Basic information

2017/0039(APP) APP - Consent procedure	Procedure completed
Electronic publication of the Official Journal of the EU: authentication by electronic seal Amending Regulation (EU) No 216/2013 2011/0070(APP) **Subject** 1.20.05 Public access to information and documents, administrative practice 8.40.08 Agencies and bodies of the EU	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
JURI Legal Affairs	SVOBODA Pavel (PPE)	28/02/2017
	Shadow rapporteur KAUFMANN Sylvia-Yvonne (S&D) DZHAMBAZKI Angel (ECR) USPASKICH Viktor (ALDE) ANDERSSON Max (Verts/ALE)	

Committee for opinion on the legal basis	Rapporteur for opinion	Appointed
JURI Legal Affairs	CAVADA Jean-Marie (ALDE)	26/06/2017

Council of the European Union

Council configuration	Meetings	Date
Justice and Home Affairs (JHA)	3661	2018-12-06

European Commission

Commission DG	Commissioner
Secretariat-General	TIMMERMANS Frans

Key events

Date	Event	Reference	Summary
23/02/2017	Preparatory document	COM(2017)0087	Summary
18/12/2017	Legislative proposal published	14463/2017	Summary
01/10/2018	Committee referral announced in Parliament		
10/10/2018	Vote in committee		
15/10/2018	Committee report tabled for plenary, 1st reading/single reading	A8-0323/2018	Summary
23/10/2018	Decision by Parliament	T8-0387/2018	Summary
23/10/2018	Results of vote in Parliament		
06/12/2018	Act adopted by Council after consultation of Parliament		
06/12/2018	End of procedure in Parliament		
27/12/2018	Final act published in Official Journal		

Technical information

Procedure reference	2017/0039(APP)
Procedure type	APP - Consent procedure
Procedure subtype	Legislation
Amendments and repeals	Amending Regulation (EU) No 216/2013 2011/0070(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/8/09339

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Specific opinion	JURI	PE609.599	11/09/2017	
Committee draft report		PE612.312	27/09/2018	
Committee report tabled for plenary, 1st reading/single reading		A8-0323/2018	15/10/2018	Summary
Text adopted by Parliament, 1st reading/single reading		T8-0387/2018	23/10/2018	Summary

Council of the EU

Document type	Reference	Date	Summary
Legislative proposal	14463/2017	18/12/2017	Summary

European Commission

Document type	Reference	Date	Summary
Preparatory document	COM(2017)0087	23/02/2017	Summary

Additional information		
Source	**Document**	**Date**
European Commission	EUR-Lex	

Final act	
Regulation 2018/2056 OJ L 329 27.12.2018, p. 0001	Summary

Electronic publication of the Official Journal of the EU: authentication by electronic seal

2017/0039(APP) - 23/10/2018 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted, by 307 votes to 253 with 41 abstentions, a legislative resolution on the draft Council regulation amending Regulation (EU) No 216/2013 on the electronic publication of the Official Journal of the European Union.

Parliament **gave its consent** to the draft Council Regulation.

The draft amendment to Regulation (EU) No 216/2013 provides that the electronic edition of the Official Journal would bear a qualified electronic signature or an electronic seal in accordance with Regulation (EU) No 910/2014 of the European Parliament and of the Council. Authentication by electronic seal offers guarantees comparable to those of electronic signatures.

Electronic publication of the Official Journal of the EU: authentication by electronic seal

2017/0039(APP) - 23/02/2017

PURPOSE: to accelerate the procedure for publications on EUR-Lex by using an electronic seal to authenticate the Official Journal.

PROPOSED ACT: Council Regulation.

ROLE OF THE EUROPEAN PARLIAMENT: Council may adopt the act only if Parliament has given its consent to the act.

BACKGROUND: Council Regulation (EU) No 216/2013 provides that 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.

In addition to the electronic signature and the advanced electronic signature already provided for in Directive 1999/93 (repealed with effect from 1 July 2016), Regulation (EU) No 910/2014 introduced the possibility of authenticating a document with an electronic seal or an advanced electronic seal based on an electronic seal certificate.

Since authentication by an electronic seal rather than an electronic signature is not merely a different electronic system but makes an actual difference in legal terms (in the case of a signature, the authentication method is based on the involvement of a specific natural person; where a seal is used, it is created by the legal person with no indication of who, within the legal person, was responsible for authenticating the document), Regulation No 216 /2013 should be amended accordingly.

CONTENT: the Commission is proposing to amend Regulation No 216/2013 to allow the **Official Journal to be authenticated by an advanced electronic seal** based on a qualified certificate in accordance with Regulation 910/2014.

The Commission considers that the use of the advanced electronic seal will make it possible to automate electronic signatures and accelerate the procedure for publication on EUR-Lex.

The signature will no longer be that of a named official but a recognised body of the European Union, i.e. the Publications Office.

BUDGETARY IMPLICATIONS: the human resources required will be met by staff from the DG who are already assigned to management of the action and/or have been redeployed within the DG, together if necessary with any additional allocation which may be granted to the managing DG under the annual allocation procedure and in the light of budgetary constraints.

Electronic publication of the Official Journal of the EU: authentication by electronic seal

2017/0039(APP) - 23/02/2017 - Preparatory document

PURPOSE: to accelerate the procedure for publications on EUR-Lex by using an electronic seal to authenticate the Official Journal.

PROPOSED ACT: Council Regulation.

ROLE OF THE EUROPEAN PARLIAMENT: Council may adopt the act only if Parliament has given its consent to the act.

BACKGROUND: Council Regulation (EU) No 216/2013 provides that 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.

In addition to the electronic signature and the advanced electronic signature already provided for in Directive 1999/93 (repealed with effect from 1 July 2016), Regulation (EU) No 910/2014 introduced the possibility of authenticating a document with an electronic seal or an advanced electronic seal based on an electronic seal certificate.

Since authentication by an electronic seal rather than an electronic signature is not merely a different electronic system but makes an actual difference in legal terms (in the case of a signature, the authentication method is based on the involvement of a specific natural person; where a seal is used, it is created by the legal person with no indication of who, within the legal person, was responsible for authenticating the document), Regulation No 216 /2013 should be amended accordingly.

CONTENT: the Commission is proposing to amend Regulation No 216/2013 to allow the **Official Journal to be authenticated by an advanced electronic seal** based on a qualified certificate in accordance with Regulation 910/2014.

The Commission considers that the use of the advanced electronic seal will make it possible to automate electronic signatures and accelerate the procedure for publication on EUR-Lex.

The signature will no longer be that of a named official but a recognised body of the European Union, i.e. the Publications Office.

BUDGETARY IMPLICATIONS: the human resources required will be met by staff from the DG who are already assigned to management of the action and/or have been redeployed within the DG, together if necessary with any additional allocation which may be granted to the managing DG under the annual allocation procedure and in the light of budgetary constraints.

Electronic publication of the Official Journal of the EU: authentication by electronic seal

2017/0039(APP) - 18/12/2017 - Legislative proposal

PURPOSE: to update the procedure for authenticating the electronic version of the Official Journal of the European Union by an electronic signature.

PROPOSED ACT: Council Regulation.

ROLE OF THE EUROPEAN PARLIAMENT: Council may adopt the act only if Parliament has given its consent to the act.

BACKGROUND: Pursuant to Regulation (EU) No 216/2013, the Official Journal of the European Union is published in electronic form. In order to guarantee the authenticity, integrity and inalterability of this electronic publication, Article 2(1) of this Regulation states that the electronic edition 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.

Regulation (EU) No 910/2014 of the European Parliament and of the Council lays down a legal framework for electronic signatures, electronic seals, electronic time stamps, electronic documents, electronic registered delivery services and certificates for website authentication.
It is necessary to update the procedure for authenticating the electronic version of the OJ against the background of relevant EU legislation on electronic signatures having been updated in the meantime.
CONTENT: the draft amendment to Regulation (EU) No 216/2013 provides that 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.

Qualified certificates and renewals thereof are published on the EUR-Lex website to allow the public to verify the advanced electronic signature or advanced electronic seal and the authenticity of the electronic edition of the Official Journal.
Authentication by electronic seal offers the same guarantees as those provided by electronic signature. The use of an electronic seal to authenticate the Official Journal would accelerate the procedure for the publication of the Official Journal on the EUR-Lex website.

Electronic publication of the Official Journal of the EU: authentication by electronic seal

2017/0039(APP) - 06/12/2018 - Final act

PURPOSE: to update the procedure for authenticating the electronic version of the Official Journal of the European Union by an electronic seal.

LEGISLATIVE ACT: Council Regulation (EU) 2018/2056 amending Regulation (EU) No 216/2013 on the electronic publication of the Official Journal of the European Union.

CONTENT: Council Regulation (EU) No 216/2013 provides that 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 of the European Parliament and of the Council.

This Regulation amending Regulation (EU) No 216/2013 provides that the electronic edition of the Official Journal shall bear a qualified electronic signature or a qualified electronic stamp defined in accordance with Regulation (EU) No 910/2014 of the European Parliament and of the Council.

Qualified certificates for electronic signature or for electronic seal and renewals thereof shall be published on the EUR-Lex website to allow the public to verify the qualified electronic signature or qualified electronic seal and the authenticity of the electronic edition of the Official Journal.

Authentication by electronic seal offers comparable guarantees as those provided by electronic signature. The use of an electronic seal to authenticate the Official Journal would accelerate the procedure for the publication of the Official Journal on the EUR-Lex website.

ENTRY INTO FORCE: 16.1.2019.

Electronic publication of the Official Journal of the EU: authentication by electronic seal

2017/0039(APP) - 15/10/2018 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Legal Affairs adopted the report by Pavel SVOBODA (EPP, CZ) on the draft Council regulation amending Regulation (EU) 216/2013 on the electronic publication of the Official Journal of the European Union.

The committee recommended that the European Parliament **give its consent** to the draft Council regulation.

The aim of the proposal is to **update the procedure for authenticating the electronic version of the OJ by an electronic signature**. Directive 1999/93/EC on a Community framework for electronic signatures provided for the use of a qualified certificate for such signatures. That Directive has since been repealed and replaced by Regulation No 910/2014 on electronic identification and trust services for electronic transactions in the internal market, which introduced the possibility of authenticating a document with an advanced electronic seal.

According to the Commission, the use of such an advanced electronic seal would make it possible to automate the electronic signature and accelerate the procedure for publication of the OJ on the EUR-Lex database.