Council of the
European Union

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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject:	COUNCIL REGULATION amending Regulation (EU) No 216/2013 on the electronic publication of the *Official Journal of the European Union*

COUNCIL REGULATION (EU) 2023/…

of …

amending Regulation (EU) No 216/2013
on the electronic publication
of the *Official Journal of the European Union*

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 352 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the consent of the European Parliament,

Acting in accordance with a special legislative procedure,

Whereas:

(1) Council Regulation (EU) No 216/2013[1] provides that the *Official Journal of the European Union* ('the Official Journal') published in electronic form ('the electronic edition of the Official Journal') is to bear a qualified electronic signature or qualified electronic seal as defined in Regulation (EU) No 910/2014 of the European Parliament and of the Council[2]. Regulation (EU) No 216/2013 also sets out an obligation to publish the qualified certificates for electronic signature or for electronic seal and renewals thereof on the EUR-Lex website in order to allow the public to verify the authenticity of the electronic edition of the Official Journal.

(2) The authenticity, integrity and inalterability of the electronic edition of the Official Journal can be ensured by a variety of technical means. It is necessary for such means to offer guarantees comparable to those provided by qualified trust services, as defined in Regulation (EU) No 910/2014, on both a technical and an organisational level. The need to amend Regulation (EU) No 216/2013 each time a new solution or technology is to be employed or when the legal framework governing such solutions and technologies changes should be avoided.

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1 Council Regulation (EU) No 216/2013 of 7 March 2013 on the electronic publication of the *Official Journal of the European Union* (OJ L 69, 13.3.2013, p. 1).

2 Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p. 73).

(3) It is necessary to lay down clear rules reconciling the requirement of inalterability of the Official Journal with the obligations stemming from Union legal acts on the protection of personal data and from decisions of the Court of Justice of the European Union to have certain information removed. Such removal should be carried out by making available a new version of the electronic edition of the Official Journal concerned, accompanied by a notice to that effect. The original version of the electronic edition of the Official Journal concerned should be kept in the archives of the Publications Office for an unlimited period under technical and organisational conditions which ensure that the original version can be disclosed only in accordance with Union law, in particular rules governing the right to access documents and the protection of personal data.

(4) The Publications Office has put in place contingency measures which minimise the risk of not being able to publish and make available the electronic edition of the Official Journal on the EUR-Lex website.

(5) In exceptional situations where, despite the contingency measures put in place, it is not possible to publish the Official Journal on the EUR-Lex website and the publication is done in printed form, the Publications Office should provide information concerning such publication on the EUR-Lex website as soon as possible. For the sake of legal certainty, it is necessary to ensure that the electronic edition of the Official Journal subsequently made available to the public on the EUR-Lex website becomes the only authentic edition and that it produces legal effects.

(6) In order to provide the maximum benefit to citizens in terms of ease of access to the Official Journal, as well as to ensure legal certainty, it is also appropriate to confer exclusive authenticity status on the electronic versions of the few authentic printed editions of the Official Journal published after the entry into force of Regulation (EU) No 216/2013.

(**7**) Regulation (EU) No 216/2013 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) No 216/2013 is amended as follows:

(1) Article 2 is amended as follows:

(a) paragraph 1 is replaced by the following:

‘1. The electronic edition of the Official Journal shall be published under technical conditions ensuring the authenticity, integrity and inalterability of its content.

The system put into place to ensure authenticity shall be documented on the EUR-Lex website and allow for the authenticity of the electronic edition of the Official Journal to be easily verified.’;

(b) the following paragraph is added:

‘4. Where certain information in the Official Journal is to be removed after publication pursuant to a decision of the Court of Justice of the European Union or in order to protect personal data in accordance with Union legal acts, in particular Regulation (EU) 2018/1725 of the European Parliament and of the Council*, a new version of the electronic edition of the Official Journal concerned shall be made available, accompanied by a notice to that effect. The original version of the electronic edition of the Official Journal concerned shall be kept in the archives of the Publications Office for an unlimited period under technical and organisational conditions which ensure that the original version can be disclosed only in accordance with Union law.

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* Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).’;

(2) Article 3 is replaced by the following:

‘*Article 3*

1. Where it is not possible to publish the electronic edition of the Official Journal on the EUR-Lex website due to an unforeseen and exceptional disruption of the information systems involved, the edition of the Official Journal concerned shall be published in printed form. That edition shall be authentic and shall produce legal effects.

2. Once the information systems referred to in paragraph 1 are restored, the electronic edition of the Official Journal corresponding to the edition published in accordance with paragraph 1 shall be made available on the EUR-Lex website. From that moment on, it shall be considered to be the only authentic edition and shall produce legal effects.

3. The electronic editions of the Official Journal corresponding to the authentic printed editions of the Official Journal published after 1 July 2013 shall be considered to be the only authentic editions from … [date of entry into force of this amending Regulation].’.

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at …,

For the Council
The President