

# To-be situation report

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# 1 Introduction

Deliverable 5, the to-be model for digital-ready legislation, is part of the specific contract REFORM/SC2021/044 carried out with funding by the European Union Directorate-General for Structural Reform Support (DG REFORM) of the European Commission (the Commission) with the goal to provide support for the preparation and implementation of growth-enhancing administrative and structural reforms by mobilising EU funds and technical expertise.

The main objective of this deliverable is to develop the details for the alternative selected under the previous deliverable 4 – Evaluation of alternative to-be scenarios and recommendation report. Therefore, this report first records which alternative was chosen in which process and for what reason. Then the details of the To-be scenario are presented. These details include the to-be digital-ready legislative process at the level of activities, events, process participants and data inputs, data outputs and data exchanges, including the technical support architecture and supporting information system. Additionally, the to-be organisational and governance setting, including new skills and new policies required will be described.

## 1.1 Co-creation approach

In order to be able to fully map the future organisational structures and business processes at the level of activities, events, participants and data inputs/outputs, co-creation workshops were held within the framework of the weekly jour fixe between PwC and the BMF team with all relevant stakeholders. This approach should guarantee that no relevant aspects are overlooked when planning the future structure and associated processes and that the final solution does not contain any gaps.

## 1.2 Chosen solution

The co-creation approach was also applied to the process of selecting the alternative solution to be pursued in Deliverable 4 – Evaluation of alternative to-be scenarios and recommendation report. As described in the report, different alternatives were compared by means of qualitative and quantitative analysis and presented in a structured manner to the beneficiary (BMF). The decision in favour of one of the illustrated alternatives was ultimately made in a joint workshop on the basis of the utility analysis presented in the report, which includes a summary of the results of the qualitative and quantitative analysis, including the relevant criteria and weights set by BMF. The utility analysis took place on the basis of the following criteria and weightings:

Subject area	Percentage weighting
Organisational	25
Operational	23
Legal	20
Political sponsorship	11
Implementation time	6
Resources	11
Technical	4
Sum	100

The application of these criteria and weights to the different alternatives ultimately led to the following result:

Case 2: Danish experience	869 points
Case 1: Develop guidelines	614 points

Based on the results of the utility analysis, which saw the solution based on the Danish experience the favourite, a recommendation was made to the BMF for this alternative in a joint workshop.

Since the beneficiary – after internal consultation – intends to follow this recommendation, the description of the future processes and organisational and governance setting will be based on the **Danish experience**. In brief, this includes the formulation of minimum requirements that a draft law must fulfil in order to be considered digital-ready, as well as the establishment of a body that monitors compliance with this requirement and, if necessary, points out deficiencies or calls for improvements to the draft.




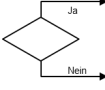



## 2 To-be situation

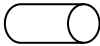
In the course of the co-creation approach mentioned in chapter 1.1, the basis for the description, modelling and documentation of the to-be digital-ready legislative process was created together with the beneficiary. Based on the jointly defined business requirements and the general results of the joint workshops, the future to-be digital-ready legislative process and the supporting technical architecture could be mapped, which are presented below.

### 2.1 To-be digital-ready legislative process

As already illustrated in the report of the actual situation, the project team has created a standard for modelling the processes based on the BPMN standard. The same modelling standard is applied to illustrate the to-be process for digital-ready legislation. An Excel template served as the basis for the modelling. In order to obtain uniformly modelled processes, a standardised symbolism was defined.

Table 1 - Standardised process symbolism

Symbol	Name	Description	Example
	Process start / Process end	This symbol represents a process trigger and a process end.	e.g.: process trigger can be an application; process end can be a decision or publishing of the legislation.
	Activity	This symbol represents an activity in a process. Activities are to be consecutively numbered (e.g. Activity 1, 2, 3...)	e.g. check for implementation impact based on guidelines for digital-ready legislation.
	Connector	A connector connects activities, decisions etc. and shows the direction of the process flow	
	Decisions	Some activities lead to yes/no decisions. These are represented by this symbol. The connectors indicate how the process will continue if a yes or no decision is made. Decisions are not subject for assigned numbering	e.g. will there be an implementation impact?
	Result	This symbol is used to represent results in processes. It should be noted that a result does not have to be the end of the process.	e.g. an intermediate process for requesting additional documents
	Process jump	This symbol is used to represent process jumps to other processes.	e.g. Inspection comment by the specialist unit, etc.
	Document	This symbol represents a document that is necessary for a process step. It	e.g., notice, form, etc.

		is to be indicated in the swimlane provided for and is corresponding to a process step.	
	IT-System	This symbol represents an IT system that is necessary for a process step. It is to be indicated in the swimlane provided for this purpose and is corresponding to a process step	e.g. Outlook, Excel, WFA-Tool

The template consists of two parts, one is the graphical representation of the process based on the defined set of modelling symbols and the second part is a detailed listing and description of the required process steps in chronological order.

In the document provided below, the template has already been filled with the to-be process for digital-ready legislation.



To\_be\_process\_self\_i  
initiated\_legistics\_dra1

The discussions in the workshops with the beneficiary showed that the to-be process for digital-ready legislation corresponds to the process modelled in the as-is situation. The only change that has been made concerns the process step description, as the change from the actual to the target process is not reflected in the flow diagram. This is because digitisation-friendly legislation in Austria essentially does not require any new process steps to be added, only existing ones to be expanded. Those key steps that are extended are process steps 5 – Prepare legislative text and materials – and 10 – send out for review. In process step 5, legislators write the first draft of a law and have to fill the WFA tool with information in this context. At this point, an additional tab or impact dimension (“Wirkungsdimension”) will be included in the tool, potentially with the topic field “Digitisation”, in which any expected impacts regarding digitisation will be documented. One simple variant could for example pose the question, whether the new law deals with digitisation agendas. If this is the case, further questions should be answered to ensure that the draft was written in a digitisation-friendly way.

When the draft enters the review process a few process steps further in process step 10, a to-be established unit will review the draft with regard to the specifications for digital ready legislation (see organisational), while various other assessment bodies review the draft in their respective field of expertise. Should one of these review bodies make suggestions for improvement in an opinion, these at least be considered and potentially incorporated by the legislator in the draft following the review phase (see process step 11).

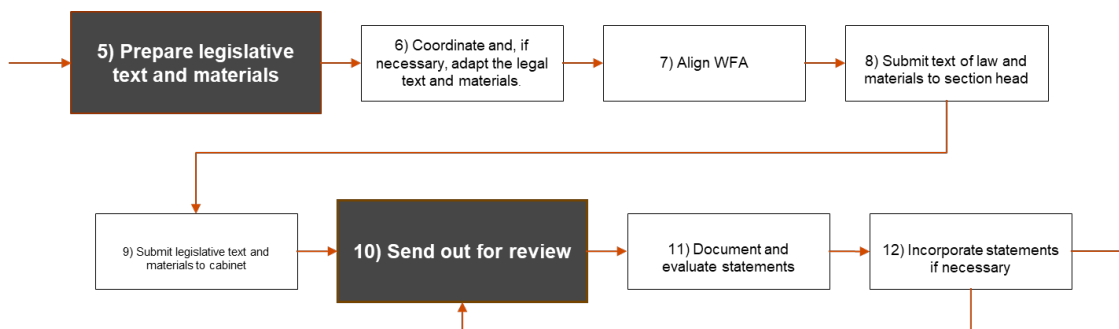


Figure 1 - Illustration of major process changes

## 2.2 Supporting technical architecture

The technical architecture that is to support the legislative process in Austria in the future is comprised of the once-only platform – which in turn is based on the once-only principle<sup>1</sup>–, on e-law and the legal information system as well as on the regulatory impact assessment tool (WFA-tool for short). These individual components are briefly described below:

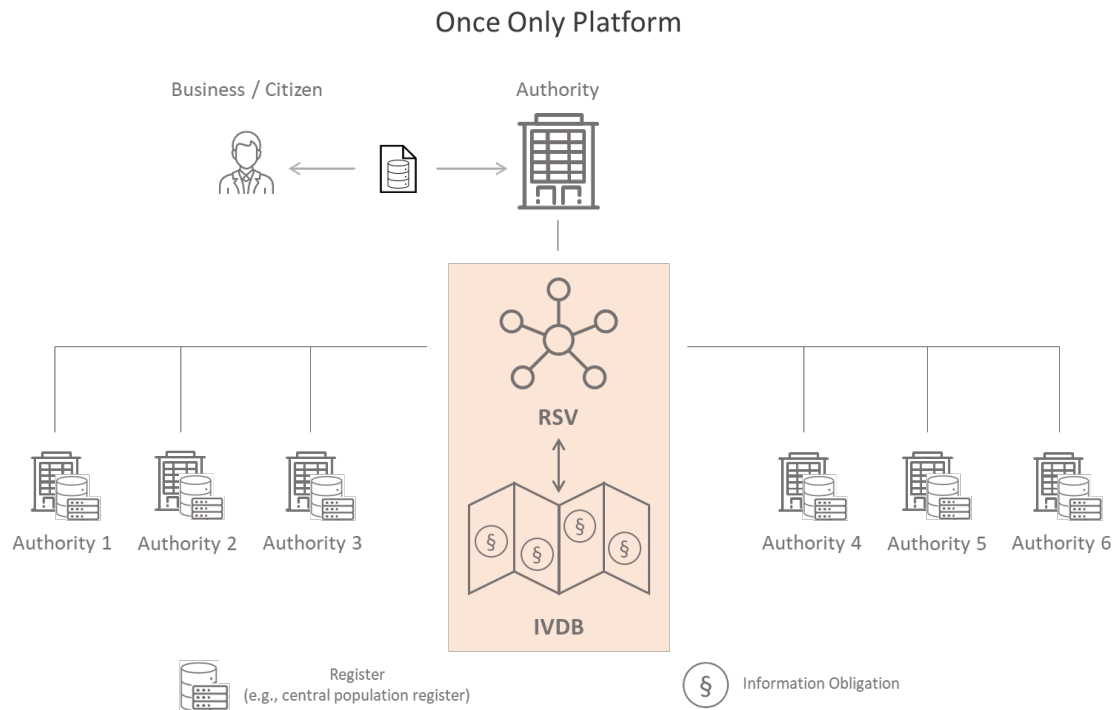
### 2.2.1 Once only platform

The (target) data model supporting digitisation-friendly legislation is technically realised by the Once Only platform, which is currently being developed. This consists of the core components Register and System Network (“Register- und Systemverbund” / RSV) and the Information Obligation Database (“Informationsverpflichtungsdatenbank” / IVDB). The provision of the Once Only platform by the Austrian Federal Government enables the debureaucratisation and modernisation of the administration and relieves the burden on businesses and citizens.

The former Federal Ministry for Digitalisation and Economic Location (now incorporated in the Federal Ministry of Finance) is creating the digital infrastructure for the implementation of optimised digital services that can be used by the federal government, the provinces, cities and municipalities.

<sup>1</sup> According to the Once only principle the data of citizens and businesses, that necessary for certain proceedings, shall only be collected once. This allows the public administration to reuse and exchange data with each other - in compliance with legal requirements and data protection.





*Figure 2 - Target data model / underlying information system*

The RSV, as the central data hub of the Once Only platform, enables the efficient exchange of data between administrative units and reduces the workload of the administration, businesses and citizens. With the help of the RSV, data can be retrieved directly from connected data sources (e.g. registers) quickly, securely and in high quality in compliance with data protection, which means that they do not have to be reported repeatedly by businesses and citizens.

The IVDB contains information obligations<sup>2</sup> applicable in Austria and the associated required notifications. When drafting a law, ordinance or measure of a fundamental nature that is to contain an information obligation for citizens or companies, the respective federal minister responsible shall inquire via the once-only platform whether an existing law, ordinance or measure of a fundamental nature already imposes an information obligation in this regard. If this is the case, the federal minister entrusted with drafting the bill must base his/her draft on the use of these existing data.<sup>3</sup> This is intended to achieve extensive harmonization or avoid duplication of information obligations.

## 2.2.2 E-Law & RIS

As already outlined in Deliverable 2, the description of the current situation, e-law and the legal information system (RIS) play a central role in the Austrian legislative process and should continue to do so in the future. The e-law application will continue to be used for drafting legislation and forwarding, processing and approving it. The legal information system, in which new laws are published, will continue to serve as the legal database.

<sup>2</sup> According to Section 2 (1) of the Business Service Portal Act, this is an obligation of a business or a citizen resulting from a legal provision to compile or keep information available and to make it available or transmit it - unsolicited or upon request - to an authority or other institution.

<sup>3</sup> According to § 7 of the Business Service Portal Act.

### 2.2.3 WFA – Tool

A central element in the technical architecture supporting digital ready legislation is the WFA tool. It supports the process of regulatory impact assessment in all steps, starting with the implementation of the problem analysis up to the examination and assessment of impacts, e.g. concerning equality, public budgets or the environment. In addition to context-oriented assistance, calculators and a guided procedure, it is also used to automatically create the WFA results document that is to be attached to the draft law in e-law, for example.

The **goals of the WFA tool** are,

- to provide a consistent presentation of the impact assessment results.
- the provision of a comprehensive tool in which all steps of the WFA can be carried out and integrated into existing legislative and enforcement processes,
- ease of use,
- Reduction of workload in connection with "technical" activities (calculation requirements; presentation requirements; data research) and thus focusing resources on the analysis and evaluation of (regulatory) projects,
- Provision of comprehensive assistance.

Affected impact dimensions are identified in a questionnaire. The subsequent materiality assessment is carried out in a separate module that is seamlessly integrated into the application. So far, the following impacts are considered in the WFA and thus in the WFA tool:

- financial impact,
- environmental impacts,
- consumer protection policy impacts,
- macroeconomic impacts,
- impacts on businesses,
- impact on administrative costs for citizens and for businesses,
- impacts in social terms,
- impact on children and youth,
- impact on the actual equality of women and men

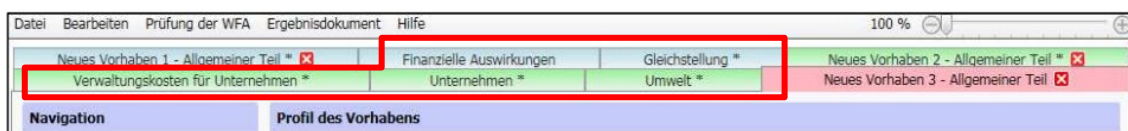


Figure 3 - Screenshot WFA tool: impact dimensions

These impact dimensions are to be expanded to include the dimension of "digitalisation". This means that after successful expansion, legislators will also have to consider aspects of digitalisation in a specially designed questionnaire when drafting legislation and conducting impact assessments. The following (and other) questions could be added to the WFA tool for the topic area of digitalisation:

1. Does the present draft law concern digitisation aspects? Yes/No

2. Yes: Does the draft law provide that an application can be made? Yes/No
3. Yes: Are information obligations regulated? Yes/No
4. Yes: Do the regulations enable barrier-free access? Yes/No
5. ...

In the future, legists could fill in the WFA tool with control questions of this and similar kinds and thus check for themselves whether they have taken all relevant digitisation aspects into account when drafting the bill. The control questions could, of course, be expanded to include, for example, further steps of a usual administrative procedure. The aforementioned checks serve only as examples.

## 2.3 To-be organisational and governance setting

### *Multidisciplinary central unit*

At the organisational level, the greatest change with regard to the to-be situation manifests itself in the establishment of a multidisciplinary<sup>4</sup> central unit that reviews draft laws for digitisation-friendliness as part of the review process. The multidisciplinary approach is relevant to this team for several reasons. Different professional profiles need to be included in the policymaking process in order for policymakers to adopt technological concerns as well as the usage of IT systems and tools. For instance, IT experts might assist in developing rules that are more IT centred, understandable, and easier to apply. Data scientists can also find existing data sets to feed the policy design. This suggests that in order to produce policies that may be successfully implemented, policymakers must collaborate in multidisciplinary teams. This is why the idea of multidisciplinary teams is seen as a crucial facilitator for policies that are prepared for the digital age. In the context of reviewing draft legislation, the main purpose of a multidisciplinary team is to help get as many perspectives on the draft as possible and thus make it as likely as possible to be digitisation friendly.

At the time of writing, it is not yet clear where this unit will be physically anchored. This is conceivable both within the Federal Ministry of Finance (Beneficiary) and in an independent organisation. A decision on where and in what form this unit will be located, however, requires various political agreements before it can be established. What can be deduced from the example of the Danes, however, are the different backgrounds that should ideally be represented in the unit. These are law, information systems, government and or business, as well as other areas such as it-project risk, data architecture, GDPR and information security, accessibility, etc.

In concrete terms, 3 essential roles can be derived from this: a legal officer, a digital expert and a business analyst. These should meet the following requirements, which

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<sup>4</sup> According to the European Commission's issue paper on multidisciplinary teams for digital-ready policy making (2022), multidisciplinary teams exhibit the characteristics of independent teamwork, with the members of multidisciplinary teams focusing on their individual knowledge and expertise, working together to resolve issues and report back to a group of individuals with differing expertise. Source: <https://joinup.ec.europa.eu/sites/default/files/news/2022-01/Issue%20paper%20-%20Multidisciplinary%20teams%20for%20digital-ready%20policymaking.pdf>

largely overlap with the European Commission's profile suggestions for a multidisciplinary team in digital-ready policymaking<sup>5</sup>:

### ***Legal officer***

- Master of Law
- Excellent knowledge of the Austrian administrative law and administrative procedural law
- Very good overview of the EU digital legislative landscape
- Very good knowledge about the federal digital strategy and the technical tools used
- Experience in legal drafting e.g. to help with clear and simple wording, which is a must for a smooth digital implementation in the future
- Knowledge of impact assessment (WFA)
- Experience in public authority of politically governed organisation / policy implementation experience
- Subject matter expert to contribute on specific policy fields
- At least basic understanding of or interest in relevant ICT topics
- Data protection experience to help detect questions of data protection early in the policymaking process
- Strong analytical skills to identify crosslinks, dependencies, possible conditionalities or synergies with other digital initiatives

### ***Digital expert***

- Digital / ICT knowledge – including security aspects – to provide information about the current ICT landscape and future necessities and possibilities for the digital implementation of policies
- Very good knowledge about the federal digital strategy and the technical tools used
- Knowledge about innovative digital technologies to give advice on their potential use during the policy cycle and/or in relation to a specific policy proposal
- Potentially coding and test engineering experience to write the code (rules-as-code) of the policy scenarios in machine understandable format and to test the policy scenarios in an automated way
- Experience in service design to provide a good understanding of the service design implications currently faced in the scope of the policy domain and possible solutions

### ***Business architect***

- Experience in the analysis and documentation of business processes and data flows
- Experience in the analysis and documentation of user centric processes
- Knowledge of impact assessment (WFA)
- Should be able to act as an interface between the legal officer and digital expert

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<sup>5</sup> As depicted in the EC's issue paper on multidisciplinary teams for digital-ready policymaking.

- Should be able to get an overview of the Big Picture and to develop a legal professionalism in the interplay between law and digitalisation
- Should have knowledge of legal techniques and be interested in how communication between lawyers and digital professionals is enabled
- Sufficient project management skills to participate in the analysis and development of projects with legal interdisciplinary challenges

Furthermore, the central tasks of the unit can already be defined:

- **WFA review**

The multidisciplinary unit will examine the consideration of digitisation aspects in the regulatory impact assessment (WFA). In order to be able to initiate an improvement in the event of any deficiencies, this unit must be equipped with appropriate enforcement rights.

- **Centralized knowledge management**

The second essential task of the central unit for digitisation will be the establishment and governance of a public administration wide centralized knowledge management system for all topics concerning digitisation, to overcome the obstacle of passive knowledge management.

- **Oversee stakeholder involvement**

In order to ensure acceptance of information technology by the employees of public administration and to avoid the so-called productivity paradox, the central digitisation unit should see to it, that the departments affected by changes are involved in the development of e.g., new IT systems or new tools to be used.

### ***Minimum requirements***

In order for the central unit to ultimately be able to start its work, minimum requirements must first and foremost be defined under which (new) laws can be considered digital-ready, to be used as a guideline for the unit. In Denmark, these minimum requirements are represented by the 7 Principles for digital ready legislation. In Austria, a similar document with minimum requirements already exists in the form of the ICT Guidelines. A gap analysis of these two documents was therefore carried out in order to identify whether or which of the Danish principles are underrepresented in Austria. However, it should be noted that the Danish 7 Principles are much more universal in character than the ICT Guidelines. The latter is strongly oriented towards the process of a usual administrative procedure. Nevertheless, a comparison was made to see if the control questions of the Danish principles are already covered in the ICT Guide. If questions are already covered, the classification "no gap" was made. If the questions are not or insufficiently covered in the ICT Guide, the classification "adaptation" was given, to indicate that an adaptation or extension of the ICT Guide is recommended. The results of the gap analysis are presented below:

Table 2 - Gap analysis: Danish principles / Austrian ICT guidelines

Danish Principle	ICT guideline equivalent	Comments	No gap / adaption
<p>1. <b>Use simple and clear rules</b> – legislation shall be easy to read and unambiguous</p> <ul style="list-style-type: none"> <li>• Have rules and concepts been worded in a clear, simple, unambiguous and consistent manner?</li> <li>• Is there a clear distinction between general rules and exceptions?</li> <li>• If the rules include process requirements: Can the law text be translated into a number of work tasks and is the description of the individual steps listed in the sequential order of the workflow in the act?</li> <li>• Is it clear which operators are targeted in the provisions?</li> <li>• Is knowledge of implementation impacts such as case processing times incorporated in the preparation of the act?</li> </ul>	<ul style="list-style-type: none"> <li>• Wording instructions are repeatedly formulated, e.g. in chapter 1.1.5 "terms such as "on paper" or "forms", which do not allow for electronic signatures, should therefore be avoided.</li> <li>• In addition to the ICT Guidelines, the legal directives in Austria form the basis for legal experts with regard to clear, simple and comprehensible wording.</li> <li>• Implementation impacts are recorded in the WFA</li> </ul>	<ul style="list-style-type: none"> <li>• The ICT Guide could be extended to include more general control questions.</li> <li>• In the case of draft laws with process requirements, it should be possible to translate the text of the law into a workflow whose description is reflected in the individual steps in the law.</li> </ul>	adaption
<p>2. <b>Enable digital communication</b> – legislation shall enable digital communication between citizens and government</p> <ul style="list-style-type: none"> <li>• Does the necessary legal basis exist for mandatory digital communication between citizens and businesses and the public sector?</li> <li>• Has this legal basis been worded so as to include future technological development, meaning that it is technology-neutral?</li> <li>• Is it clear what should be communicated digitally (for example applications, decisions etc.)?</li> <li>• Web accessibility: Are the rules on web accessibility followed as stated in the implementation of Directive of the European Parliament and of the Council on web accessibility in order to ensure that persons with visual impairment or other functional impairment also have access to the digital solution?</li> </ul>	<ul style="list-style-type: none"> <li>• Applications should always be able to be submitted electronically</li> <li>• Information must be made available barrier-free.</li> <li>• Chapter 1.1.2 Do the regulations allow barrier-free access?</li> <li>• Chapter 1.1.3 Certain formulations prevent the possibility of submitting applications electronically.</li> <li>• Chapter 1.1.5 avoid technology unfriendly terms</li> </ul>	<ul style="list-style-type: none"> <li>• In the Danish principles, "digital self service" is more developed. However, this should not reach the same extent in Austria and is therefore sufficiently taken into account in the ICT guidelines.</li> </ul>	No gap
<p>3. <b>Enable automated case processing</b> - rules should in so far as possible use objective criteria to enable digital administration</p> <ul style="list-style-type: none"> <li>• Have the possibilities for using objective criteria been explored?</li> <li>• Is it possible, based on existing practice, to establish main criteria for a part of the existing discretionary assessment?</li> <li>• Have the possibilities for wording (parts of) the legislation so as to minimise discretion and discretionary assessments been explored?</li> <li>• Have the possibilities for adapting the rules to automated procedures been explored, also in relation to the relevant administrative and data protection law requirements?</li> </ul>	<ul style="list-style-type: none"> <li>• It should be possible to use inter-authority applications electronically.</li> <li>• Therefore, as far as permissible under data protection law, the regulatory project should lay the foundation for the use of existing e-government technologies (portal network, recommendations agreed between the federal government and the Länder, interfaces, etc.).</li> </ul>	<ul style="list-style-type: none"> <li>• Potentially add to the guide that when drafting legislation, linguistic care must be taken to formulate objective criteria that can be further processed by e.g. software for automated process handling.</li> <li>• Define main criteria on how discretionary assessments are to be interpreted.</li> </ul>	adaption

<ul style="list-style-type: none"> <li>• Is there a need for including discretionary criteria for a residual group or for stipulating rules on the exercise of discretion to enable the inclusion of specific conditions and the specific situation?</li> <li>• Has it been ensured that professional discretion will be exercised when dictated out of consideration for the legal rights of citizens?</li> <li>• Are the rules technology-neutral?</li> </ul>	<ul style="list-style-type: none"> <li>• 2.1.6: When formulating legislation, care should generally be taken to ensure that the facts are formulated in such a way that automated electronic processing is possible.</li> </ul>	<ul style="list-style-type: none"> <li>• In the wording of the law, consider whether a discretionary assessment is appropriate at all.</li> <li>• Therefore, supplement the Danes' control questions in the ICT Guide if necessary.</li> </ul>	
<p>4. <b>Consistency through uniform concepts</b> – legislation should be consistent and cohesive across domains and legal acts</p> <ul style="list-style-type: none"> <li>• Can data already collected by the public authorities - for example address, personal, company, geo or address data - be reused (with due consideration for, inter alia, the data protection legislation) or will new data have to be collected from citizens or businesses?</li> <li>• Has it been ensured that the same definitions of data, accruals etc. are used that exist in public registers such as the income and accrual definitions?</li> <li>• Are existing geodata used?</li> </ul>	<ul style="list-style-type: none"> <li>• Data collection and reuse via the Once-Only platform. (not in ICT guide)</li> <li>• Chapter 1.2 regulates the handling of personal data.</li> <li>• Wherever possible, existing procedures should be expanded ("shared-service concept"), leading to savings in the establishment and operation of new procedures. The use of any existing data would also have to be made possible by legal measures under data protection law. An example of use would be the consultation of central registers (e.g., ZMR, ZPR).</li> <li>• Efforts should be made to make data of general interest available in a freely accessible form as "raw data" ("open data").</li> </ul>	<ul style="list-style-type: none"> <li>• Generally no major gaps.</li> <li>• Potentially increased indication to use consistent terms.</li> </ul>	No gap
<p>5. <b>Handle data safely and securely</b> – make explicit considerations of proportionality when reusing data from other registers for other purposes</p> <ul style="list-style-type: none"> <li>• Does the bill propose collection or reuse of data, including data from other authorities?</li> <li>• Is there the necessary legal basis for any collection or reuse of data?</li> <li>• Has safe and secure data handling been incorporated, including protection of personal data?</li> </ul>	<ul style="list-style-type: none"> <li>• Chapter 1.2 regulates the handling of personal data.</li> <li>• Chapter 3.2 Confidentiality and integrity: consistent recurring review of the need for data processing (with a high need for protection) as well as by processing such data only in areas where appropriate security measures already exist</li> <li>• Data protection impact assessment</li> </ul>	<p>Principle fully included in ICT Guide</p>	No gap
<p>6. <b>Use pre-existing government infrastructure</b> – if an existing government infrastructure solution exists reuse it</p> <ul style="list-style-type: none"> <li>• Are existing joint infrastructure used rather than separate, proprietary solutions?</li> </ul>	<ul style="list-style-type: none"> <li>• It should be possible to use inter-authority applications electronically. Therefore, as far as permissible under data protection law, the basis for using</li> </ul>	<p>In addition to the existing guidelines in the ICT Guide, the Once-Only Platform is currently being set up, which is intended to be the</p>	No gap

<ul style="list-style-type: none"> <li>• Will any existing joint processes be used, including processes for consultation procedure, sharing/access to large documents, receipt, notification, reporting, supervision etc.?</li> <li>• In connection with the solution of tasks, is it necessary to log onto different public IT systems? If this is the case, should these IT systems be supported by a special login (see Danish experience).</li> <li>• Is money paid to citizens, businesses or authorities (no reimbursement)? If yes, would it be advantageous to use a central account?</li> <li>• Is there communication with citizens, businesses or authorities? If this is the case, should Digital Post be used as a secure method of dispatch?</li> </ul>	<p>existing e-government technologies (portal association, recommendations agreed between the federal government and the Länder, interfaces, etc.) should be laid in the regulation project.</p> <ul style="list-style-type: none"> <li>• For example, use of the citizen card</li> </ul>	<p>central platform for the reuse of data.</p>	
<p>7. <b>Prevent fraud and errors intelligently</b> – legislation should enable effective use of digital control measures</p> <ul style="list-style-type: none"> <li>• Is there legal authority for collecting and processing relevant information from public registers etc. in order to prevent fraud and errors?</li> <li>• Are digital solutions used to control or validate case information in relevant public registers prior to payment of public benefits?</li> <li>• Has the legislation been worded so that any process requirements do not hinder effective IT application in connection with control?</li> </ul>	<ul style="list-style-type: none"> <li>• Legal basis: Art. 23 B-VG &amp; Art. 82 GDPR</li> <li>• Many similarities to principle 5</li> </ul>	<p>Fraud detection measures are partly already implemented in Austria in the Ministry of Finance, but in principle, the control function should not be the most prominent one in Austria, but rather the facilitation of administrative processes through the once-only platform.</p>	<p>No gap</p>

As the gap analysis between the Danish principles and the Austrian ICT guide shows, the 7 principles for digital-ready legislation are already almost completely taken into account in the Austrian guide. Only the following recommendations for improvement can be derived for the to-be situation:

- The ICT Guide could be extended to include more general control questions.
- In the case of draft laws with process requirements, it should be possible to translate the text of the law into a workflow whose description is reflected in the individual steps in the law.
- Potentially add to the guide that when drafting legislation, linguistic care must be taken to formulate objective criteria that can be further processed by, e.g., software for automated process handling.
- Main criteria on how discretionary assessments are to be interpreted are to be defined and in the wording of the law, it should be considered whether a discretionary assessment is appropriate at all.
- Possibly reinforce the use of consistent terms, e.g., to facilitate automation.



In accordance with the results of the gap analysis, only a minimal adjustment of the ICT guidelines is assumed to be necessary to optimally support the to-be situation, as the guidelines already promote digital-ready legislation to a large extent. Which changes will be made will again be subject to political decisions within the Federal Ministry of Finance.

The structural changes mentioned also require an adaptation of other relevant manuals and guidelines. First and foremost, the WFA handbook, which needs to be expanded to include guidance on the procedure for the impact assessment on the topic of digitalisation. Moreover, organisational guidelines and requirements (e.g. for drafting legislation) need to be adapted to facilitate a digitally friendly process. This will be achieved by a corresponding training programme and training material describing the new requirements for digital-ready legislation. Based on the Danish model, this training material will contain a catalogue of best practice examples that policy makers can use when drafting legislation. Part of this training programme and the adaptations to the guidelines at the organisational level also include the fact that the BMF strictly follows the ICT Guidelines when drafting legislation. In addition, the Central Unit for digitisation should regularly offer its own training for new employees in the ministries, and digital upskilling courses should be offered in general to keep up to date.

Another important organisational issue, which is not mentioned in the Danish Principles or in the current ICT Guide, is gold plating, i.e., the undesirable over-fulfilment of EU minimum standards. It is true that in order to ensure conformity with EU law with regard to the digitisation-friendliness of legislation, it is necessary to continuously evaluate EU legal standards and laws in this area in order to make adjustments in Austrian law if necessary. However, it is always important to avoid an undesirable over-fulfilment of the requirements that could result in various obstacles for digital-ready legislation. An adapted version of the ICT Guidelines should therefore also contain a corresponding passage including control questions on the topic of gold plating in the future.

In order to facilitate the changes, i.e., to implement a multidisciplinary unit for digitisation and to expand the WFA tool to include a digitisation impact dimension, the introduction of a change management process, including the appointment of a corresponding change manager, is highly recommended.

## **2.4 Legal impact**

In order to achieve the outlined to-be situation, the WFA Principles Ordinance, which regulates the principles and systematic steps of the full-scope and simplified WFA, the impact dimensions and materiality criteria, as well as the reporting structure for the presentation of the results of the WFA, should be adapted to include the impact dimension of digitalisation.

Furthermore, a new WFA special ordinance is necessary. In these special ordinances, the impact dimensions are specified and the detailed provisions for determining the significant impacts are laid down. They are issued by the federal ministers responsible for the respective topics. Accordingly, the minister responsible for digitalisation (currently Magnus Brunner) should issue a special WFA ordinance for the new impact dimension on the topic of digitalisation.

### 3 Conclusion and outlook

In this deliverable, the target model for the beneficiary's chosen variant – the Danish experience – was developed based on the to-be alternatives proposed in the previous deliverable 4. To describe the to-be situation in detail, the changes in the legislative process that are to ensure that draft laws are digitally ready in the future were examined and described. Furthermore, the technical architecture was illustrated, with the support of which the legislative process should be simplified in the future. In addition, the necessary changes in the organisational structures were described, as well as the skills required in the multidisciplinary teams. Finally, the necessary legislative changes to also include digitalisation as an impact factor in the regulatory impact assessment in the future were highlighted.

Based on this description of the goal, an implementation roadmap will be drafted in the next deliverable 6, which is intended to help the beneficiary and any defined change managers with the implementation. The roadmap shall describe the rough project context and the desired target model, as well as the necessary milestones and central challenges that need to be set or observed on the way towards digital-ready legislation.



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