Introduction

1. A delegation (“the delegation”) from the Public Petitions Committee visited the German Bundestag between 18 and 20 September 2006. This visit was the latest in a series of exchanges and meetings between the Public Petitions Committee of the Scottish Parliament and its equivalent Committee in Germany (“the Petitionsausschuss”), which includes a previous trip by the Session 1 Petitions Committee to Berlin in September 2001.  

2. The visit coincided with a historic debate and decision by the German Parliament to send its troops to the Lebanon. Given the significance of this debate, the delegation is particularly grateful to all the elected representatives and officials of the German Bundestag with whom they met for their hospitality and generosity.

3. The primary purpose of this visit was to consider the workings of the first year of the Bundestag’s e-petition system and to exchange ideas and best practice with a view to improving the effectiveness of both the e-petition and the petitions system in general. With this in mind, a number of discussions were held with both elected representatives and officials over the course of the two day visit.

4. The visit also coincided with the publication of the Petitionsausschuss annual report. The delegation was privileged to attend the presentation of this report to the Bundestag President Dr Norbert Lammert. The delegation also observed a formal meeting of the Bundestag Petitions Committee and was in attendance for a press conference promoting the publication of the annual report.

5. The delegation consisted of:

   Michael McMahon MSP  
   (Convener)

   John Scott MSP  
   (Deputy Convener)

   Rosie Kane MSP  
   (Member)

   Richard Hough  
   (Assistant Clerk)

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1 http://www.scottish.parliament.uk/business/committees/historic/petitions/reports-01/pur01-02-01.htm
6. It is clear from the discussions which took place that the Scottish petitions system in general, and the e-petition system in particular, is very much admired in Germany.

**Differences between the two systems**

7. The German Bundestag serves a population of over 82 million, compared to the Scottish Parliament which serves just over 5 million and which has legislative responsibility for only those areas of policy which are devolved from the UK Parliament.

8. German Basic Law provides a statutory right for everyone in the Federal Republic of Germany to raise petitions with the German Bundestag. It also provides for the establishment of a petitions committee (article 17). The Scottish system is provided for largely by Standing Orders and guidance, although certain powers are granted by the Scotland Act 1998.

9. The Petitionsausschuss deals with over 20,000 petitions a year, the Scottish system with only around 100. At the 1 hour meeting of the Petitionsausschuss which the delegation observed, 210 petitions were dealt with. This compares with the Scottish system which typically considers 14 petitions at each 2 hour meeting. The Petitionsausschuss has 25 members compared with the Scottish committee which has 9.

10. The Petitionsausschuss incorporates the function of an ombudsman and considers individual cases. Citizens can raise petitions on their own behalf, for third parties or in the general interest. The Scottish system is designed to
consider national policy issues and the committee does not consider or intervene in individual disputes. The Petitionsausschuss may also act as a mediator between the German people and federal authorities. The Scottish committee has no power to intervene in the operational actions of other public bodies.

11. As a result of its enhanced role and reflecting the volume of petitions it considers, the German system is staffed by 80 full time officials compared with the Scottish committee which has 3.

12. Openness and transparency underpin the work of the Public Petitions Committee in Scotland. All meetings are held in public and all relevant documentation is published on the Scottish Parliament’s website. In Germany, the concept of “public” petitions is a relatively new one. The Petitionsausschuss meets in private and does not publish petitions or accompanying material on its website. A meeting of party spokespersons takes place before each meeting where discussions take place on how each petition will be progressed.

13. However, representatives from the German Bundestag indicated that they admired the openness of the Scottish system and that steps have been taken to make their own system more transparent. The procedural rules have been amended to provide for public hearings in the case of collective petitions and mass petitions receiving at least 50,000 signatures. The Petitionsausschuss is expected to consider its first petition in public, on election law, in the near future.

14. Although some of these differences are significant, the delegation considers that there is great value in continuing to share experiences, ideas and best practice with the Petitionsausschuss.

E-petitioning

15. Following productive discussions between officials from the Scottish Parliament and the International Teledemocracy Centre (ITC) at Napier University and representatives from the German Bundestag in February 2005, the Bundestag agreed to pilot its own e-petition system. The Scottish e-petition system has been transferred wholesale to the German system and is also administered by ITC.

16. Due to the high volume of internet traffic using the German system, a number of consequential difficulties have been experienced. These include server congestion, causing slow server response times during peak periods, and a high volume of spam and offensive comments, which have resulted in the early closure of a number of discussion forums. Despite these minor difficulties, the Petitionsausschuss remains enthusiastic about e-petitioning.

17. As the volume of traffic on the Scottish system is less than that of the German system, these difficulties have not presented a significant problem for the Scottish Petitions Committee. However, it is worth noting that where
traffic volumes on e-petitions have been unusually high (for example the Aberdeen Western Peripheral Route e-petition), some abuse has taken place. As the Scottish e-petition system continues to expand, so does the potential for abuse in the form of spam and offensive material. **Sharing best practice in order to combat abuse and protect the integrity of e-petitioning should continue.**

**Data protection**

18. The delegation also heard that German petitioners tend to be particularly sensitive to data protection issues and that the German commissioner for data protection had reprimanded the committee on a number of occasion for exposing the personal data of petitioners. However, it was also noted that there is an expectation that if views are submitted in the form of a petition, petitioners should be publicly accountable for those views.

**Operation of Committee**

19. Like members of the Scottish Petitions Committee, members of the Petitionsausschuss tend to sit on other parliamentary committees. It was agreed that there are benefits in bringing expertise and experience from other committees to the petitions process.

20. As with Scottish system, the Petitionsausschuss tends to operate on a consensual basis and 95% of decisions are taken unanimously.

21. As previously indicated, it was emphasised by Frau Naumann, chairperson of the Petitionsausschuss, that the week of the visit was a significant one for the German committee as it included the publication and presentation of its annual report, a press conference and a 2 hour plenary debate on the contents of the report (which took place on Thursday 21 September).

22. On 19 September 2006, Frau Naumann, along with the deputy Chairman, Gero Storjohann and the spokespersons of the parliamentary groups on the Committee, presented the 2005 report on the activities of the Committee to the Bundestag President Dr Norbert Lammert. The delegation was privileged to be present for this presentation and to meet with the Bundestag President.

23. The Petitionsausschuss reported that in 2005, 22,144 submissions were received and examined by the Petitions Committee, representing a rise of 23% on the previous year. The comparable figure for the Scottish system is 113, a rise of around 6% on the previous year. It is worth noting that, with the exception of 1992, this was the highest number ever examined by the Petitionsausschuss in one year.
24. Over 40% of the petitions considered by the Petitionsausschuss fell within the area of competence of the Federal Ministry of Health and Social Security; this was followed by the Federal Ministry of Internal Affairs with around 17% and the Federal Ministry of Economics and Technology with around 10%. This compares with the Scottish system, where two subject areas stand out as receiving the most petitions: Health and Community Care and Law and Home Affairs, which between them account for 35% of all petitions received. Clearly, health and internal affairs represent the significant areas of concern for petitioners in both countries.

25. The debate on the Annual Report provides the Petitionsausschuss with an opportunity to promote the work of the Committee in a broader parliamentary environment and allows non-committee members to contribute to and comment on the work of the Committee. Although the delegation was not present for the plenary debate on the annual report, it recognises the merits of such a debate and recommends that the possibility of initiating an annual Chamber Debate, to coincide with the publication of its Annual Report, should be investigated.

State Landtag

26. It was noted that German state legislatures (Landtag) all have petitions systems of their own. Germany is a federation of 16 States (Länder), each with its own constitution, state legislature and state government. All the parliaments in the 16 states have similar petitions committees. Although the state petitions committees are independent of the Bundestag
Petitionsausschuss, they collaborate with each other and hold regular meetings to exchange experiences. As state legislatures are comparable with the Scottish Parliament in terms of composition, size and power, it was agreed that **co-operation between the Scottish Parliament and the German Landtag should be encouraged and, as a starting point, copies of this report and other relevant material should be circulated to each of the Landtag petitions committees.**

27. **In order to share the contents of this report with colleagues in Germany, it should be translated into German.**

**Technology Assessment Office**

28. The Technology Assessment Office (TAB) has been advising the Bundestag on important questions of technological and social change since 1990. Specific issues in science and technology commissioned by the Bundestag and its committees are analysed by TAB and its findings are reported back.

29. The delegation met with representatives from TAB on Tuesday 19 September. Representatives from TAB provided the delegation with an introduction and background to their work and also outlined their current research project on the internet and democracy. This project focuses on the use of the internet by political institutions and in particular on online discussions organised by British, German and EU institutions. The Scottish Parliament e-petition system was of particular interest to this project. The Bundestag has asked TAB to evaluate the German e-petition system and this research will clearly be of interest to the Scottish system.

30. This was a fruitful exchange and **further liaison between TAB and the Petitions Committee, perhaps involving the Scottish Parliament’s e-democracy group, should be encouraged.**
Recommendations

The Committee is invited to note and agree the following:

- there is great value in continuing to share experiences, ideas and best practice with the Petitionsausschuss;

- sharing best practice in order to combat abuse and protect the integrity of e-petitioning should continue;

- recommends that the possibility of initiating an annual Chamber Debate, to coincide with the publication of its Annual Report, should be investigated;

- co-operation between the Scottish Parliament and the German Landtag should be encouraged;

- in order to share the contents of this report with colleagues in Germany, it should be translated into German;

- further liaison between TAB and the Petitions Committee, perhaps involving the Scottish Parliament’s e-democracy group, should be encouraged.