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EUROPEAN UNION
THE COUNCIL

Brussels, 10 June 1994 (16.06)
(OR. f)

7612/94

RESTREINT

JURINFO 7

REPORT

from: Permanent Representatives Committee (Part 2)
on : 8 June 1994
to : Justice and Home Affairs Council

Subject: **Dissemination of Community law and national implementating laws**
- Draft Council Resolution
- Development of the Celex system since the Council Resolution of 1991

I

Introduction

This report covers the dissemination of Community law in the broad sense. *Part II* sets out the grounds for adopting a Resolution on the matter. *Part III* reports on the development of the Community Celex system. *Part IV* contains suggestions on both aspects.

II

Draft Council Resolution on the electronic dissemination of Community law and national implementing laws and on improved access conditions

The purpose of the draft Resolution in *Annex A* is to pave the way for the future in the legal data processing field by trying to strengthen the dissemination of Community law through the networking of Community and national legal databanks.

The idea is in fact to enable any person to whom the law applies to access coherent,

comprehensive and reliable information not only on Community law as such, but also on all national measures adopted to enforce or supplement that law, transcending the mere transposition of Community Directives currently recorded in Celex Sector 7.

It must also be possible for any interested party to access information not only on the national measures of the Member State he is in, but also on those of any other Member State. That presupposes means of direct exchange between legal databanks. The idea is not new: for example, it underlies the IDA programme currently proposed to the Council by the Commission in the field of the interchange of data between administrations.

With a view to attaining the abovementioned objective, Member States should recommend that their public or private national databanks take the necessary steps. For that purpose, however, a study should first be carried out of the requisite conditions for the envisaged operation. The attached draft Resolution is directed towards having such a study carried out.

III

Development of the Celex system since the Council Resolution of 1991

The recommendations made in the Resolution of the Council (Justice) of 13 November 1991 on the reorganization of the operating structures of the Celex system ([1]) and the conclusions of the Permanent Representatives Committee of 2 June 1992 and 2 July 1993 ([2]) have been put into practice, in particular as regards four aspects.

1. *Integration of Celex into the Office for Official Publications of the European Communities*

   Since the end of 1993 Celex has been part of a new unit of the Publications Office called "Databases and Derived Electronic Products". Celex's editorial independence is ensured by the existence of an ad hoc Celex team, which follows the guidelines and work programme proposed by an Interinstitutional Working Party on Celex.

   Celex also has a degree of financial independence, in that it draws up its own estimate of expenditure, which is adopted by the Management Committee of the Office, although

([1]) OJ No C 308, 28.11.1991, p. 2.
([2]) See 6948/92 EXT 1 CRS/CRP 21 JURINFO 6 and 7657/93 EXT 2 CRS/CRP 25 JURINFO 13, p. 4, respectively.

that independence is limited by the fact that, as in the case of all the other departments of the Office, the actual budget estimates are ultimately determined by the Commission in its preliminary draft general budget.

From the point of view of the budgetary system and budgetary control, transparency at budget authority level is ensured by special accounting for Celex within the Office's budget: a Celex budget heading shows appropriations and expenditure relating to services provided by third parties and, in the estimate, a Celex data sheet specifies the internal resources required (staff and infrastructure expenditure). In addition, an annual management report is drawn up and communicated, inter alia, to the Council.

2. *Participation of the Working Party on Legal Data Processing in Celex's new steering structures*

In line with the wish expressed by the Council (Justice) in its Resolution of 26 November 1974 ([3]) and reiterated in its Resolution of 13 November 1991, the Working Party was given a more decisive role in defining the objectives of the system and monitoring the attainment thereof. It accordingly participates as an observer, through a select Celex group set up within it, in the new Celex steering structures, both in the Interinstitutional Working Party on Celex and in the Publications Office's Management Committee.

3. *Commercial exploitation of Celex*

The Publications Office has undertaken the implementation of a new marketing strategy, corresponding to a general information policy which applies both to the paper and the electronic medium and extends to all Community databases which the Office is responsible for marketing. It is based on the principle of subsidiarity which, in this instance, consists of approximating the systems for informing the end-user, while applying the principle of transparency, involving special efforts in terms of user-training, user-friendly bases, interrogation assistance and customer information on product development.

The new strategy provides for two methods of marketing. First, the Office intends to establish, under a public service obligation on the Community institutions, a network of official "gateway" disseminators of Community databases. That network will be the key to the marketing mechanism. Secondly, the Office reserves the right to market all or

([3]) OJ No C 20, 28.1.1975, p. 2.

part of Community databases by any other means (direct marketing, issue of specific operating licences, sale of derived products, etc.).

4. *Progress of the 1992-1995 Celex programme*

The 1992-1995 programme is proceeding according to plan, taking into account available resources. Annex B gives a brief summary of Celex's budget situation and proceedings for the financial years 1993, 1994 and 1995.

As regards language cover, considerable progress was made in 1993: coverage in the three least complete versions increased from 56 to 63% for Spanish, from 31 to 60% for Greek and from 18 to 40% for Portuguese. The general record for 1993 is set out in the management report recently submitted by the Office (7328/94 JURINFO 5).

In 1994 the main operations under way are further backlog-clearing (documents not yet input into the base) and improved data-access (a more user-friendly interface has recently been demonstrated to the Working Party on Legal Data Processing).

For 1995 the end of backlog-clearing is envisaged in particular (theoretically by the end of the first six months), so that the present nine official languages will then be on an equal footing, together with rapid input into Celex in the three new official languages resulting from the future accessions to the European Union.

IV

Conclusions

The Committee suggests that the Council:

- adopt the draft Resolution in Annex A and have it published in the Official Journal of the European Communities;

- take note of the 1993 management report on the Celex system (7328/94 JURINFO 5);

- instruct the Working Party on Legal Data Processing to report to the Committee in due course on developments.

COUNCIL RESOLUTION
of

on the electronic dissemination
of Community law and national implementing laws
and on improved access conditions

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union,

Recalling the Council Resolution of 26 November 1974 on the automation of legal documentation ([1]), further to which the interinstitutional Celex system (computerized documentation on Community law) was gradually opened up to the Member States and the public in certain languages;

Also recalling the Council Resolution of 13 November 1991 on the reorganization of the operating structures of the Celex system ([2]), further to which the Celex system was transferred to the Office for Official Publications of the European Communities and its 1992-1995 programme designed to make full documentation on Community law easily accessible in all the official languages by 1995 in principle;

Considering the European Parliament Resolution of 6 May 1994 on the transparency of Community legislation and the need for it to be consolidated ([3]);

Having taken note of the report from the Permanent Representatives Committee based on the report from the Working Party on Legal Data Processing;

Whereas the proper operation of the internal market requires, inter alia, that any person to whom the law applies, wherever he or she is active in that market, must have access to

([1]) OJ No C 20, 28. 1.1975, p. 2.
([2]) OJ No C 308, 28.11.1991, p. 2.
([3]) OJ No C

coherent, exhaustive and reliable information on Community law as such but also on national follow-up measures in all the Member States; whereas, in addition to the transposition of Community Directives, national follow-up measures may include other regulatory measures taken to implement or supplement Community acts as a whole;

Noting that the Celex system contains a reference to national provisions implementing Community Directives, but that these are in fact only provisions to be notified by Member States pursuant to those Directives, and that, consequently, a version of the Community rule supplemented by all its national ramifications in the Member States, and especially a textual reproduction, is currently lacking;

Whereas, in order to facilitate access by all concerned to these national measures, it would be judicious to define, to the extent possible and from an operational point of view, the documentary coverage of Member States' implementing laws of a regulatory character, in relation to all Community legal instruments;

Noting at the same time that practically all Member States now have national public or private legal databanks or databases systematically recording all measures taken within their territory in the context of Community law;

Whereas, in any event, synergy between both national and Community legal databanks and databases should be exploited and the dissemination of data by the advanced means currently offered by data-processing technology should be promoted;

Whereas one such means could be compact discs (CD-ROMs), which are characterized by their flexibility of use and by the fact that they involve no connection costs; whereas this means of disseminating legal information should be encouraged;

Whereas another means would be to make the legal information accessible via a network which could be organized within the framework of an existing or future Community programme; whereas one such means is already recommended, under another heading, by the abovementioned European Parliament Resolution, point 13 of which considers that, as a priority, the IDA programme under examination (trans-European networks for the interchange of data between administrations) should contemplate the establishment of a network linking the offices responsible for publishing Official Journals in the Member States and in the Community so as to allow access to the full text of national provisions transposing Community legislation and make it possible to consult these texts via the Celex database;

Whereas such synergy would, moreover, inevitably increase the rate of consultation of legal databanks and databases and consequently increase their profitability;

Whereas, finally, such synergy would ensure a division of labour at national and Community level in accordance with the principle of subsidiarity as defined by the Treaty establishing the European Community, and in particular Article 3b thereof;

Whereas, in order to achieve the objective of this Resolution, it would seem appropriate for Member States to recommend that their legal databanks establish, each for its own part, the requisite interactive capacity for direct, coherent and systematic exchanges of information between national and Community databanks and databases;

Whereas, however, a study should first be conducted of all the requisite conditions for bringing about the synergy in question,

HAS AGREED AS FOLLOWS:

I

The Community institutions are requested to:

- study, from an operational point of view, the scope of national measures implementing Community law;

- explore, from a technical point of view, the infrastructure, standards, protocols and interfaces that would be necessary to establish synergy between Community and national legal databanks and databases, in particular the possibilities of networking the latter as part of an existing or future Community electronic data-exchange programme, as well as the opportunities for the use of CD-ROM;

- study, from a budgetary point of view, the resources which would be required in order to achieve the objective of this Resolution.

II

On the basis of any information supplied by the Community institutions, the Office for Official Publications of the European Communities and national delegations, the Working Party on Legal Data Processing shall be responsible for examining possible solutions and submitting to the Permanent Representatives Committee in due course a further report accompanied, if appropriate, by a draft Resolution on the practical steps which might be taken to achieve the objective of this Resolution.

III

Pending the findings of the studies referred to in point I and the report mentioned in point II, Member States are requested to recommend to their national legal databanks that they include in their records of national measures a precise reference to the Community legal instruments to which such measures relate.

CELEX BUDGET SITUATION
(financial years 1993, 1994 and 1995)

I. Implementation of the 1993 programme

The following appropriations were committed in 1993:

1. *Current operations:* 687 715

   including ECU 244 296 committed in 1993
   for work to be done in 1994

2. *Supplementary budget (2nd tranche):*

   - Modernization (input and dissemination): 140 240

   - Backlog-clearing: 777 200

   including ECU 201 396 committed in 1993
   for work to be done in 1994

Total: **ECU 1 605 155**

NB: In 1993 revenue from marketing the base (recovery) made available ECU 178 423 for the Celex budget heading.

II. Scheduled implementation of the 1994 programme

The appropriations available are scheduled for use as follows:

1. *Current operations*:

   ECU 545 300, including ECU 150 000 coming, by way of recovery, from the revenue from marketing the base 395 300

   including a reserve of ECU 200 000 made possible by the commitments made at the end of 1993

2. *Supplementary budget (3rd tranche)*: 742 500

   - Modernization (input and dissemination): 324 500

   - Backlog-clearing: 418 000

3. *Maastricht action*: 300 000

Total: **ECU 1 437 800**

III. Budget estimates for 1995

At this stage the budget estimates break down as follows:

1. *Current operations*: 480 000

   ECU 680 000, including ECU 200 000 coming, by way of recovery, from revenue from marketing

2. *Supplementary budget (4th tranche)*: 902 000

   - modernization (input and dissemination): 255 000
   - backlog-clearing: 647 000

3. *Specific operations*: 290 000

   Loading consolidated texts and extension of Sector 7's coverage (national implementing measures)

Total: **ECU 1 672 000**

N.B. Provision is also made, for the three new languages in connection with accession, for:

- Current operations: 133 335
- Creation of new language versions (adaptation of the system, parametrization and input - 3 languages) 720 000

Total: **ECU 853 335**