(Legislative acts)

REGULATIONS

COUNCIL REGULATION (EU) No 216/2013
of 7 March 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) Article 297 of the Treaty on the Functioning of the European Union (TFEU) deals with the publication in the Official Journal of the European Union (hereinafter ‘the Official Journal’) and the entry into force of legal acts of the Union.

(2) Regulation (EC) No 1/1958 (1), including any subsequent amendments thereto, determines the official languages of the institutions of the European Union.

(3) The printed edition of the Official Journal, available in all official languages of the institutions of the Union, is at present the only legally binding publication, although it is also made available online.

(4) Decision 2009/496/EC, Euratom of the European Parliament, the Council, the Commission, the Court of Justice, the Court of Auditors, the European Economic and Social Committee and the Committee of the Regions of 26 June 2009 on the organisation and operation of the Publications Office of the European Union (2) ensures that the Publications Office enables the institutions to fulfil their obligation to publish legislative texts.

(5) The Court of Justice of the European Union has held, in Case C-161/06 Skoma-Lux sro v Celní ředitelství Olomouc (3), that legal acts of the Union are not enforceable against individuals if they have not been properly published in the Official Journal and that making such acts available online does not equate to valid publication in the Official Journal in the absence of any rules in that regard in Union law.

(6) If publication in the Official Journal in electronic form were to constitute valid publication, access to Union law would be faster and more economical. Citizens should, nevertheless, continue to have the possibility to obtain a printed version of the Official Journal from the Publications Office.

(7) The Commission Communication entitled ‘A Digital Agenda for Europe’ highlights that access to online legal content favours the development of a digital internal market, which leads to economic and social benefits.

(8) Rules ensuring the authenticity, integrity and inalterability of the electronic publication of the Official Journal should therefore be laid down.

(9) This Regulation should also lay down rules applicable in cases where, due to unforeseen and exceptional circumstances, it is not possible to publish and to make available the electronic edition of the Official Journal.


(1) Regulation No 1 determining the languages to be used by the European Economic Community (OJ 017, 6.10.1958, p. 385/58).
Article 1
1. The Official Journal shall be published in electronic form, in accordance with this Regulation, in the official languages of the institutions of the European Union.

2. Without prejudice to Article 3, only the Official Journal published in electronic form (hereinafter the electronic edition of the Official Journal) shall be authentic and shall produce legal effects.

Article 2

2. The electronic edition of the Official Journal shall display information regarding its publication date.

3. The electronic edition of the Official Journal shall be made available to the public on the EUR-Lex website in a non-obsolete format and for an unlimited period. Its consultation shall be free of charge.

Article 3
1. Where it is not possible to publish the electronic edition of the Official Journal due to an unforeseen and exceptional disruption of the information system of the Publications Office, the information system shall be restored as soon as possible.

The moment at which such a disruption occurs shall be established by the Publications Office.

2. Where it is necessary to publish the Official Journal when the information system of the Publications Office is not operational pursuant to a disruption as referred to in paragraph 1, only the printed edition of the Official Journal shall be authentic and shall produce legal effects.

Once the information system of the Publications Office is restored, the corresponding electronic version of the printed edition referred to in the first subparagraph shall be made available to the public on the EUR-Lex website for information purposes only and shall contain a notice to that effect.

3. Once the information system of the Publications Office is restored, the EUR-Lex website shall provide information on all printed editions that are authentic and that produce legal effects in accordance with the first subparagraph of paragraph 2.

Article 4
1. With regard to the electronic edition of the Official Journal, the Publications Office shall be responsible for:

(a) publishing it and guaranteeing its authenticity;

(b) implementing, managing and maintaining the information system producing the electronic edition of the Official Journal, and upgrading that system in line with future technical developments;

(c) implementing and extending the technical facilities to ensure accessibility for all users to the electronic edition of the Official Journal;

(d) setting up internal security and access rules with regard to the information system producing the electronic edition of the Official Journal;

(e) preserving and archiving the electronic files and handling them in line with future technological developments.

2. The Publications Office shall exercise the responsibilities set out in paragraph 1 in accordance with Decision 2009/496/EC, Euratom.

Article 5
This Regulation shall enter into force on the first day of the fourth calendar month following its adoption.
This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 7 March 2013.

For the Council
The President
A. SHATTER