Basic information

2011/0070(APP) APP - Consent procedure Regulation	Procedure completed
Official Journal of the EU: electronic publication Amended by 2017/0039(APP) Amended by 2020/0126(APP) **Subject** 1.20.05 Public access to information and documents, administrative practice 8.40.03 European Commission 8.40.08 Agencies and bodies of the EU 8.50 EU law	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
JURI Legal Affairs	ZIOBRO Zbigniew (ECR)	12/04/2011

Committee for opinion	Rapporteur for opinion	Appointed
LIBE Civil Liberties, Justice and Home Affairs	The committee decided not to give an opinion.	
AFCO Constitutional Affairs	The committee decided not to give an opinion.	

Council of the European Union

Council configuration	Meetings	Date
Justice and Home Affairs (JHA)	3096	2011-06-09
Justice and Home Affairs (JHA)	3151	2012-03-08
Justice and Home Affairs (JHA)	3228	2013-03-07

European Commission

Commission DG	Commissioner
Secretariat-General	REDING Viviane

Key events

Date	Event	Reference	Summary

04/04/2011	Preparatory document	COM(2011)0162	Summary
09/06/2011	Debate in Council		Summary
01/03/2012	Legislative proposal published	10222/2011	Summary
15/03/2012	Committee referral announced in Parliament		
27/03/2012	Vote in committee		
30/03/2012	Committee report tabled for plenary, 1st reading/single reading	A7-0087/2012	Summary
10/05/2012	Decision by Parliament	T7-0150/2012	Summary
10/05/2012	Results of vote in Parliament		
07/03/2013	Act adopted by Council after consultation of Parliament		
07/03/2013	End of procedure in Parliament		
13/03/2013	Final act published in Official Journal		

Technical information

Procedure reference	2011/0070(APP)
Procedure type	APP - Consent procedure
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Amended by 2017/0039(APP) Amended by 2020/0126(APP)
Legal basis	Treaty on the Functioning of the European Union TFEU 352-p1sub1
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	JURI/7/05772

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE469.771	14/03/2012	
Committee report tabled for plenary, 1st reading/single reading		A7-0087/2012	30/03/2012	Summary
Text adopted by Parliament, 1st reading/single reading		T7-0150/2012	10/05/2012	Summary

Council of the EU

Document type	Reference	Date	Summary
Legislative proposal	10222/2011	01/03/2012	Summary

European Commission

Document type	Reference	Date	Summary
Preparatory document	COM(2011)0162	04/04/2011	Summary

Additional information		
Source	**Document**	**Date**
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act	
Regulation 2013/0216 OJ L 069 13.03.2013, p. 0001	Summary

Official Journal of the EU: electronic publication

2011/0070(APP) - 07/03/2013 - Final act

PURPOSE: to ensure that the Official Journal is published in electronic form, which will be authentic and produce legal effects, in order to allow better access to EU law.

LEGISLATIVE ACT: Council Regulation (EU) No 216/2013 on the electronic publication of the Official Journal of the European Union.

CONTENT: the Regulation provides that, **as a general rule, only the Official Journal published in electronic form shall be authentic and shall produce legal effects**. The electronic edition of the Official Journal shall be made available to the public on the EUR-Lex website in a non-obsolete format and for an unlimited period. Its consultation shall be free of charge.

Where it is not possible to publish the electronic edition of the Official Journal due to an unforeseen and exceptional disruption of the information system of the Publications Office, the information system shall be restored as soon as possible.

Where it is necessary to publish the Official Journal when the information system of the Publications Office is not operational pursuant to a disruption, only the printed edition of the Official Journal shall be authentic and produce legal effects.

With regard to the electronic edition of the Official Journal, **the Publications Office** shall be responsible for: (i) publishing it and guaranteeing its authenticity; (ii) managing the information system producing the electronic edition of the Official Journal, and upgrading that system in line with future technical developments.

ENTRY INTO FORCE: 01/07/2013.

Official Journal of the EU: electronic publication

2011/0070(APP) - 01/03/2012 - Legislative proposal

PURPOSE: to give legal value to the electronic publication of the *Official Journal of the European Union*.

PROPOSED ACT: Council Regulation.

BACKGROUND: the printed edition of the *Official Journal of the European Union*, in all official languages of the Union, is at present the only legally binding publication, although it is also made available online.

If publication in the *Official Journal of the European Union* in electronic form were to constitute valid publication, faster and more economical access to Union law would be possible.

European citizens should have equal access to EU law and therefore access to the electronic edition of the *Official Journal of the European Union* should be ensured in the same manner and under the same conditions for all European citizens.

The Commission Communication on A Digital Agenda for Europe highlights that access to online legal content favours the development of a digital internal market, which leads to economic and social benefits.

LEGAL BASIS: Article 352 of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: the draft Regulation aims to **establish rules ensuring the authenticity, integrity and inalterability of the electronic publication of the *Official Journal of the European Union***.

The proposal provides that electronic publication would equate to valid publication of the *Official Journal of the European Union*. However, the printed edition would suffice to ensure the legal effects of publication in technically-driven **exceptional and temporary cases of unforeseen disruption of electronic publication** (e.g. cyber-attacks, unforeseen equipment malfunctions) that last for more than one day. The edition of the *Official Journal of the European Union* printed in such circumstances is to be published in electronic form as soon as the technical system is restored.

The electronic edition of the *Official Journal* shall bear an **advanced electronic signature** based on a qualified certificate and created with a secure-signature-creation device, in accordance with Directive 1999/93/EC. The qualified certificate and renewals thereof shall be published on the EUR-Lex web site in order to make it possible for the public to verify the advanced electronic signature and the authentic character of the electronic edition of the *Official Journal*.

The proposal provides that the electronic edition of the *Official Journal* shall be made available to the public on the **EUR-Lex web site** for an unlimited period. **No charge** shall be made for its consultation.

The proposal guarantees that access to the EUR-Lex web site is to be ensured with respect to the commitments for the **protection of persons with disabilities** in accordance with Council Decision 2010/48/EC concerning the conclusion, by the European Community, of the United Nations Convention on the Rights of Persons with Disabilities.

Official Journal of the EU: electronic publication

2011/0070(APP) - 04/04/2011 - Preparatory document

PURPOSE: to make provisions for for legally valid electronic publication of *the Official Journal of the European Union*.

PROPOSED ACT: Council Regulation.

BACKGROUND: the Official Journal of the European Union (OJ) ensures official publication of the legislation and other acts of the EU. It has been published on paper since 1958 and, since 1998; it has also been available on the Internet. In recent years, an increasing number of people have been consulting the OJ on the Internet because it is convenient and quick, while the number of subscriptions for the printed edition has been declining. However, as the printed edition is currently considered to be the only valid and legally binding publication, for the time being legal rights cannot be claimed and obligations cannot be enforced based on the electronic version of the OJ. This was clearly stated by the Court of Justice of the EU in the Skoma-Lux case (Judgment of 11 December 2007 in Case C-161/06, Skoma-Lux sro v Celní ředitelství Olomouc). According to the Court, making the legislation available on the Internet does not equate to a valid publication in the Official Journal of the European Union in the absence of any rules in that regard in Community law.

IMPACT ASSESSMENT: an analysis has been conducted by the Commission to assess three options with regard to publication of the OJ.

Option 1: maintaining the status quo, where only the paper version constitutes valid publication and the online version of the Official Journal of the European

Union serves for information purposes only;

Option 2: exclusive online publication of the Official Journal of the European Union;

Option 3: simultaneous publication on paper and online that would have equal legal value and effectiveness.

Providing for the legal value of the electronic edition will have significant benefits, as:

- access to EU legislation is broadened, made easier and immediate;
- access to the electronic edition is free of charge and possible at any time;
- such electronic publication would be in line with the Digital Agenda priorities agreed among the EU institutions and would stimulate an increase in take-up of online services.

LEGAL BASIS: Article 352 Treaty on the Functioning of the European Union.

CONTENT: this proposal provides that electronic publication would equate to valid publication of the Official Journal of the European Union. It also deals with the technical requirements whereby electronic publication equates to valid publication and establishes the competences of the Publications Office in this area.

However, the printed edition would suffice to ensure the legal effects of publication in technically-driven exceptional and temporary cases of unforeseen disruption of electronic publication (e.g. cyber-attacks, unforeseen equipment malfunctions) that last for more than one day. The edition of the OJ printed in such circumstances is to be published in electronic form as soon as the technical system is restored. The printed edition is to provide the date of publication, but the subsequent electronic edition would prevail in case of differences.

The Commission notes that an electronic publication is consistent with the target set by the Europe 2020 Strategy and the flagship initiative A Digital

Agenda for Europe, according to which broadband access should be ensured for all by 2013.

The proposed system balances the concerns for both accessibility and simplicity:

- the valid electronic publication allows for broader dissemination than the printed edition. During the last few years, there has been a drop in the number of subscriptions for the OJ, while Internet usage in the EU has been expanding - according to Eurostat, 70% of households in 2010 and 94% of enterprises in 2009 had access to Internet. Furthermore, consultation of the electronic edition of the OJ would be free of charge and would compare favourably with the printed publication, for which printing and shipping costs had to be levied from the public. Nonetheless, a safeguard is provided for people with disabilities who can access the OJ in a specific electronic format and for persons who cannot, for any other reason, access the electronic publication, as it will always be possible to obtain a paper version ‘on demand' but without legal value (i.e. for information purposes only) either through the Publications Office or as a print-out from the Internet;
- the system is simpler since potentially complex rules on handling discrepancies between equally authentic printed and electronic editions are no longer required.

The proposal aims at broadening access to EU law and enabling everyone (be they professionals in law or members of the general public) to rely on the electronic edition of the OJ as being official and authentic. Should the electronic publication of the OJ be acknowledged as valid publication, all EU citizens could have virtually simultaneous access to EU law, immediately after publication and in a more economical manner since consultation of the electronic publication would be free of charge. Access for people living in geographically less accessible regions in Europe would also be facilitated.

The proposal also aims to enhance legal certainty compared to the current situation where the online publication serves for information purposes only, as rights could be enjoyed and obligations enforced based on their publication in the authentic electronic version of the OJ.

BUDGETARY IMPLICATIONS: providing for legally valid publication of the OJ in electronic form has no budgetary implication.

However, the technical infrastructure supporting electronic publication requires IT-related investments. Under the administrative autonomy, expenditure of EUR 38 000 was incurred in 2009 for setting up and testing the technical system prior to the publication of the OJ in electronic form as authentic. Further development investments and the maintenance and system-running costs are to be borne by all institutions since the obligation to publish legislative texts rests with them. The method for calculation of the repartition key is based on the number of OJ L and C pages produced for each institution in year n-2. The key for 2011 has been set up on the basis of the 2009 figures:

- European Commission: 47.64%;
- Council of the European Union: 21.96%;
- European Parliament: 21.94%;
- Economic and Social Committee: 3.29%;
- Court of Justice of the European Union: 3.17%;
- Court of Auditors: 1.25%;
- Committee of the Regions: 0.75%.

Budgetary provisions will be made in line with this repartition key.

Official Journal of the EU: electronic publication

2011/0070(APP) - 30/03/2012 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Legal Affairs adopted the report by Zbigniew ZIOBRO (ECR, PL) in which it recommends the European Parliament to give its consent to the draft Council regulation on the electronic publication of the Official Journal of the European Union.

The proposal aims to enhance the legal certainty by broadening access to EU law and enabling everyone to rely on the electronic edition of the Official Journal of the European Union (OJ) as the official, authentic, up-to-date and complete version. The proposal therefore provides that electronic publication will equate to valid publication of the OJ. However, in exceptional and temporary cases of unforeseen disruption of the electronic publication only, the printed edition would have legal value.

The Council is reminded that that, should the requirement for unanimity under Article 352 TFEU and the pending domestic parliamentary procedures in the United Kingdom lead to any change in the draft text, the consent of the Parliament would have to be requested anew.

Official Journal of the EU: electronic publication

2011/0070(APP) - 10/05/2012 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 596 votes to 6, with 18 abstentions, a legislative resolution on the draft Council regulation on the electronic publication of the Official Journal of the European Union.

Parliament gave its consent to the draft Council regulation. The Council is reminded that that, should the requirement for unanimity under Article 352 TFEU and the pending domestic parliamentary procedures in the United Kingdom lead to any change in the draft text, the consent of the Parliament would have to be requested anew.

Official Journal of the EU: electronic publication

2011/0070(APP) - 09/06/2011

The Council **agreed on the text of the proposed regulation** on giving legal value to the electronic edition of the Official Journal of the European Union, subject to the finalisation of parliamentary scrutiny reservations in some member states. The European Parliament's consent is needed before the draft act can be definitely adopted by the Council.

Official Journal of the EU: electronic publication

2011/0070(APP) - 04/04/2011

PURPOSE: to make provisions for legally valid electronic publication of the Official Journal of the European Union.

PROPOSED ACT: Council Regulation.

BACKGROUND: the Official Journal of the European Union (OJ) ensures official publication of the legislation and other acts of the EU. It has been published on paper since 1958 and, since 1998; it has also been available on the Internet. In recent years, an increasing number of people have been consulting the OJ on the Internet because it is convenient and quick, while the number of subscriptions for the printed edition has been declining. However, as the printed edition is currently considered to be the only valid and legally binding publication, for the time being legal rights cannot be claimed and obligations cannot be enforced based on the electronic version of the OJ. This was clearly stated by the Court of Justice of the EU in the Skoma-Lux case (Judgment of 11 December 2007 in Case C-161/06, Skoma-Lux sro v Celní ředitelství Olomouc). According to the Court, making the legislation available on the Internet does not equate to a valid publication in the Official Journal of the European Union in the absence of any rules in that regard in Community law.

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