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NOTE

From: Publications Office of the European Union
To: Working Party on e-Law (e-Law)
Subject: Publication of National implementing measures (NIM)
– State of play

I. Introduction

1. The transposition of European directives into national law is notified by Member States through a notification system managed by the Secretariat-General of the European Commission. Each notification consists of the transmission of the text of the national implementing measure (hereafter "NIM"), as well as a set of metadata on the act, its transposition and its publication. Part of these metadata is transmitted to the Publications Office for dissemination on EUR-Lex but for the time being not the text itself.

II. Follow up of the last meeting of the working party on e-Law on 9 December 2014

2. The ongoing discussions within the Council working party on e-Law about a better dissemination of NIM on EUR-Lex lead to an approach on the need to provide an "optimum access to legal information for citizens" offering "access not only to directives, but also to the provisions of national measures that put those directives into practice".
3. It was agreed to organise a test phase in April 2015 in which the Member States could see how the NIM could be made visible on EUR-Lex. For that reason, the Publications Office repository — CELLAR — and its data model have been adapted to make it possible to see texts, links and transposition status on EUR-Lex.
4. The test phase with three directives and the related NIM started the 27 April and the test environment was available until the 21 May.
5. The testing Member States had the possibility to see the improvements done in order to allow such access:
 - the introduction of a summary table of all NIM for an implemented directive as a new tab available via the bibliographic notice of the implemented directive;
 - if the Member State agrees,
 - a) the possibility of accessing the full text directly or via a hyperlink to the national website or via ELI when provided by the Member States;
 - b) the transposition status communicated by the Member States (previously not disclosed).
6. Nine Member States volunteered to participate in the test "with content", submitting either the full text of their NIM (Ireland, Spain, Croatia, Cyprus and Latvia), or a link to their national website (Netherlands, Austria and Slovenia) or a link in the form of an ELI identifier (United Kingdom); Germany participated as an observer.

7. The Member States were invited to share their final impressions of the test using an online survey (results available at <http://app.surveygizmo.com/reportsview/?key=176554-4516525-f9a17c6c77f60421bfb4bb96af83db2d>).
8. The objective of this exercise was to test the new functionalities and overall the results are satisfying: all the testers agreed that it was easy to navigate the new NIM table.

III. Next steps

9. To resume, the different possibilities of implementation offered to the Member States are:
 1. The inclusion or linking of the text of the NIM in EUR-Lex; Member States can choose to:
 - a) keep the current situation and not make the text available in EUR-Lex;
 - b) make the text available in EUR-Lex by means of:
 - the diffusion of the text sent to the Secretariat-General of the European Commission at the moment of the notification (only the measure itself, accompanying administrative documents will not be published), or
 - a link to the document in their national website (normal linking or linking using a ELI identifier).
 2. The display of the transposition status¹ in the NIM summary table included in the directive's notice; Member States can choose to:
 - a) keep the current situation and not make this information available;
 - b) make this information available to the users via EUR-Lex.

¹ As communicated by the Member States to the Secretariat General through the notification system

10. The Publications Office and the Secretariat-General of the European Commission consider that the implementation of the above mentioned improvements can be technically achieved in the first trimester of 2016, should the Member States agree with it and communicate their individual choices by the end of 2015. Still in 2015 integrated tests still have to be performed for how the links can be transmitted by the Member States via the notification system handled by the Secretariat-General of the European Commission. The information will only be made available for future notifications.

IV. Developments on EUR-Lex

11. Currently, EUR-Lex already provides an effective and reliable access to information on the NIM via:
 - a) the advanced search form (under the "National law" collection);
 - b) the implemented directive (through the tab "Linked documents").
12. A version of the table which was tested by the Member States but which contains only the metadata already displayed on EUR-Lex will be put in production soon.
