



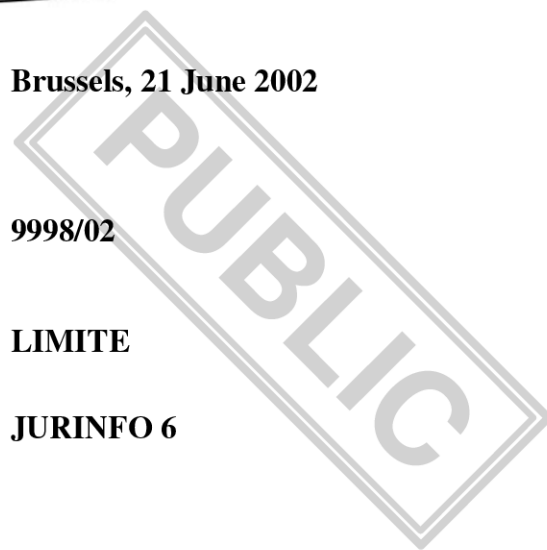
**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 21 June 2002**

**9998/02**

**LIMITE**

**JURINFO 6**



### **OUTCOME OF PROCEEDINGS**

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From : Working Party on Legal Data Processing  
date : 12 and 13 June 2002  
Subject : Summary of discussions

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#### **I. Preliminary items**

- Adoption of the agenda

The agenda as set out in Telex number 2276 of 14 May 2002 was adopted.

#### **II. EUR-Lex/ CELEX**

- situation report.

The representative of the Office for Official Publications presented a general overview of EUR-Lex and CELEX.

Currently the portal provides general access to EUR-Lex and CELEX. Both systems - which exist in all languages - have a different background and serve different purposes. EUR-Lex is a text server allowing access to the Official Journal, while CELEX provides a working tool for lawyers allowing specific research of documents.

EUR-Lex should remain a tool for citizens wanting to have access to EU/EC legislation (thus being very user-friendly). CELEX remains a specialised system available for experts. Although the systems should continue to exist as separate systems, the production of both systems (adding documents with their specific index reference) should be harmonised.

EUR-Lex should play an important role in the relation with the public (making documents available), while CELEX has to provide an added value for legal professionals or documentalists by ensuring that at the time of enlargement EU/EC legislation will be made available in the languages of the accession States.

EUR-Lex needs in future to provide more contextual explanations for the user, inter alia regarding the way EU/EC legislation is produced, while the system should also take into account the demands from the regular users. For that it is however required defining the profiles of the users of EUR-Lex. Also in CELEX the quality needs to be improved, allowing a better access to the documents. Furthermore access to annexes of legal texts must be improved while CELEX has to cover all documents (filling existing gaps).

The Publications Office will analyse user requests, which are dealt with by service providers. A new development in CELEX will be the creation of a user profile allowing the user to be informed as soon as a document in his field of interest is added to the database. At the next meeting of the Working Party this new function will be presented.

The Publications Office is furthermore producing a new version of the Official Journal on CD-ROM, containing all volumes of the Official Journal (OJ) up to the last six months of the year. Test versions of this CD-ROM have recently been distributed and can also be made available to the delegates in the Working Party.

At a next meeting of the Working Party a more detailed presentation will be given by the Publications Office.

The representative of the Publications Office added that CELEX remains a paying system, being paid for by direct subscription holders, licence holders and sales through specialised offices. The licence holders can provide users with specific information and assistance given that they are closer to the end users.

### **III. Oral report on the meeting of the Management Committee of the Office on 18 March 2002.**

The Presidency noted that the Management Committee at its meeting of 18 March 2002 mainly discussed EUR-Lex and CELEX. Considerable progress has been made regarding the portal. Some improvements regarding the access to documents related to draft EU/EC legislation will still have to be made, as well as regarding access to implementation legislation in the Member States. Also the synergies between EUR-Lex and other databases could be improved.

The basic work has however already been done and at present the work concentrates on improving the system (making it more user-friendly).

The representative of Commission informed that recently (3 June 2002) the Commission register of documents has become operational.

The Presidency furthermore recalled a recent judgement of the Court of Justice accepting certain preparatory legislative documents as a valid method of implementing EC directives.

### **IV. State of play regarding the following projects:**

1. *EULEX-3 (links with the texts of national implementing measures for Directives)*

As general introduction the representative of the Office for Official Publications (Publications Office) noted that it had always been foreseen to incorporate national legislation and national case law in the European databases. At present three systems are being prepared in order to implement the aforementioned access to national legislation and case law.

EULEX-3 allows the user to find the links with the texts of national implementing measures for directives. The project falls within the remit of the General Secretariat of the Commission. The representative of the Publications Office stated that EULEX-3 will for practical reasons (and taking into account that most of the national systems are presently free of charge) only give access to free of charge national services.

A representative from the General Secretariat of the Commission outlined the way in which EULEX-3 is organised. The idea behind the system is to connect the European and the national databases, allowing direct access from the European database to the national (free of charge) databases. Via intermediate pages the user will be guided to the national service he/she is looking for.

This year the system will be able to link-up 5 to 10 Member States, the other Member States will follow next year. The setting up of a pilot group of 5 Member States is the only way to make rapid progress, given the limited funding available. The experiences gained with these 5 Member States will be of benefit to the other Member States allowing also them to move forward quickly.

The Commission representative furthermore elaborated the financing of the project. He underlined that the system must be citizen orientated.

The Commission representative continued with a short presentation of the system, allowing the Working Party to see how the system will work in practise. It will be set up in close cooperation with the Member States in order to allow a smooth access to the respective national systems. For this purpose a questionnaire has been sent to all Member States. It is imperative that the European and national systems are and remain compatible in order to avoid so-called blank links. Close cooperation between the EU and the national authorities is therefore of the utmost importance (for instance setting up a harmonised system for notifications).

The Finnish delegation stated that at present the system still contains many errors affecting the quality of the data. The Member States should scrutinise the information presently contained in the system in order to correct the information held by the Commission.

2. *List of national on-line legal documentation services.*

The representative of the Publications Office informed that this project is based on the work of Working Party on Legal Data Processing. The Working Party decided to draw up a list of links to national legal websites on the basis of information provided by the Member States. The list should in a few words also - on the basis of information provided by the Member States - describe the content of the relevant national websites

The system was shortly presented. It became clear that a number of delegations had until now not provided the correct information, making it impossible for the Publications Office to further develop the system. Delegations were therefore strongly invited to provide as soon as possible the requested information. The Publications Office can not do this work and the system can not be made operational before the relevant has been transmitted to the Publications Office.

3. *Nat-lex (sole access to on-line legal documentation services)*

The representative of the Publications Office stated that this project is organised by the Publications Office. The Publications Office will produce a sole access point to on-line legal documentation services in the Member States. Very recently the development of Nat-lex has been authorised. The aforementioned authorisation will allow the development of Nat-Lex to be brought forward on the basis a number of pilot links.

**V. On-line electronic publication**

State of electronic publication of legal texts in the Member States. Round of comments.  
(7179/02 JURINFO 2)

The round table resulted in the following comments:

The Austrian delegation introduced document 9584/02 JURINFO 4 that outlines the electronic production of legislation in Austria. This process includes the technical production process of legislation (legislative quality), the process of legislation decision-making at governmental level as well as the electronic publication of legislation. The system should guarantee that during the whole legislative process the layout is followed.

As from 2003 the electronic publication of legislation should in principle be legally binding. The electronic publication of legislation does not require an electronic signature as long as the content of the database is authentic and the citizen has access to the authentic database. This last remark was supported by the French delegation. Transmission of documents between departments requires an electronic signature; the publication in an electronic database does not require such a signature. The electronic system is presently being tested and not yet fully accepted in the law making process due to the fact that it requires existing procedures to be changed.

The Belgian delegation noted that in Belgium the workflow (electronic process of legislation) has still to be developed. Electronic publication is however well established and it has been recently accepted that electronic publication of legislation can be legally binding.

The Swedish delegation stated that presently plans are being implemented to create a single governmental portal (including case law).

The French delegation informed that in France the electronic production of legislation (workflow) still has to be implemented, while the electronic publication of legislation is well developed (it is being discussed to create a specific site containing electronic texts of legislation being legally binding).

The Portuguese delegation noted that in Portugal no legally binding electronic publication of legislation takes place. During the legislation process (workflow) however electronic means are being applied, it being understood that the secure transmission of texts must be guaranteed.

The German delegation stated that at present in Germany no common standard for the production of legislation is being used. It is planned to develop such a common standard as well as to create a legally binding electronic publication of legislation.

The Finnish delegation informed that in Finland since 1995 legislation has been published electronically. The electronic publication of legislation is regarded as legally binding. Also the workflow of legislation is based on an electronic system.

The United Kingdom delegation gave an overview of the electronic production of legislation in the UK. Although each of the existing parliaments/legislatures used a different solution, each solution covered the whole process from initial drafting through the entire workflow within the Parliament to publication of the Act. It is planned to create a single production system for all legislation based on use of XML. Changes were being implemented which would enable UK Courts to accept the legality of the electronic publication of legislation.

The Representative of the Publications Office informed that the EU Institutions presently try to set up an electronic workflow process for the production of legislation. The legality of the electronic publication of legislation is at present not being discussed in the EU/EC framework. Such an electronic publication would require a broad access to the Internet as well as the authenticity of the texts, which are electronically published. The EUR-Lex system needs however to become absolutely reliable in case it should become the sole method for publishing legislation. He added that in Norway legislation is being published only electronically. The representative of the Commission subscribed to the comments made by the representative of the Publications Office, it being understood that the Commission has set up a system for the electronic transmission of documents.

The Netherlands delegation noted that all legislation is fully available electronically. In the workflow process a paper document is always sent alongside the electronic version. All legislative documents are available both electronically and in paper form. At present a free of charge database is being developed containing consolidated versions of legislation. Also a free of charge site for case law is available containing the decisions of the supreme courts and about half of the other courts.

The Irish delegation shortly outlined recent developments regarding the electronic production and publication of legislation in Ireland.

The Italian delegation informed that presently the electronic production of legislation is further developed. A portal is operating allowing users to be directed to the adequate Internet sites. The portal will lead to interoperability between the different systems. All users should be able to have access to all information available. The electronic publication of legislation has lead to a debate whether access to legislation and court decisions should be free of charge (the government has promised that the access should be free).

The Greek delegation introduced two experts in the field of electronic documents. In Greece problems regarding the authenticity of electronically published documents are still not resolved. An electronic signature would be the only way to guarantee that electronic documents are authentic (requiring particular software systems). Nevertheless legislation and documents resulting from the legislative process are presently being published on the Internet. The Internet site is available in Greek and English and provides access to the relevant Internet sites (portal). The Greek Official Journal is electronically available but still not free of charge.

The Danish delegation stated that the electronic production and publication of legislation raised fundamental legal question. An electronic workflow process is in place and all Danish legislation is also being published electronically. However the authenticity of electronic publications must still be clarified.

The Spanish delegation shortly informed about the electronic publication of legislation in Spain. The President noted that many topics have been address related to the legislative process as well as to the publication of legislation. Many of the issues addressed still need to be further developed, including the constitutional aspects related to the modern electronic developments.

## **VI. Questionnaire from the Presidency of the Working Party**

### **1. *Presentation of the main results of the questionnaire (7177/02 JURINFO 1).***

The President shortly outlined the ideas behind the questionnaire as contained in document 7177/02 JURINFO 1 - the answers to which can be found in document 9057/02 JURINFO 3 - and invited all delegations to exchange views.



## 2. *Round of comments.*

The Belgian delegation noted that no central site is available giving the citizens explanations concerning existing legislation. However such information is available in several decentralised sites.

The Swedish delegation stated that in Sweden the central portal gives access to parliamentary documents, which provide background information. Also case law should be included in the portal.

Outcome of proceedings from the Working Party on Legal Data Proceedings on 12 and 13 June 2002 (document 9998/02 JURINFO 6)

## VI. Questionnaire from the Presidency of the Working Party

### 2. *Round of comments*

The French delegation informed that on September the 15<sup>th</sup>, all legislation including draft legislation and case law will be available for free via the Internet at [www.legifrance.gouv.fr](http://www.legifrance.gouv.fr). The site will also contain collective agreements and legislation adopted by Independent Administrative Authorities.

Laws and decrees will be obtainable in a consolidated version.

The site will be offered through three search interfaces: basic search, expert search and thematic search.

However, the site will not contained either comments regarding legislation or hypertext links between legislation and case law in order to respect the competition rules existing in the publishing area.

At least, case law will not have any references to names and addresses of parties and witnesses cited in judgments, following the recommendation n° 2001-057 edited by the CNIL about the diffusion of personal data in the internet by legal databases.

The Portuguese delegation noted that a central site allows the citizens to access relevant information about legislation and the governmental organisation. The site is well known throughout Portugal. The electronic official journal portal allows central access to sites with specific legal information. Access to the official journal is free of charge for 45 days. As from March 2002 the central governmental portal is operational.

The German delegation stated that one has to make a distinction between legal information for experts and the information for citizens. For experts a central site has been created, which is a paying service. For the citizens one free of charge portal allows access to legislation and governmental information. It includes all official journals, consolidated legislation and parliamentary documents. Also the free of charge access to the case law of the highest German courts is close to completion.

The Finnish delegation informed that in Finland openness of government is a fundamental principle. The access to information should therefore be free of charge. This applies also to the Internet. A citizens handbook portal is available in several languages allowing access direct access to the different Internet sites. It contains inter alia legal information. For more specialised legal information a central portal allows access to Finnish legislation (including a glossary for the translation of legislation and the translated version of key legislative texts) and case law. Also documents related to the legislative process are available via the Internet.

The Austrian delegation noted that a central site allows access to all legislation (including consolidated versions) and decisions of the highest courts. Free of charge search functions are available. Also a central site containing legal information for citizens is available.

The United Kingdom delegation stated that no central legal portal is in operation, though the central UK Online governmental portal provides links to relevant governmental sites. The HMSO website contains all adopted legislation, the administrative regulations and orders and explanatory material prepared by the government. Also draft legislation is made available via this and the Parliament site. Furthermore a site is available containing answers to legal questions that the citizen might have. The new database of Statute Laws containing revised texts of all legislation from 1235 to date is due to be made available free to the citizen in 2003.

The representative of the Publications Office informed that a single portal is being developed allowing access to a wide range of information (including legislation and case law). Consolidated texts are only available electronically (the consolidation process should be concluded in the course of next year). All texts are available in all languages (although not always immediately). The representative of the Commission added that the Commission presently is improving the access to the policies of the Commission and access to specific information for citizens regarding their rights and obligations under European legislation. A representative of the Court of Justice noted that parties can request anonymity, but that it is not planned to remove all references to the names of the parties in decisions which are already been rendered by the Court of Justice.

The Netherlands delegation stated that a central portal allows free of charge access to the electronic versions of legislation, case law and parliamentary documents. The translation of key court decisions is presently being considered.

The Irish delegation noted that a number of more general issues must be addressed:

- the question whether information is free of charge
- the question whether electronic information has an official status
- privacy questions (removing names from legislation and decisions)
- questions related to translation (should texts be translated)
- availability of draft legislation.

The Italian delegation informed that the Italian Constitutional Court held that the right to information is a fundamental right. A single platform is being developed bringing together all the governmental information (legislation and case law of the highest courts). Also a site directed at the citizens is operational allowing citizens free of charge access to legal and governmental information. Furthermore several paying services are available and a number of regional and local databases have been set up.

The Greek delegation stated that in Greece a single portal is available allowing access to all legislation. A number of paying services are furthermore providing specialised legal information. Also a list is available with the websites addresses of the different Greek Ministries.

The Danish delegation noted that a citizens' portal assists the citizens by providing them with general information. Also information regarding parliamentary procedures as well as adopted legislation is available free of charge. The government does not publish case law, but by a private company (thus a paying service).

The President concluded that the round table debate showed that all delegations accepted that general information should be provided to the citizens. One of the problems encountered by several delegations related to the translation of legislation.

## **VII. Demonstration by the Spanish delegation**

The Spanish delegation gave an in-depth presentation of the way in which the electronic access to legislation is organised in Spain. Key legislation will be translated and thus available in different language versions. The central portal set up by the Government not only contains the text of legislation but also a large amount of practical information. This information assists the citizens regarding several aspects of his life. The site furthermore contains information concerning the activities of Spanish governmental bodies.

### **VIII. Report to COREPER**

The Working Party reached agreement regarding the report to COREPER, which is contained in document 9997/02 JURINFO 5. The report will as soon as possible be transmitted to COREPER as an I point.

### **IX. Other business**

The Danish delegation shortly outlined their plans for the activities of the Working Party on Legal Data Processing during the Danish presidency.

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