

Questionnaire on the organisation and operation of Official Gazettes in the EU

(4) Answers by the German 'Bundesanzeiger'

I. Organisational data

DE		<u>1. Identification and contact person(s)</u>
1.1	Organisation:	Bundesanzeiger Verlagsgesellschaft mbH Bundesanzeiger Publishing House Ltd. Company
1.3	Address :	Amsterdamer Str. 192 D- 50735 Koeln
1.5	Internet :	www.bundesanzeiger.de
DE		<u>2. Data on the organisation and its overall tasks</u>
2.1	Form and nature:	- private company partly owned by the government
		The Federal Republic of Germany - represented through the Federal Ministry of Justice - holds 35.1%. The remaining shares are divided into equal halves each belonging to the publishing house "Wertpapiermitteilungen", Frankfurt/Main, and "M. DuMont Schauberg", Cologne.
2.2	Legal basis for publishing:	- general company law

2.3	Year of the found.:	1949	
2.4	Legal basis for co-operation:	- private-law contract following negotiated procedure	
2.5	Main tasks of the organisation		
2.5.1	Publ. of laws/regulations:	<ul style="list-style-type: none"> - laws and regulations - treaties and internal agreements - parliamentary documents - individual measures - legal notices - call for tender 	mandatory mandatory mandatory not mandatory not mandatory
2.5.2	Operation of databases	<p>At the moment, the publications of public limited Companies (PLCs; Aktiengesellschaften), of limited partnerships/public limited (Kommanditgesellschaften auf Aktien), some publications of Ltd. Companies (GmbH)etc. are mandatorily published in electronic form in the electronic Bundesanzeiger (www.ebundesanzeiger.de)</p> <p>In consequence of the "Investmentmodernisierungsgesetz" more publications of investment companies are now mandatory in electronic form (e.g. various investment announcements; inventory value etc.), Investment rates are voluntarily published in the "ebundesanzeiger". As a result of various amendments some other legal information such as insolvencies, "Spruchverfahren" are now also published in the electronic form of the "Bundesanzeiger". Due to further parliamentary bills (so far in draft only) we are expecting additional publishing task fields (e.g. electronic registers).</p> <p>As first document of the "Amtlicher Teil" of the Bundesanzeiger the "German Corporate Governance Kodex" has officially been announce in electronic form too.</p> <p>Prospectively there will be an overall change from the print media "Bundesanzeiger" to the electronic media "eBundesanzeiger" (www.ebundesanzeiger.de) regarding other mandatory publications as well. We have already taken necessary arrangements and preparations to support these developments.</p> <p>For the publication of legislation we have established the database "bgbli-online" (which so far is non-mandatory) along with the mandatory print medium "Bundesgesetzblatt".</p>	

2.5.3	Others (e.g. forms ...)	
		The classification of a publication as mandatory or non mandatory depends on a variety of laws and regulations. Some of the publications have to be published in the "Bundesanzeiger", some you are free to choose the publisher/the media in which they have to be announced. In these cases the "Bundesanzeiger" is not obligatory - but some of the publications are published voluntarily in the "Bundesanzeiger".
2.6	What language(s) is/are used	German / sometimes English
		German
2.7	Activities of public or private companies	
2.7.1	Subcontracts in isolated cases for	<ul style="list-style-type: none"> - printing - online publishing - CD-ROM/DVD duplication - advertising agencies
2.7.2	Contracts for instit. or regular work	<ul style="list-style-type: none"> - printing - online publishing - CD-ROM/DVD duplication
2.8	Other off. gazettes	In Germany the field of public announcement is divided into several parts which are not easy to describe. Other organs are e.g. the "Bundesausschreibungsblatt", the "Steuerblatt", "Gemeinsames Ministerialblatt"; various "Staatsanzeiger" (of individual federal governments) etc.
2.9	Annual budget (global) of the organisation	
		In major the publication "Bundesanzeiger" (print and electronic media) is financed by a publishing fee which is demanded from the companies that are obliged to announce certain information, e.g. their annual report. Moreover it is financed by a subscription fee and retail prices.
2.10	Do you have in-house	- online publishing facilities
		No appropriate in-house facilities for printing; but we distribute digital (e.g. push services) and print publications.
2.11	How much of the following work is subcontracted	

	pre-press	100
	printing	98
	dissemination	0
		printing which is not subcontracted: books on demand, supplements to loose-leaf publications (2 %) dissemination: we distribute 100 % of our products
2.12	How is the head of the organ. appointed	The general managers (at present: Rainer Diesem, Fred Schuld) are appointed by the shareholders of the "Bundesanzeiger Publishing Company" according to the German Company Law and the partnership agreement.
2.13	Number of staff of the organ.	220
2.14	Which services are offered by the organ.	- information on documents - other
		Several public libraries spread over Germany get the Bundesanzeiger (printed version) for free. Furthermore some announcements / publications can be found on the internet (www.ebundesanzeiger.de).
		A free of charge read-only version of the Bundesgesetzblatt is available via internet (www.bundesgesetzblatt.de).

II. Details concerning the publication of legislation and of calls for tender (public procurement)

A. Publication of legislation

DE		<u>3. Publication procedures</u>
3.1	Official Gazette:	
3.1.1	Full title of the official gazette:	Bundesanzeiger (abbr. "BAnz"); elektronischer Bundesanzeiger (abbr. "eBAnz"); Bundesgesetzblatt (abbr. "BGBl.")
		"(electronic) Gazette of the Federal Republic of Germany" "German Federal Legislation Gazette"
		These are corresponding translations only, but not official trademarks!
3.1.2	Contents:	<p>I. "Bundesanzeiger" (consists of 4 parts):</p> <p>1. Amtlicher Teil: Verkündungen; Bekanntmachungen; Ausschreibungen, Sonstiges; Hinweise (Official Part: pronouncements; notifications/official announcements; tender specifications; other)</p> <p>2. Gerichtliche und sonstige Bekanntmachungen (Judicial and other announcements): z.B. Gerichtliche Benachrichtigungen und Veröffentlichungen; Veröffentlichungen von Aktiengesellschaften, GmbHs, Genossenschaften, Investmentgesellschaften etc. Ausschreibungen (e.g. juridical notifications and pronouncements; company-announcements, e.g. those of public limited companies (PLCs); ltd. operative societies; investment companies etc.; non-mandatory tenders)</p> <p>3. Veröffentlichungen von Jahresabschlüssen und Hinterlegungsbekanntmachungen (announcement of annual financial statements / annual accounts/reports and notification of the deposit of annual reports (Hinterlegungsbekanntmachung = deposit announcement)</p> <p>4. Zentralhandelsregister: Veröffentlichung von Registereintragungen (z.B. Handels- und Genossenschaftsregister; Konkurs- und Vergleichsverfahren etc.)</p> <p>(announcement of register enrolments, e.g. companies' register, societies' register; bankruptcy and insolvency proceedings, etc.)</p>

		<p>II. Bundesgesetzblatt (consisting of two parts):</p> <p>1. Part I: Veröffentlichung und Bekanntmachung/Verkündung von Gesetzen und Verordnungen (pronouncement and notification of national laws and their amendments and of ordinances/regulations)</p> <p>2. Part II: Bekanntmachungen von Staatsverträgen, staatliche Übereinkommen, Abkommen und Vereinbarungen (notification/official announcement of international treaties, arrangements and agreements)</p>
3.1.3	Address (URL):	<p>www.bundesanzeiger.de www.ebundesanzeiger.de www.bundesgesetzblatt.de</p>
3.2	Organisation of the exchange:	<p>- executive authority / on paper - legislative authority / on paper</p>
3.3	Is electronic transmission part an integrated and seamless workflow:	<p>yes</p>
		<p>Actually the answer is both: yes and no. Bundesanzeiger (print edition): no electronic workflow so far eBundesanzeiger: electronic in-house-system Bundesgesetzblatt: no electronic workflow so far</p> <p>There are several projects to install and upgrade overall standardized electronic workflows within the near future.</p>
3.4	Techniques based on XML or SGML:	<p>yes</p>
		<p>Bundesanzeiger print: partly XML-based eBundesanzeiger: XML-based Bundesgesetzblatt: partly XML-based</p>
	If yes, does a program exist	<p>in the form of DTD</p>
3.5	Binding deadlines for publishing legislation:	<p>yes</p>
		<p>Bundesgesetzblatt: There is a tight workflow in which the editorial staff of the Federal Ministry of Justice, the printing house (sub-contractor) and our publishing house are involved and which normally allows not more than two days between the permission to print and the distribution of the</p>

		"Bundesgesetzblatt" (circulation: ca. 48.000 copies).	
DE		4. Details of the publication procedures for legislation	
4.1	The legal basis for publication of legislation:	Aufgrund Art. 82 Abs. 1 GG (Grundgesetz) werden Gesetze und Rechtsverordnungen im Bundesgesetzblatt verkündet.	
		Due to art. 82 Abs. 1 GG ("Grundgesetz") laws and ordinances/regulations have to be pronounced in the "Bundesgesetzblatt".	
4.2	Year of establishment of the official gazette:	949	
		both, Bundesanzeiger and Bundesgesetzblatt, were established in 1949 the eBundesanzeiger was established in 2003	
4.3	How is publication of legislation financed:	- solely from sales revenue	- paper - CD-ROM/DVD - online (database/web)
4.4	On what medium(a) is legislation legally binding:	- paper	
4.5	Problems, if legislation is (in future) legally binding in electr. form:	- no problems	
		We do not see irresolvable problems due to a change to electronic pronouncement. In fact there are several projects discussing the trends of prices and the demands for a single electronic platform under the responsibility and heading if the Bundesanzeiger Publishing Company. We constantly work on aspects such as the provision of security for the reliability, stability and safety of electronic forms of pronouncement and dispose of safety concepts to warrant interference resistance.	
4.6	On what media and from when onwards is legislation offered to end-users:	- on paper from 1949 - on microfilm from 1980 - on CD-ROM/DVD from 1998 - via online (database/web) from 1998	
4.7	Availability of the		

	online edition of legislation:		
4.7.1	In which format and from when onwards is legislation offered to end-users:	- PDF from 1998 - HTML from 2003	
		Bundesgesetzblatt available in PDF-format since 1998 e-Bundesanzeiger offering HTML-data since 2003	
4.7.2	Can the online edition be downloaded?:	no	
		Bundesgesetzblatt: a) read-only version: download possible, but no printing or extraction of text parts possible b) paid version (against subscription fee): download, printing and text extraction possible	
4.8	On what financial terms is legislation offered to end-users:		
		The "read-only" version of the BGBl. is free of charge and gives everybody access to legislation. The print subscription and the internet-subscription (including the option to print and extract) are published at cost (we are articulated to publish BGBl at cost without gaining financial profit from this publication). Due to fluctuating legislation within the time of a legislature period (4 years) the financial terms have to be planned on a long-term base.	
4.9	Electr. formats, legislation is offered to the private sector for further processing and commercial use:	- PDF - HTML	
4.10	Is legislation available to all private sector companies under the same conditions:	yes	
4.11	What price is charged to the private sector for	- free of charge	- in a 'neutral' format - PDF

	the electr. version of leg. for further processing and comm. use:		
		- at costs	- in a word processing format - PDF
4.12	Copyright status of legislation in your country:	- no copyright protection claimed for the information itself (content)	
		The contents may principally used by the general public and are not owned by anybody - they are in the domain of the public ("gemeinfrei"). Copy-right is, however, claimed for the lay-out and the refined data.	
4.13	Copyright status of the official gazette lay-out/format in your country:	- copyright protection for the lay-out format with compulsory licensing for use	
		The owner of the copyright is the Federal Republic of Germany represented through the Federal Ministry of Justice.	
4.14	The owner of the content of legislation, if published by a private company:		

B. Calls for tender (public procurement)

DE		<u>5. Details of the publication procedures for calls for tender</u>
5.0	Competent organisation(s):	There are only a few calls for tenders published in "Bundesanzeiger". The main part is published in "Bundesausschreibungsblatt" and "Staatsanzeiger" (several federal official Journals).
5.1	Organisation of the exchange of information on what medium(a) is legally binding:	- on paper
5.2	Binding deadlines for publishing this information:	no
5.3	The legal basis for publication of public tenders:	
		<p>In Germany the field of public procurement is divided into several parts which are not easily to describe.</p> <p>The announcement of public procurement calls for tender in Germany follows national and European law. Which law is applied depends on the threshold value. If a certain amount is exceeded the announcement has to be published Europe-wide.</p> <p>Public procurement tenders are usually announced for three scopes, bill of quantities (VOB), delivery and services (VOL), bill of quantities representing the biggest share.</p> <p>As there are various official organs which have to announce public procurement tenders due to various (European) guidelines, laws and regulations there are equally many publishing media. Above the threshold-value tenders have to be published in the TED (Tenders Electronic Daily - EU database) or in the official gazette of the European Commission; below the threshold-value they have to be published in German official Gazettes (e.g. Bundesanzeiger), the daily press or periodical professional journals. The only exception is that announcements of the German state have to be published in the "Bundesausschreibungsblatt". Only a few of the 16 "Bundesländer" have introduced unified rules for their administration.</p>

5.4	How is publication of calls for tender financed:	- solely from sales revenue	- paper - online (database/web)
		The calls for tender issued by administrative bodies (in the "Amtlicher Teil"/Official Part of the "Bundesanzeiger" paper gazette, s. 3.1.2.) are published free of charge for the authorities. Call for tenders of other administrations and companies are published at a profit.	
5.5	On what medium(a) is the information on public tenders deemed authentic:	- paper - CD-ROM/DVD - online (database/web)	
5.6	On what media is the information on publ. tenders offered to end-users:	- paper - on CD-ROM/DVD - via online (database/web)	
5.7	On what financial terms is the information on public tenders offered to end-users:	- at cost	- paper
		- at a profit	- CD-ROM/DVD - online (database/web)
		Customers can subscribe to a digital push service containing the calls for tenders published in the Bundesanzeiger gazette (called "Vergabe Mail") in PDF format and which is sold at a profit.	
5.8	Electr. formats of the public tenders, which are offered to the private sector for further processing and commercial use:	- PDF - in the form of a database output	
		see above	

5.9	What price is charged to the private sector for the electr. version of the public tenders for further processing and comm. use:	- copying and shipping costs	- PDF - in the form of a database output
		- at a profit	- PDF - in the form of a database output
5.10	Copyright status of this information in your country:	- copyright protection not claimed for the information itself (content)	
		Principally there is no copyright for the published public tenders. Depending on the genuine content of the published material (e.g. construction plans etc.) there may exist copyrights.	
5.11	Copyright status of the official gazette lay-out/format for this information in your country:	- copyright protection for the lay-out format with compulsory licensing for use	
5.12	The owner of the content of calls for tender, if published by a private company:	- the competent State body - the competent State body - the organisation publishing the legislation	

III. Future developments and strategies

DE	<u>6. Anticipated changes and other plans or discussed issues</u>	
6.1	Changes in your country in short (1-2 years) or medium term (3-5 years):	<p>Prospectively there will be an overall change from the print media "Bundesanzeiger" to the electronic media (www.ebundesanzeiger.de).</p> <p>Some publication parts have already been transferred to the electronic media (e.g. publications of public limited companies etc., see 2.5.2.). We certainly support these developments and have already made corresponding arrangements and preparations.</p> <p>Furthermore we have installed a steadily growing unit, the BDS Bundesanzeiger Datenservice (data service unit), which is establishing different possibilities of electronic data mining, preparation of, access to and providing of various data-media (e.g. CD-ROM format, push services, online-archives, storage archives, library of data etc.)</p>
6.2	Other plans or discussed issues:	<p>To increase surplus values and widen the scope of supply and services we establish a growing number of co-operation partnerships resp. increase the already existing cooperations. Moreover we are developing a media-neutral data pool (XML / XBRL-based) and are working on several changes to install and upgrade electronic workflows.</p>
