
juris	✓	x	✓	x	✓	x	x	x	x	x
beck-aktuell	✓	x	✓	x	✓	x	x	x	x	x
buzer.de	✓	x	✓	x	✓	✓	x	x	x	x
OJEU	x	x	x	x	x	x	x	x	x	x
Oeil	✓	x	✓	x	✓	x	x	x	x	x
Legal Horizon AG	✓	✓	✓	x	✓	?	?	x	x	x
EU Monitor	✓	✓	✓	x	✓	?	✓	x	x	x
FiscalNote EU Issue Tracker	✓	✓	✓	x	✓	?	✓	x	x	x
PwC Compliance Monitoring Tool	✓	✓	✓	x	✓	?	?	x	x	x

Tabelle 6.1.: Assessment of the existing systems against the requirements

Bundesgesetzblatt, Gesetze im Internet, juris, OJEU

The system must warn of changes in legislation before they are adopted. So the services Bundesgesetzblatt, Gesetze im Internet, juris and OJEU are not helpful because they do not offer this.

beck-aktuell

beck-aktuell offers the possibility to view draft laws even before their adoption, but it has no notification service and is therefore not suitable for functioning regulatory monitoring.

buzer.de, Oeil, EU Monitor, FiscalNote EU Issue Tracker

buzer.de, Oeil, EU Monitor, and FiscalNote EU Issue Tracker have the most important of the required requirements, i.e., informing about changes in the

6. Optimization Potentials and Conception of an Improved System

law before they are passed, automatic notification, and limiting the relevance to specific topics or individual laws.

However, they offer this service only for one level of legislation (Federal laws, European laws). The goal of the new system would be to collect these functions, including further requirements in one platform for provincial, federal, and European legislation.

buzer.de offers a very good comparison of legal texts including color-coded marking of changes. This could be used as a model for the implementation in the new system.

Legal Horizon AG and PwC Compliance Monitoring Tool

The Legal Horizon AG and the PwC Compliance Monitoring Tool offer a notification system for changes in the law, a preview system for future changes, analysis and visualization of the changes, a restriction of the results to individual interests, and a powerful search function.

Thus, with few exceptions, both meets all the requirements that companies have for such a system.

However, one requirement that is not fulfilled is the integration of legal experts into the system, who interpret the legal texts and are available to answer questions.

6.2.4. System Conception

Since none of the systems presented so far meets all the requirements of a Law Amendment Publication System, a new system is necessary. What the process of such a system would look like to meet all the requirements is shown in the activity diagram [6.1](#).

At the outset, information must be obtained about any change in the law. To achieve this, the sources that inform about changes in the law must be automatically checked and changes detected. The collected information must now be read out and metadata automatically generated from the text.

6. Optimization Potentials and Conception of an Improved System

The next step is to check whether the law is already stored in the system or whether it is a new law.

If the law is already in the system, the entry must be revised, and the old version of the law moved to the history. Now all users who have classified the previous law as relevant can be notified. If the law was not previously in the system, a corresponding new entry must be created. You must then check whether this law is relevant for users.

In both cases, users can evaluate whether the relevance really applies after a notification.

Users then have the opportunity to add keywords and metadata to the amendment-entry to facilitate future searches, compare the different versions of a legal text with each other, comment on text passages, and determine the need for action.

Especially for users who are not lawyers, the last step is essential. They can bring experts like legal publishers or similar to the system. These experts can now help with the interpretation of the legal texts, the definition of the need for action, and basically as consultants.

6. Optimization Potentials and Conception of an Improved System

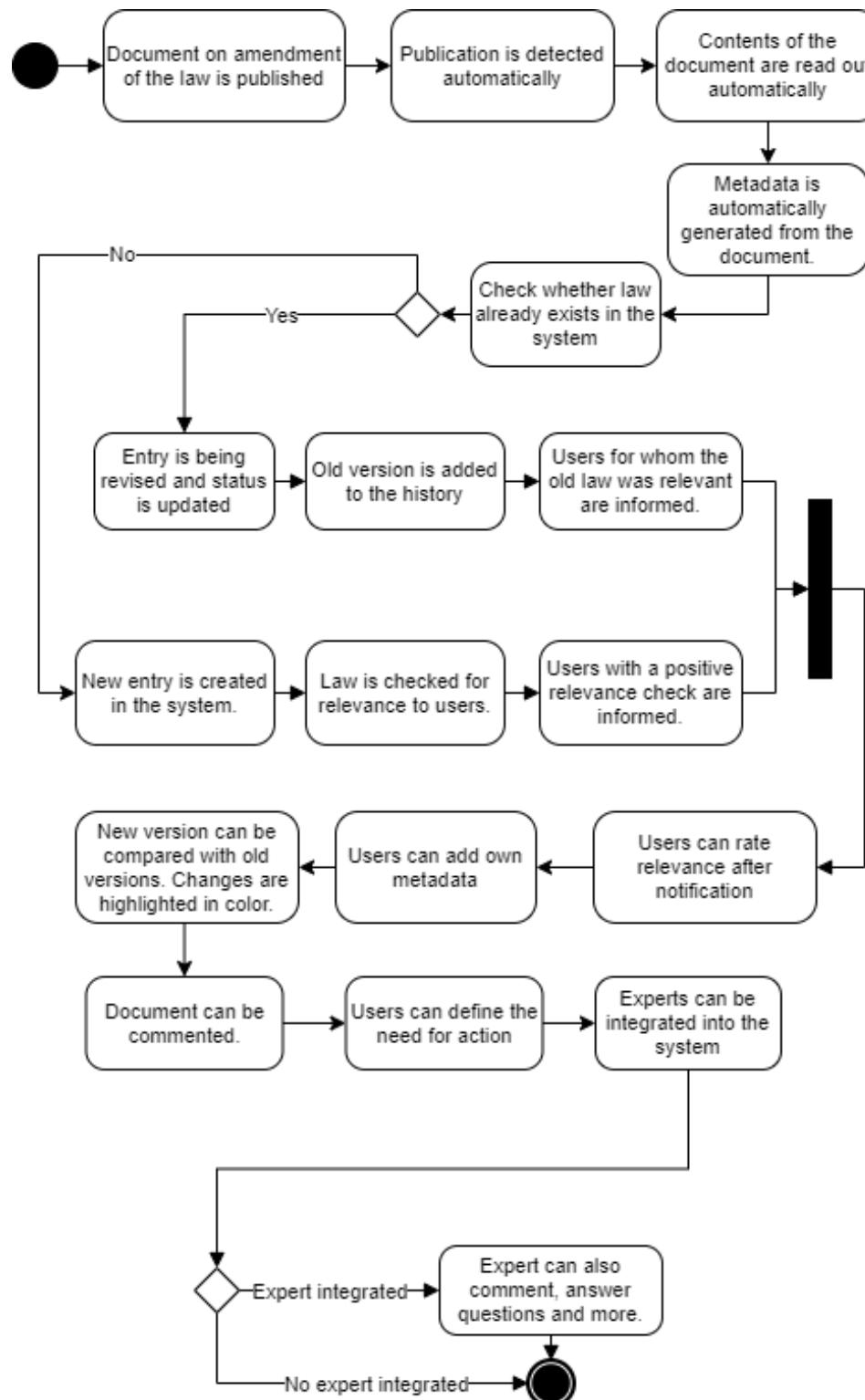


Abbildung 6.1.: Process Diagram of a new Law Amendment Publication System

6.2.5. Technical feasibility

To implement the process described in chapter [6.2.4](#), several technical challenges have to be solved. In the following chapter, these are defined, and possible technical implementations are presented.

- **Legislative changes should be detected and published automatically at the earliest possible time. (FR1, NFR1, NFR2)**

To make this possible, it must first be clarified at what point in time draft laws are published and where they can be found. For this purpose, a distinction is made in the following between federal laws and European laws.

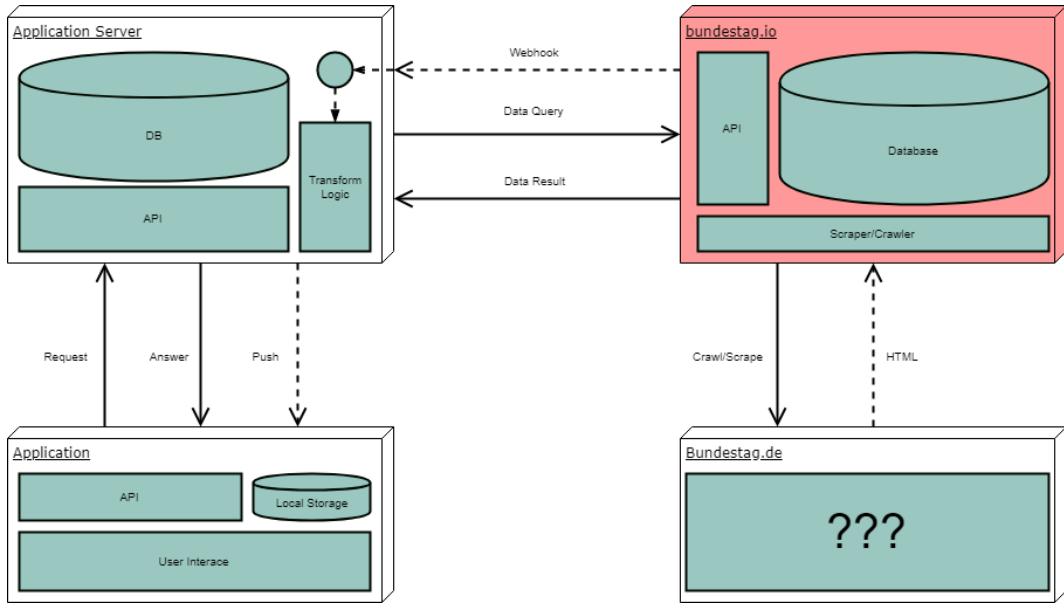
Federal Laws: As explained in chapter [3.1.1](#), federal laws must follow a prescribed procedure for their publication. This begins with the Federal Government publishing a draft law at the beginning. The aim would be to publish the first draft law on the system and then update the entry whenever it is amended until the law is deemed adopted or rejected.

The only publisher of draft legislation at such an early stage is the Documentation and Information System of the Bundestag (DIP), available at bundestag.de. To read these publications automatically, a crawler is needed, since the DIP does not provide its own API. Such a system was built by a team of the DEMOCRACY Deutschland e.V. association, an API called Bundestag.io.

As shown in figure [6.2](#), a crawler is used on the website of the DIP, which returns an HTML when changes are made. This is stored in the database of bundestag.io and made available to other applications through an API.

Through the API, it is possible to get all documents on legislation structured as JSON. Among other things, it contains the attributes title, current status, link to the law text, subject area (e.g. law, work and employment, education and training, social policy, social groups), keywords (e.g. apprenticeship, vocational training, employment, Federal Employment Agency) and the previous legislative procedure of the law.

6. Optimization Potentials and Conception of an Improved System



Source: <https://github.com/demokratie-live/bundestag.io>

Abbildung 6.2.: API Structure of Bundestag.io

Such a JSON file as an example can be found here³¹.

With the help of such a JSON file, the publishing of a change of law in the new system is hugely simplified. Whether it is a new law or just a change of existing law in the system can be easily checked by the unique ID for each law, and metadata can be taken directly from the JSON.

European Laws: At the European level, as described in chapter 3.1.2, the legislation starts with a proposal from the Commission to the Parliament and the Council. Here too, it would be ideal to publish the proposals to amend the law at this stage.

As described in chapter 4, the Platform Oeil publishes draft legislation before it is adopted, and as desired, from the Commission's first proposal onwards.

The European Union offers the EU Open Data Portal. Among other things, it contains an API with access to all documents of the European Union Parliament. A request to the API can include keywords that are being searched for. However, it is not possible to filter by data type or

³¹<https://github.com/bundestag/dip21-daten/blob/master/10/Gesetzgebung/10-187852.json>

6. Optimization Potentials and Conception of an Improved System

similar, so that, for example, only documents on legislation are returned. Furthermore, the reply is a very unstructured JSON file, which can make it extremely difficult to readout the data.

In the long run, developing an API using an own crawler, comparable to the API [bundestag.io](#), could be the more efficient way.

Conclusion: Thanks to the service of [Bundestag.io](#), the readout and publication of draft federal laws are technically easy to implement. By containing metadata such as keywords and subject areas, the work of automatically reading these out from the text of the law is not necessary.

On a European level, the whole process is a little more complicated. Although an interface to the data is provided, it is for all parliament's data and cannot be restricted in the request. Furthermore, the JSON document is very unstructured in response, which is why automatic reading is much more difficult.

Important data for uploading a law change to the new system are

– **Title**

The title of the draft law. For Example: *European Agricultural Fund for Rural Development*

– **Change date**

The last amendment to the law before publication

– **Status**

Draft law, Preparatory phase in Parliament, Rejected, Adopted

– **Law text**

The new legal text including description of the changes

– **Type of Legislation**

Regulation, Directive, Federal Law

– **Scope of validity**

Countries/states where the law is effective

– **Subject Area**

Subject area for which the law is relevant (work and employment, education and training, social policy, ...)

– **Legislation ID**

ID of the law and all its amendments

– **Document ID**

ID for this specific change

- **The user should only be informed about changes in the law that are relevant for him. (FR2, FR3, NFR3)**

Even if all legal changes are uploaded into the system, a user should, of course, only be shown those that are relevant for him. Initially, a user can select specific laws for which he or she always wants to be informed of changes. To do this, the user specifies which legislation is of interest to him or her (European, federal, or state legislation), including which European states and federal states are relevant. Next, the user can enter his industry sector and keywords that narrow down the subject area.

Based on this search query, current laws that seem relevant to him are suggested. Now the user can choose which of these laws he would like to be informed about in case of changes. Based on his selection, his search query is adjusted again, and new keywords from the selected laws are suggested.

When the user has selected all the laws that are relevant for him/her, his/her search query is saved so that he/she will be informed in the future about any changes in selected laws or changes in laws that match the search query. This process is shown in figure 6.3.

A second alternative for assessing the relevance of documents is the strategy that SAP has chosen in its Law to Action project, Relevance Check by Machine Learning.

To do this, the user must upload documents that were previously relevant to his or her work when making the initialization decision of relevance. The machine learning algorithm learns from the documents what is relevant for the user and can automatically check new documents for

6. Optimization Potentials and Conception of an Improved System

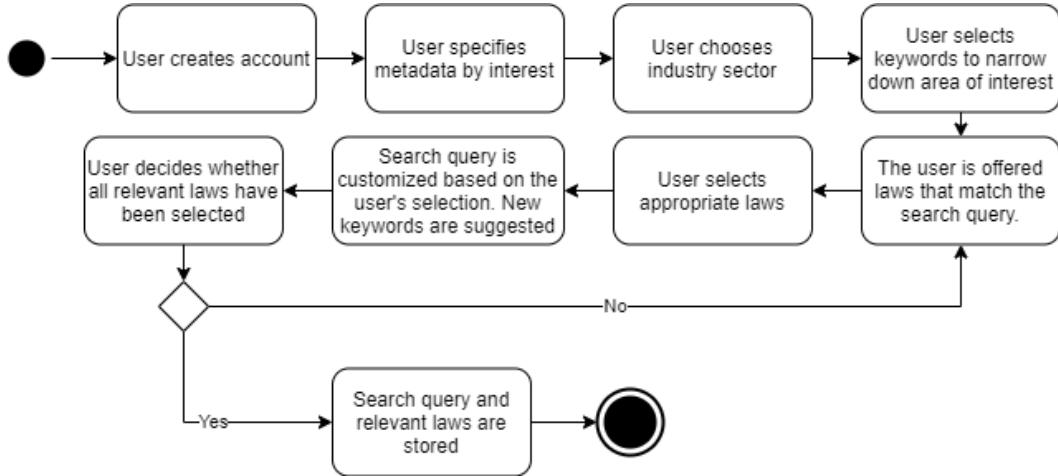


Abbildung 6.3.: Initialization selection of the relevance of users

relevance. The algorithm described by Mehryar Mohri can be used for machine-learned ranking. [MMT18]

Depending on their relevance, the reviewed documents can be ranked from 1 to 10 (1 = irrelevant, 10 = very relevant). The user can then define the limit as of which number he or she would like to be informed. It is also possible to combine that at 10-8 you would like to be informed by email, 7-5 only by notification within the system, and everything below 5 is classified as irrelevant.

Significant is the possibility to rate the relevance after each notification manually. This allows the algorithm to continue learning and improve over time.

Conclusion: As described above, there are two ways to define the relevance of legislative changes.

Option one is to define a query based on metadata and keywords relevant to a user. However, this requires that the legal changes must contain metadata and keywords when they are published. At the federal level, this relevant data is already available in the API, but at the European level, for example, this is not the case. There they would have to be automatically readout of the legal text.

An alternative to not having to rely on the metadata and keywords is Option Two, using machine learning to assess relevance. However, a large

6. Optimization Potentials and Conception of an Improved System

number of documents classified as relevant is required at the beginning to train the algorithm. This is often not available when opening up a new market.

- **A traffic light system allows the status of a law or draft law to be viewed (FR4)**

To do this, the different statuses of such a traffic light system must be defined.

1. **Currently Valid:** A draft law has been passed and is currently valid in this version. The traffic light is green.
2. **Rejected:** The draft law has been declared invalid during the legislative process. The traffic light is red.
3. **Draft Law:** A change in the law has been proposed but has not yet been adopted or rejected. The traffic light is orange.

Several statuses fall into this case. The law may not yet have been submitted to parliament. However, it is also possible that the bill has already been presented in one or more of the three readings. To inform the user about this, the current status of the bill must be displayed under the orange traffic light.

- **Laws can be viewed in different versions. Old and new versions of law can be placed next to each other for comparison, and changes are highlighted in color. (FR5, FR6)**

When you open a legislative amendment, you want to be able to compare it with a previous draft. Therefore all entries with the same Legislation ID are offered for comparison. Besides the simple comparison of the law texts, there was also the wish that changes in the texts should be highlighted in color. This option is offered by the platform buzer.de, among others, and was presented in chapter 4.1. Such a text comparison from buzer.de can be seen in figure 4.2. However, here the entire text is colored, and amendments are only marked by crossing out the amended passages. The requirement for the new system was that only those passages should be colored in which something has changed.

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To achieve this goal, a JavaScript text comparison tool is required. Kevin Decker developed one, called jsdiff, and published it on GitHub³². Figure 6.4 shows how a comparison of two legal texts with amendments looks like.

3) A grant within the meaning of this provision shall also be deemed to be a donation of economic goods with the exception of uses and services. If the asset was withdrawn from business assets immediately prior to the grant, the value recognised at the time of withdrawal may not be exceeded when determining the amount of the grant. In all other cases, the amount of the grant is determined by the fair market value of the asset given. Expenses for the benefit of a corporation which is entitled to receive tax-deductible benefits can only be deducted if a claim for reimbursement of the expenses has been granted by contract or statute and the reimbursement has been waived.	3) A grant within the meaning of this provision shall also be deemed to be a donation of economic goods with the exception of uses and services. If the asset was withdrawn from business assets immediately prior to the grant, the value recognised at the time of withdrawal may not be exceeded when determining the amount of the grant. Otherwise, the amount of the grant is determined according to the fair market value of the asset to which the grant applies if its sale would not be taxable at the time of the grant. In all other cases, the depreciated acquisition or production costs may only be exceeded when determining the amount of the grant if a profit has been realized. Expenses for the benefit of a corporation which is entitled to receive tax-deductible benefits can only be deducted if a claim for reimbursement of the expenses has been granted by contract or statute and the reimbursement has been waived.	3) A grant within the meaning of this provision shall also be deemed to be a donation of economic goods with the exception of uses and services. If the asset was withdrawn from business assets immediately prior to the grant, the value recognised at the time of withdrawal may not be exceeded when determining the amount of the grant. In all other cases, the amount of the grant is determined by according to the fair market value of the asset given which the grant applies if its sale would not be taxable at the time of the grant. In all other cases, the depreciated acquisition or production costs may only be exceeded when determining the amount of the grant if a profit has been realized. Expenses for the benefit of a corporation which is entitled to receive tax-deductible benefits can only be deducted if a claim for reimbursement of the expenses has been granted by contract or statute and the reimbursement has been waived.
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Abbildung 6.4.: Comparison of § 10b EStG, old and new version in jsdiff

The software is BSD licensed and can, therefore, be used in the system free of charge.

- **It can be searched for laws and filtered by metadata. Users can add own tags and metadata to a law (FR7)**

To find laws quickly and efficiently in the new system, a search function is relevant. This is based on the search for keywords within a law but is to be narrowed down by filtering metadata. To do this, a Data Query Language must be defined, and the metadata that can be used for filtering must be specified.

This includes the information defined above (6.2.5), meaning **change date, status, type of legislation, scope of validity and subject area**.

It is also essential that users can add their own keywords to a law. A good example of this is the law 'Agreements on the amount of rent at the beginning of the lease in areas with tight housing markets', § 556d-g BGB. This law is popularly known as the 'Mietpreisbremse', but would not

³²<https://github.com/kpdecker/jsdiff>

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produce any results when searching for it. In such a case, it is necessary that a user can add this as a keyword to the law.

- **The laws are stored in a category tree (FR8)**

The aim of this requirement was to facilitate the search for a law, especially if one is not looking for a specific law but wants to find out which laws exist on a certain topic or within a certain category. Such a category tree could be structured as follows:

- European laws
 - * Guidelines
 - Energy
 - Research and innovation
 - Agriculture
 - [...]
 - * Regulations
 - Energy
 - Research and innovation
 - Agriculture
 - [...]
- German federal laws
 - * Civil law
 - * Public law
 - * Criminal Law
 - * [...]
- German state laws
 - * Baden-Württemberg
 - * Bavaria
 - * Berlin
 - * [...]

6. Optimization Potentials and Conception of an Improved System

- Experts are integrated into the System and can be asked about specific laws (FR9)

To achieve this, the profiles would have to be divided into standard user-profiles and expert user-profiles. Users can make notes in laws and determine the need for action for a change in the law. Furthermore, they can ask questions about specific passages of the law or ask for an interpretation or explanation of the entire law.

Experts receive a notification and can answer the questions directly in the text of the law as comments, or add a more extended interpretation or explanation of the law in the expert area. They can also advice on the need for action due to a change in the law.

How this can look like in the system is shown in figure 6.5.

The screenshot shows a user interface for a legal system. At the top, a green circular icon is visible. Below it, the title "Change of law: §123 contestability due to deception or threat" is displayed. The main content area contains two sections: a "User" section and an "Expert Area".

User Section:

(1) Anyone who has been designated to make a declaration of intent by fraudulent deception or unlawfully by threat may contest the declaration.

(2) If the deception was committed **by a third party, a declaration which was to be made to another person** may only be contested if the latter knew or ought to have known of the deception. If a person other than the person against whom the declaration was to be made has acquired a direct right from the declaration, the declaration may be contested against him if he knew or ought to have known of the deception.

Expert Area:

Interpretation: Lorem ipsum dolor sit amet, consetetur sadipscing elitr, sed diam nonumy eirmod tempor invidunt ut labore et dolore magna aliquyam erat.

Explanation: Lorem ipsum dolor sit amet, consetetur sadipscing elitr, sed diam nonumy eirmod tempor invidunt ut labore et dolore magna aliquyam erat.

Recommendations:

- Lorem
- Ipsum

A yellow callout box from the "User" section points to the "Expert Area" with the text: "How is this paragraph to be understood? An explanation of this can be found in the expert area." A small "Expert" icon is also present in the "Expert Area".

Abbildung 6.5.: Possible integration of experts into the system

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- Through a timeline, you can jump into old versions of the law and view the version of a particular day (FR10)

Often in law it is relevant on which day something happened and what the law was on that particular day. Accordingly, a feature that shows you the valid legislation for a specific day is a great help. The user can search for a specific day in a timeline, and only the legal texts that were valid on this day are displayed. Now the user can perform a regular search or search for laws using the category tree.

To do this, it is essential to provide each law version with a period of validity. The start time is automatically the point at which the law officially comes into force. The endpoint is one day before the date on which a new version replaces the previously valid law.

6.2.6. Implementation difficulties

The following difficulties need to be resolved for implementation of the improved system:

- The publication methods of the individual federal states.

As mentioned by the expert from Dr. Otto Schmidt Verlag, federalism in Germany means that each federal state has its legislation and its technique for publishing legislative changes. It would have to find out whether this information is publicly accessible and how this information can be accessed technically, for example, by a crawler.

- The feasibility of a relevance check using a search-query-based strategy and a machine-learning-based strategy.

To implement such an automatic relevance check, it would first have to be examined to what extent this is feasible. It is essential to check that relevant changes are not mistakenly classified as not relevant, as this can lead to significant problems within a company.

- Extension of the system with other countries.

Ideally, the system should be constantly extended to include legislation from other countries. This would require finding out how changes in

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legislation are published at the various levels in the respective country. Also, the obstacle of different languages would have to be overcome, as this is the only way to check the relevance according to the content of the document.

- Integration of legal experts into the system.

To enable legal experts to be involved in the system, a financial model must be developed that makes this step interesting for legal publishers and others. A subscription of the user to a specific expert or group of experts would be conceivable, which would then be available for the period of the subscription for classification and interpretation of the laws and for answering questions.

7. Future Work

Part of the future work would be the implementation of a system described in chapter 6.2.

Before doing so, however, an extended feasibility analysis should be carried out concerning the effort and the resulting costs compared to the cost savings resulting from using such a tool. In particular, the implementation difficulties mentioned in Chapter 6.2.6 should be addressed and included in the analysis.

All the companies surveyed in this thesis were interested in such a program. However, a broader target group survey should be carried out before implementation to collect further requirements and to ensure that the system reaches a minimum size of interested parties.

When implementing such a system, the following points should be taken into account:

- Implementation of a web crawler for each legislative level if no API is available
- Automatic readout of the document by content and metadata for use in the relevance check and search function
- Creation of a data query language for a targeted search and relevance check for legal texts
- Creation of a machine learning algorithm for the relevance check

8. Conclusion

In the following, the results of this work are summarized with the research questions posed in advance.

How is the information about legislative changes published?

There is a law gazette for both the federal level and the European level, which is published there after the adoption of a law. A law only becomes valid with a publication in this law gazette. In addition, both legislators have a platform on which the new laws are published, and a search function and notification service are offered.

Furthermore, some private providers have developed services. Among other things, laws are published there even before they are passed, and a notification of changes can be explicitly activated for a specific law.

How does the information about a legislative change reach the stakeholder inside a company?

Companies use to stay informed about legal changes, mostly the offers of legal publishers or similar partner companies. The legal publishers use their contacts in the ministries as well as official reports from the legislator for legislative monitoring.

How do companies recognize the relevance of legislative changes based on the need for action?

This work is also undertaken mainly by a legal publisher. For most industries, there are separate publishing houses that specialize in this field. They filter out the relevant changes in the law and pass them on to the company, including an explanation or interpretation of the law.

What are the it-supported optimization potentials to improve this process?

It is challenging to find optimization potential in this area. Companies such as

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OPED would like to reduce the number of partners with whom they have to work or at least have them collected on one platform.

Legal publishers should be relieved of the work of continually monitoring legislation and being dependent on contacts within the ministries. This way, they can concentrate on the central part of their work, the interpretation and explanation of legal texts.

One solution would be a web portal that automatically detects legislative changes and publishes them even before they are adopted.

What could an improved system for publishing legislative changes look like?

The web portal would have to detect, readout, and publish changes in the law automatically. Subsequently, a relevance check should be carried out using search queries and machine learning so that users are only informed about relevant results.

Besides, experts should be integrated into the portal, who are available to the user for interpretation and queries regarding the legal texts.

Desired functions include a metadata-supported search function, a history for old versions of the legal text, a traffic light system for the status of the law, and more.

Bibliography

- [A.04] A. R. Hevner, S. T. March, J. Park, and S. Ram: *Design Science in Information Systems Research*. *MIS Quarterly*. 28(1). 2004. 2.2
- [Ak12] Joan Ernst van Aken, G. R.: *A Design Science Approach to Evidence-Based Management*. *The Oxford Handbook of Evidence-Based Management*. pages 43–57. January 2012. 2.2
- [Bu] Bundesministerium des Innern, für Bau und Heimat: *Gesetzgebungsverfahren*. <https://www.bmi.bund.de/DE/themen/verfassung/gesetzgebung/gesetzgebungsverfahren/gesetzgebungsverfahren-node.html>. 3.1.1
- [Bu18] Bundestag, D.: *Statistik zur Gesetzgebung*. https://www.bundestag.de/resource/blob/196202/ee30d500ea94ebf8146d0ed7b12a8972/Kapitel_10_01_Statistik_zur_Gesetzgebung-data.pdf. March 2018. 1.1
- [De] Deutscher Bundestag: *Statistik der Gesetzgebung – 19. Wahlperiode*. https://www.bundestag.de/resource/blob/533188/4245a3e86b0911946d326397f2583d25/gesetzgebung_wp19-data.pdf. 2.1
- [EUA] EU Monitor: *Ordinary legislative procedure (COD)*. <https://www.eumonitor.eu/9353000/1/j9vvik7m1c3gyxp/vga3bya9max9>. 5
- [EUB] EUR-Lex: *Structure of the Official Journal*. https://eur-lex.europa.eu/content/oj/Structure_eOJ_EU_en.pdf. 4.2.1.1
- [Joa] Johner Institut: *Medical Device Regulation MDR*. <https://www.johner-institut.de/blog/regulatory-affairs/medical-device-regulation-mdr-medizinprodukteverordnung/>. 5.1.2.2

Bibliography

- [Job] Johner Institut: *QM-Systeme & ISO 13485.*
<https://www.johner-institut.de/blog/category/qualitaetsmanagement-iso-13485/>. 5.1.2.1
- [Li16] Lin, T. C.: *Compliance, Technology, and Modern Finance. Journal of Corporate, Financial & Commercial Law.* 159. 2016. 3.3
- [MMT18] Mehryar Mohri, A. R.; Talwalkar, A.: *Foundations of Machine Learning, Second Edition.* 12 2018. 6.2.5
- [Pr] PricewaterhouseCoopers: *PwC Compliance Monitoring Tool.*
<https://www.pwc.at/de/branchen/regulatory-monitoring-tool-2018.pdf>. 4.2.2.4

A. Appendix

A.1. Interviews

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A.1.1. Interview: Herr Schaper - Verlag Dr. Otto Schmidt - 20.01.2020

Datum: 20.01.2020

Uhrzeit: 16:00 Uhr

Interviewpartner: Andre Schaper, Leitung Elektronische Medien

Firma: Verlag Dr. Otto Schmid

Patrick Katzer: Welche Schritte müssen bei einer Gesetzesänderung getan werden?

Andre Schaper: Bei uns sind es zwei Aufgabenbereiche, welche zu kontrollieren sind, der erste ist die Aktualisierung von Gesetzestexten für Kunden. Dies ist jedoch relativ einfach, da wir selbst keine Gesetzestexte-Redaktion haben, sondern diese von Partnern beziehen. Diese beliefern uns regelmäßig mit Gesetzesänderungen. Die Partner schauen selbst, was in den Gesetzen neu ist und tragen dies dann ein.

Der zweite Bereich, der bei uns passiert und unser Kerngeschäft ist, ist das Anbieten von Kommentierungen zu Gesetzen. Das bedeutet, wir haben innerhalb unserer Kommentare auch die Gesetzestexte abgedruckt, die Aktualisierung dieser ist jedoch etwas weniger streng als bei den reinen Gesetzestexten, da die Kommentierungen eine höhere Halbwertszeit haben. Wenn sich zum Beispiel in einem Gesetz nur Kleinigkeiten ändern, kann die Kommentierung dafür, falls Sie aktuell ist, immer noch Gültigkeit haben. Sollte eine Gesetzesänderung kommen, die auch eine Änderung der Regelung hat, dann muss man natürlich auch den Gesetzestext entsprechend anpassen. Bei uns läuft dann folgender Prozess: Wir bekommen das mit, dass die Gesetzesänderungen durch das Gesetzgebungsverfahren laufen, meistens haben wir Kontakte zu Leuten in den Ministerien, die zum Beispiel für uns schreiben und uns dann Informationen geben, das ein neues Gesetz kommt. Das ist jedoch meistens auch in der Presse auch bekannt, also kein Geheimnis, es gibt dann auch die entsprechende Lesung im Bundestag. Dann führt das bei uns dazu, dass die Kommentare dann aktualisiert werden müssen. Das heißt der Gesetzestext wird dann angepasst und die Kommentare werden dann dazu geschrieben. Wir sind noch sehr Print-Orientiert, das ist wichtig, denn die Sachen, die wir her-

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ausgeben, müssen zitierfähig sein. Das bedeutet, wenn ich mir vor Gericht die Meinung eines Buchs oder Kommentars zu eigen machen will, dann muss ich das zitieren können mit dem Hinweis, dass ist in Kommentar X an Stelle Y zu finden. Das bedeutet, wir haben entweder Bücher, die ein- bis dreijährliche Aktualisierungs-Rhythmen haben, abhängig von der Anzahl an Veränderungen innerhalb des Gesetzes sowie der Bedeutung des Gesetzes. Alternativ gibt es, wie zum Beispiel im Steuerrecht, lose Blattsammlungen, da es dort bei den Kommentierungen zu Aktualisierungen ca. 4-5 Mal im Jahr kommt. Dann werden einzelne Blätter ausgetauscht, falls die Kommentare auch digital verfügbar sind, werden diese dann auch digital ausgetauscht. Bei gebundenen Büchern ist das etwas schwierig, wenn ich einen Auflagenzyklus von drei oder vier Jahren habe, dann habe ich erst nach Ablauf dieser Zeit eine Aktualisierung. Dem wirken wir mit sogenannten Online-Aktualisierungen entgegen, indem dann zu diesen Änderungen direkt ein Hinweis kommt, dass dieses Gesetz nicht mehr aktuell ist und eine vollständige Kommentierung in der nächsten Auflage zu finden ist. Alternativ wird auf einen Zeitschriftenaufsatz hingewiesen, der sich damit beschäftigt. Zum Beispiel bei der ePrivacy-Verordnung, dort weiß jeder, dass diese kommen wird, sie ist jedoch noch nicht verabschiedet und verändert sich. In solchen Fällen wird dann zum Teil der letzte Stand einer solchen Verordnung veröffentlicht, zu denen dann auch schon Kommentierungen geschrieben werden. Jedoch unter dem Vorbehalt, dass wenn diese Verordnung in Kraft tritt, diese dann doch ein wenig davon abweichen kann, da oft in letzter Minute noch Änderungen getätigt werden oder das Gesetz final dann doch nicht verabschiedet wird.

Zur Datenschutzgrundverordnung haben wir zum Beispiel auch schon vor der Verabschiedung Aufsätze geschrieben, damit die Leute sich darauf vorbereiten können. Dies kann zu anderen Gesetzen auch sein, wenn zum Beispiel noch eine größere Novelle ansteht, 2002 zum Beispiel die große Zivilrechts-Novelle. Dafür wurden dann zum Beispiel extra Bücher erstellt, was sich verändert, zum Teil mit Gegenüberstellung von den Gesetzen.

Patrick Katzer: Wenn sich ein bestimmter Paragraph geändert hat, wie überprüfen Sie, welche Dokumente alle von diesem Paragraphen betroffen sind?

Andre Schaper: Im Prinzip weiß man das. Wir haben zum Beispiel im Steuerbereich mehrere Kommentare, die ein Gesetz kommentieren, mal größer, mal

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kleiner. Es gibt entweder den großen, tiefgehenden, wissenschaftlichen Kommentar oder den kleinen Handkommentar für den Sachbearbeiter. Und diese sind dann natürlich alle betroffen. Das wird dann bei uns in den Lektorats-Konferenzen besprochen und zum Teil gehen sowohl die Autoren als auch die Lektorats-Mitarbeiter an ihre Bestände und schauen sich das an und müssen dann auf Basis der Gesetzesänderung, welche man relativ klar ansprechen muss, entscheiden, ob dann auch die Kommentierungen angepasst werden müssen. Manchmal verändern sich auch Nebengesetze, die dann aber auf größere Gesetze Einfluss haben.

Patrick Katzer: Das Ganze ist dann in einem Rahmen, indem man noch Überblicken kann, was geändert werden muss?

Andre Schaper: Ja, genau. Und dann ist es ja meistens so, dass die Gesetze durchs Parlament gehen und dabei schon Entwürfe veröffentlicht werden. Dann setzt sich meistens einer unserer Autoren bzw. auch Lektoren ran und schaut alle Dokumente durch. Ich kann Ihnen nicht vertieft sagen, wie sie das machen, aber ich könnte mir vorstellen, dass dort jemand wirklich Blatt für Blatt nebeneinander liegen hat und überprüft, was sich verändert hat. Er geht dann die Texte durch und sagt, wo eine Veränderung ist und interpretiert diese dann entsprechend.

Patrick Katzer: Das wäre also unter anderem ein Punkt, den man zum Beispiel automatisieren könnte.

Andre Schaper: Genau.

Patrick Katzer: Wie oft kommt den eine für Sie relevante Gesetzesänderung im Schnitt vor?

Andre Schaper: Das hängt immer davon ab, welches Gebiet sie nehmen. Wenn es, wie eben schon erwähnt, eine Reform ist, die das gesamte Gesetz umbaut, dann kommt das eher selten vor.

Im Steuerrecht ist es zum Beispiel so, dass jedes Jahr ein Jahressteuergesetz heraus kommt mit entsprechenden Veränderungen. Da tut sich also sehr viel.

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Im Prinzip kann man in bestimmten Bereichen etwa quartalsmäßig von Veränderungen ausgehen. Es gibt in Deutschland eine Unmenge von Gesetzen und das schwierige dabei sind die Nebengesetze, die es gibt sowie auch die Vielzahl von Steuergesetzen, wo ständig etwas geändert wird. Das ist eine enorme Zahl, die da zusammenkommt.

Jedoch kann man das schlecht verallgemeinern, wie oft ein Gesetz geändert wird. Man kann jedoch sagen, dass im Steuerrecht ständig geändert wird.

Patrick Katzer: Haben Sie sonst noch Punkte an dem von Ihnen geschilderten Prozess, wo Sie Verbesserungspotential sehen?

Andre Schaper: Wir denken natürlich über solche Sachen immer nach. Mit Hinblick auf die Digitalisierung wäre es natürlich immer schön, wenn man zum Beispiel automatische Abgleiche machen kann, mit den entsprechenden Ständen, wobei das im Steuerrecht noch eine besondere Schwierigkeit hat, da es dort neben den veröffentlichten Zeiträumen auch noch Veranlagungszeiträume gibt. Ein Steuergesetz kann zum Beispiel sagen, es gibt eine Änderung, die bezieht sich jedoch auf die Jahre 2013 - 2016, das davor bezieht sich auf 2010-2013. Es kann aber sein, dass das Gesetz rückwirkend in Kraft tritt, also dass das Gesetz später kommt und darin dann rückwirkend besteuert wird. Also natürlich immer im Rahmen der Verfassung natürlich, aber das kann jedem passieren. Dann ist es natürlich immer ideal, wenn man sagt, ich habe hier eine Gesetzesammlung und kann im Prinzip einen Vergleich machen was sich verändert hat. Da arbeiten auch schon seit Jahren alle Verlage dran, es gibt auch welche, die sich darauf auch schon sehr gut spezialisiert haben. Aber wie gesagt, das Problem ist immer, zu einem, die Veranlangungszeiträume mit rein zu nehmen, den Status, wann es in Kraft getreten ist und ganz schwierig ist es immer, wenn Gesetze so geändert werden, dass zum Beispiel im §12, der bisher eine bestimmte Regel hatte, der fällt weg, und dann gibt es einen neuen §12, der zwar immer noch §12 heißt, regelt aber jetzt etwas ganz anders. Das muss man dann zum Beispiel wissen und dann kann das auch sein, dass das ganz anderen Regelungsgehalt hat, also das dort dann auch nicht der logische Fortsatz des §12 ist sondern etwas ganz anderes regelt.

Patrick Katzer: In dem Fall müsste man also eher mit einer semantischen Übereinstimmung der Gesetzestexte arbeiten.

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Andre Schaper: Genau, so etwas wäre dann denkbar.

Patrick Katzer: Okay. Das bedeutet, dass die Information über eine Gesetzesänderung an Sie herangetragen wird ist bei Ihnen in der Firma nicht die Schwierigkeit, da sie Kontakte in die Ministerien haben. Die Schwierigkeit beginnt, wenn sie von der Gesetzesänderung erfahren haben. In ihrem Fall der Abgleich mit den Dokumenten?

Andre Schaper: Ja, genau. Man beobachtet dann wie gesagt das Gesetzgebungsverfahren schon. Es gibt jedoch auch, insofern möchte ich das dann doch nicht ausschließen, bestimmte Nebengesetze, man kann ja nicht alle Gesetze so auf dem Schirm haben. Wir versuchen das zwar, aber es kann natürlich immer noch sein, dass es Veränderungen gibt, die man so bewusst dann nicht auf dem Schirm hat. Wobei, wie gesagt, dadurch das wir den Bezug durch Partner haben, hoffen wir immer das die dann die Sachen im Griff haben. Aber alleine schon im Bereich der EU, da gibt es ja nicht Gesetze, sondern Verordnungen und Richtlinien, da ist auch viel Veränderung, da weiß man auch nie genau, was gehört zu wem. Das ist ein ziemlich schwer zu durchschauender Dschungel. Und da kann es dann durchaus sein, dass man was übersieht. Also so eine Art Frühwarnsystem wäre natürlich immer gut.

Patrick Katzer: Also quasi eine Datenbank, in der die Gesetzesänderungen gespeichert sind und die man auf bestimmte Gesetze abonnieren kann, um dann bei Änderungen einen alert zu erhalten?

Andre Schaper: Ja. Wobei, so etwas gibt es ja im Prinzip. Juris ist zum Beispiel ein Kooperationspartner von uns und wir haben unsere Daten bei Juris gespeichert und Juris hat natürlich auch den Anspruch, diese Gesetzesdatenbank aktuell zu halten und dann kann man natürlich auch über die Juris-Datenbank alerts setzen und kann sich mitteilen lassen, in welchen Bereich sich was geändert hat. Aber da haben Juris natürlich schon das gesamte Gesetzgebungsverfahren verfolgt und haben da im Prinzip schon ihre Hausaufgaben gemacht.

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A.1.2. Interview: Herr Schaper - Verlag Dr. Otto Schmidt - 08.04.2020

Datum: 08.04.2020

Uhrzeit: 16:00 Uhr

Interviewpartner: Andre Schaper, Leitung Elektronische Medien

Firma: Verlag Dr. Otto Schmid

Patrick Katzer: Welche Arten von Gesetzesanpassungen gibt es und welche Schwierigkeiten bringen diese mit sich.?

Andre Schaper: Das kann man im Grunde genommen in zwei Gruppen einteilen:

- **Änderung eines bestehenden Gesetzes:** Der Paragraph/Artikel bleibt gleich und es werden einzelne Absätze geändert bzw. neue hinzugefügt. Die einfachste Art der Gesetzesänderung, weil die Änderung sehr leicht abzulegen ist.
- **Erschaffung eines neuen Gesetzes:** Erstellung eines neuen Gesetzes mit neuem Paragraph/Artikel. Schwierigkeit: Kann dafür sorgen, dass §5 weg fällt und durch einen anderes Gesetz ersetzt wird, welches sich mit einem ganz anderen Thema beschäftigt. Es ist aber auch der Fall möglich, dass die Regelung des Paragraphen im Gesetzbuch „umzieht“ und einen neuen Paragraphen bekommt. Gutes Beispiel ist die Anspruchsgrundlage für Schmerzensgeld (jur. immaterieller Schaden). Der war früher im BGB unter 847 BGB geregelt. Durch die letzte Schuldrechtsreform 2002 ist der Anspruch auf Schmerzensgeld nun in § 253 II BGB geregelt. Den § 847 BGB a.F. können Sie hier noch finden:³³

Zusätzlich fallen mir noch zwei Sonderfälle ein, die auch für Schierigkeiten führen können:

- **Gesetzesänderung mit Veranlagungszeitraum:** Das Datum des Inkrafttretens des Gesetzes stimmt nicht mit dem Geltungszeitraum = Veranlagungszeitraum überein. Das kann früher, aber auch später sein. Gibt es m.W. aber nur im Steuerrecht.

³³<https://dejure.org/gesetze/0BGB010102/847.html>

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- **Gesetze mit Evaluierungsvorbehalt:** Es gibt Gesetze, die mit Evaluierungsvorbehalt erlassen werden. Aber das bedeutet nur, dass man nach einer gewissen Zeit prüft, ob sich die neue Regelung bewährt hat. Dadurch sollten keine Schwierigkeiten auftreten.

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A.1.3. Interview: Herr Schaper - Verlag Dr. Otto Schmidt - 22.04.2020

Datum: 22.04.2020

Uhrzeit: 16:00 Uhr

Interviewpartner: Andre Schaper, Leitung Elektronische Medien

Firma: Verlag Dr. Otto Schmid

Patrick Katzer: Andere Firmen haben sich eine Plattform gewünscht, in der Gesetzesänderungen hochgeladen werden und der Benutzer je nach Relevanz benachrichtigt wird. Halten Sie eine solche Plattform für sinnvoll und umsetzbar?

Andre Schaper: Grundsätzlich halte ich eine solche Plattform für extrem sinnvoll. Da sehe ich aber ein bisschen das Problem, dass wir einen Föderalismus haben. Auch wenn die Bundesgesetze die wichtigsten sind, gibt es aber in vielen Bereichen auch Landesverfahren. Das sieht man zum Beispiel im Moment bei Corona. Jedes Bundesland reagiert da anders. Das bedeutet, man hat da ganz verschiedene Quellen wo Sie die Informationen her bekommen inklusive verschiedener Techniken, da jedes Bundesland eigene Techniken die Informationen zu veröffentlichen. Eigentlich wäre es ja ideal, wenn man da eine Art Crawler hätte, der überall prüft, wo etwas hochgeladen wird und das dann zusammenstellt. Da ist nur das Problem, dass nicht alle dieser Daten gemeinfrei sind.

Des Weiteren werden natürlich bestimmte Dinge vorveröffentlicht, aber es gibt auch Ausschüsse, die Sachen besprechen. Und wie dann dort die Neigung ist, wie der Ausschuss später entscheidet, das sind alles Hintergrundinformationen, die nicht öffentlich sind. Da kommen Sie also gar nicht ran. Und dieses Networking, um an diese Informationen zu gelangen, kann nicht maschinell ersetzt werden.

Also eine rein technische Lösung dafür halte ich für enorm schwer.

Aber grundsätzlich könnte ich mir ein solches System sehr gut vorstellen, welches die Drucksachen von Bund und Ländern auswertet. Da könnte man dann einstellen, ich komme aus Köln, interessiere mich für ein bestimmtes Thema

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und dann werden einem Gesetze vorgeschlagen, welche man beobachten sollte. Die Daten sind ja da und weitestgehend öffentlich.

Oft reicht es aber auch schon, nur kleine Sachen zu optimieren, um eine unglaubliche Effizienzsteigerung zu bekommen. Aber dann sollte man es oft auch damit belassen, weil wenn man dann versucht noch mehr zu automatisieren würde der Aufwand den Effekt wieder zerstören. Quasi die 80/20-Regel. Es reicht oft 20% der Arbeit für 80% der Optimierung.

Patrick Katzer: Welche Anforderungen hätten Sie denn noch an eine solche Plattform?

Andre Schaper: Was ich mir vorstellen könnte was ein wichtiger Anwendungsbereich ist, ist das Benachrichtigen bei Änderungen von bestimmten Gesetzen.

Wichtig wäre auch eine Historie für Gesetze. Also, dass man immer die aktuelle Version des Gesetzes sieht und man dann aber auch zu älteren Fassungen springen kann. Das kann zum Beispiel im Steuerrecht sehr relevant sein, wenn ein Fall vor Gericht steht, die Tat aber schon 10 Jahre zurück liegt. Dann benötigt man die Gesetzesfassung von vor 10 Jahren.

Auch wichtig ist ein Abgleich der alten Gesetzesversion mit der neuen. Das beide Gesetzestexte nebeneinandergestellt werden und am besten die Änderungen farblich markiert sind. Wenn Sie so etwas mal automatisiert hinbekommen, wäre das gut. Viele Leute bauen das noch mit Handarbeit auf, weil das eben extrem schwierig ist. Vor allem wenn dann eine Regelung umgezogen ist dann kann man die auch nicht mehr so ohne weiteres gegenüberstellen.

Und was auch noch klasse wäre, Sie kennen ja bestimmt TimeMachine von Apple? Da haben Sie die Möglichkeit, in einer 3D-Ansicht durch die Tage durchgehen und sagen, ich hätte gerne den Stand von genau diesem Tag. Und genau so wäre das bei den Gesetzen auch praktisch. Genau an diesem Tag war mein Haus fertig geworden und da möchte ich dann gerne wissen, wie ich das abschreibe. Und dafür würde ich gerne wissen, wie die Gesetzesregelung an diesem Tag war.

Eine gute Suchfunktion wäre auch relevant. Problem ist nur, dass viele Gesetze sehr ähnliche Sachverhalte regeln. Wenn Sie also jetzt ein Einkommenssteu-

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ergesetz suchen und Einkommen eingeben, bekommen Sie unglaublich viele Treffer. Da müssten Sie also dann mit Meta-Daten arbeiten und das man zu bestimmten Gesetzen eigene Tags hinzufügen kann. Sie haben da zum Beispiel das Gesetz zu Mietpreisbremse, das heißt aber gar nicht so. Wenn Sie nach Mietpreisbremse suchen, hilft Ihnen das nichts. So etwas müsste dann dazu in den Metadaten gespeichert sein.

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A.1.4. Interview: Herr Fiedler - OPED - 05.02.2020

Datum: 05.02.2020

Uhrzeit: 11:30 Uhr

Interviewpartner: Peter Fiedler, Head of Quality Management / QMR

Firma: OPED GmbH

Patrick Katzer: Welche Art von Gesetzen sind für Sie als Medizinproduktehersteller vor allem interessant?

Peter Fiedler: Auf deutscher Ebene ist für uns vor allem die DIN EN ISO 13485 interessant, welche die QM-Systeme für Medizinproduktehersteller regelt. Auf europäischer Ebene ist es die Medical Device Regulation (MDR), die Medizin-Produkte-Verordnung der EU.

Patrick Katzer: Wie sorgen Sie dafür, dass in bezüglich dieser Verordnungen immer auf dem neuesten Stand bleiben und Änderungen mitbekommen?

Peter Fiedler: Das erreichen wir, indem wir mit vielen Partnern zusammenarbeiten.

Der Beuthverlag Berlin verwaltet soweit alle Normen (ISO / EN /DIN) in Deutschland! Wir sind hier für Normen welche Medizinprodukte betreffen mit einem Life - Ticker verbunden. Hier werden automatisch alle Änderungen aufgezeigt und uns mitgeteilt.

Was die DIN EN ISO 13485-16 (QM System für Medizinproduktehersteller) und die MDR (Medical Device Regulation) betrifft sind wir in enger Zusammenarbeit (arbeiten im Ausschuss) mit der EUROCOM tätig.

Ebenso sind wir beim BVMED Mitglied und in enger Verbindung (hier gibt es eine Anlaufstelle bei Fragen was die MDR und deren Auslegung sowie Änderungen betrifft).

Weiter arbeiten wir mit dem Johner Institut zusammen (Johner bildet Auditoren von benannten Stellen aus und wird für Gutachten und Schulungen herangezogen).

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Von BEO Berlin – Johner Institut -BVMED bekommen wir wöchentlich bzw. Monatlich Updates zu offen Punkten und können auch direkt nachfragen.

Durch die jährlichen externe Audits durch eine benannte Stelle (Bei uns TÜV SÜD) stehen wir im engen Austausch was die Anforderungen betrifft. Hier führen wir jährlich beim TÜV Gespräche um uns abzustimmen.

Klinische Bewertungen werden durch externe Dienstleister (wie BEO Berlin) durchgeführt, auch hier profitieren durch diese Abstimmung und wir werden durch Inhaus – Schulungen von BEO Berlin geschult um den neuesten Kenntnisstand sicherstellen zu können.

Patrick Katzer: Wie könnte man diesen Prozess durch Legal Tech optimieren?

Peter Fiedler: Eine standardisierte Vorgehensweise durch Legal Tech kann ich mir so einfach nicht vorstellen, die Art und Weise wie Johner und BEO es handhabt ist für mich derzeit die optimalste Lösung. Hier kann man direkt Anfragen stellen und Auskünfte und Beratung von Spezialisten bekommen und auch für Teams buchen.

Beim TÜV ist es eingeschränkt, da sie als benannte Stellen keine Beratung anbieten dürfen.

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A.1.5. Interview: Herr Fiedler - OPED - 21.04.2020

Datum: 21.04.2020

Uhrzeit: 14:00 Uhr

Interviewpartner: Peter Fiedler, Head of Quality Management / QMR

Firma: OPED GmbH

Patrick Katzer: Wie würde für Sie das perfekte System ausschauen, dass Ihre Arbeit vereinfachen würde.

Peter Fiedler: Ich arbeite wie schon erwähnt mit vielen verschiedenen Partnern zusammen. Für mich wäre es eine große Erleichterung, wenn ich alle für mich relevanten Informationen gesammelt in einem Portal hätte. Dort werden dann die relevanten Gesetzesänderungen hochgeladen und ich werde automatisch informiert. Da wäre es dann natürlich gut, wenn die Gesetze auch schon vor ihrer Verabschiedung hochgeladen werden und gekennzeichnet wird, welchen Status sie momentan haben Also, aktuell gültig, veraltet, Entwurf, etc. Am besten über ein Ampelsystem zum Beispiel.

Da für mich nicht so viele verschiedene Gesetze relevant sind, reicht für mich eine Relevanzprüfung durch Schlagwörter wie 'MDR' oder ähnliches. Beziehungsweise würde es natürlich auch reichen, wenn man bestimmte Gesetze wie die MDR einfach, quasi Abonnieren könnte, um über Änderungen dort informiert zu werden.

Was grundsätzlich zu beachten ist, bei Leuten wie mir handelt es sich meist nicht um Juristen. Die Auslegung von Gesetzen und deren Änderungen sind für den Normalbürger schwierig oder nicht umsetzbar. Man müsste juristische Experten in das System einbinden können, die gegebene Änderungen dann erklären. Dazu zählt eine Einschätzung des Aufwands, der Betrieben werden muss, um das Gesetz einzuhalten. Und zusätzlich auch eine Risikoeinschätzung, wenn dem nicht im Zeitrahmen Folge geleistet werden kann. Die wichtigsten Hilfeleistungen sind, dass die Juristen die Gesetze und deren Verständnis für uns einfach ausdrücken und generell eine Beraterfunktion einnehmen. Das ist bisher mit großem Aufwand und einem hohen Kostenfaktor verbunden.

Weitere Technologien, die die Arbeit erleichtern würden, wäre die Möglichkeit, alte und neue Version eines Gesetzes zu Vergleichen. Außerdem wäre eine

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gute Suche für die einzelnen Gesetze wichtig. Was ich mir wünschen würde, wäre eine Einteilung der Gesetze in Kategorien. Und dann kann man bei der Suche sich durch Eingrenzung der Kategorien bis zu dem Gesetz vorklicken. Als Beispiel: *Gesetze -> Deutsche Gesetze -> Strafrecht -> Handlungen mit Todesfolge:* und dann kommt man zu den Gesetzen für Mord, Totschlag, etc.

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A.1.6. Interview: Herr Eichberger - SAP - 21.04.2020

Datum: 21.04.2020

Uhrzeit: 10:00 Uhr

Interviewpartner: Gert Eichberger, Director Localization Product Management

Firma: SAP SE

Patrick Katzer: Sie haben bei SAP das Programm 'SAP Law to Action' mitentwickelt. Was können Sie mir darüber sagen?

Gert Eichberger: Es gibt über 1000 regulatorische Änderungen weltweit. Und diese Anzahl steigt. Auch hoch qualifizierte Experten haben Probleme, die Menge unter Kontrolle zu bekommen und die Vorschriften einzuhalten, um Strafen zu verhindern.

Unser Ansatz war es, Machine Learning dafür einzusetzen. Unser Algorithmus scannt und analysiert tausende von Dokumenten und nimmt damit den Experten eine tägliche Last ab. Des Weiteren bewertet der Algorithmus die Relevanz der Dokumente und benachrichtigt die Benutzer automatisch.

Dadurch werden die Benutzer von der wiederkehrenden, manuellen Arbeit befreit und können sich auf die wirklich wertschöpfende Arbeit konzentrieren. Zusätzlich sinken die Risiken gegen Vorschriften zu verstößen und somit Strafen zahlen zu müssen.

Mittlerweile wurde die Entwicklung des Programms jedoch eingestellt.

Patrick Katzer: Können Sie mir mehr zum Prozess des Programms erzählen?

Gert Eichberger: Gerne. Law to Action benutzte die Leonardo ML Foundation um:

- Die Aufnahme von rechtlichen und regulatorischen Änderungen aus dem Internet zu automatisieren
- Die Relevanz der einzelnen Dokumente zu bewerten
- Die Arbeit einzustufen und zu priorisieren

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- Bei der Textanalyse zu unterstützen
- Dokumente aus über 40 Sprachen ins Englische zu übersetzen
- Interne Prozesse halbautomatisch auslösen

Patrick Katzer: Weshalb war die Übersetzung notwendig?

Gert Eichberger: Für die automatisierte Prüfung der Relevanz war es notwendig, alle Dokumente in einer Sprache vorhanden zu haben.

Patrick Katzer: Und wie sind sie an die Dokumente herangekommen?

Gert Eichberger: Wir haben Web-Crawler auf den Webseiten der lokalen Behörden oder Branchenverbände benutzt.

Patrick Katzer: Bedeutet, theoretisch wäre das Programm für jede Branche und jede Regularien erweiterbar?

Gert Eichberger: Solange die jeweiligen Regularien irgendwo veröffentlicht werden und wir Dokumente haben, um den Algorithmus auf die Relevanz zu trainieren, absolut.

Patrick Katzer: Waren Sie erfolgreich mit dem Programm?

Gert Eichberger: Ja. Wir haben von Leuten, die mit dem Programm positive Rückmeldung erhalten, dass ihnen die Arbeit erleichtert wurde und sie über regulatorische Änderungen informiert wurden, die sie sonst übersehen hätten.