

Luxembourg, 7 July 2003

MEETING OF DIRECTORS OF THE OJS OF THE EUROPEAN UNION AND THE FUTURE MEMBER STATES, IN THE PRESENCE OF THE DIRECTOR OF THE CANADA GAZETTE

FRIDAY, 11 APRIL 2003

SUMMARY MINUTES

Introduction by Mr Pinto and exchange of views

Mr Pinto, Director of the Portuguese *Diário da República*, chaired the meeting and introduced the discussion (see text of his address in Annex 2).

The Official Journals (OJs) were faced with two major changes:

- that of the Union (enlargement, transparency, subsidiarity);
- that of new technologies (the Internet, multi-media publishing, new XML publishing systems etc.) and their implications referred to at the Colloquium held on 10 April 2003 to mark the 50th anniversary of the OJ of the European Union.

Mr Pinto recalled the previous meetings in Lisbon in 1998 and Paris in 2001, bilateral contacts (such as Hungary-Portugal), and OJ links with a linguistic (e.g. in Portuguese) or regional (e.g. North American) basis.

Mr Pinto proposed an association of the OJs of the European Union, obviously with the participation of those of the future Member States, in order to exchange their experience via an Internet portal: technical aspects of production and dissemination (XML, PDF, open source software), policies on the transparency of the legislative or judicial process, national measures to implement European law, consolidation of legislative texts, sales policy, and policy on free copies.

A small committee composed of the OJs of Belgium, France, Italy, Portugal, the Czech Republic and, for the OJ of the European Union, the Publications Office could take on the task of drawing up an initial draft.

The participants were favourably disposed to such coordination on condition that the OJ supervisory authorities agreed and that it was organised reasonably informally.

Ms Leskovic, Director of the Slovenian *Uradni List*, invited the OJ heads to the meeting in Slovenia in 2006 to mark the 60th anniversary of the Slovenian OJ. (After the meeting, Mr Schiessl, Director of the *Wiener Zeitung*, which publishes the Austrian *Bundesgesetzblatt*, offered to organise the 2004 meeting in Vienna.)

Ms Berteloot, of the Access to Law Unit of the Publications Office, pointed out that in the Council of EU there was a working party for legal coordination among the representatives of the Member States, and she considered that it would be useful for the representatives of the national OJs to coordinate any developments and exchanges at EU level and among themselves with the national delegates in this working party (the Council Working Party on Legal Data Processing), since it was important to reduce duplication of work and to coordinate the work of various forums, associations or working parties.

With regard to communication problems in a multilingual environment, Ms Berteloot stated that a multilingual thesaurus (EUROVOC) existed in 21 language versions (but not in Estonian, Hungarian or Maltese). Its address was <http://europa.eu.int/celex/eurovoc>. This thesaurus had been developed at the request of the European Parliament. The national parliaments were involved in its further development. It could prove an essential tool for reciprocal access to knowledge of the law and in particular the legislation of the other Member States, and the OJs could also contribute to this cooperative project by putting forward proposals.

Ms Berteloot also stated that developments were under way to put on line a register of national on-line legal documentation services and to consult these services by means of a single search mask. These projects were being led by the above-mentioned Council Working Party on Legal Data Processing.

Presentation of the site of the OJ *Diário da Republica Electrónico* by the INCM

Address <http://www.dr.incm.pt>

Mr Pinto presented the Web site of the Portuguese electronic Official Journal: the part with free access, the part with charged access, the page devoted to the national OJs of the Portuguese-speaking countries, and the page devoted to the OJ of the European Union.

Exchanges of information on the Official Journals

Public procurement

Information on public procurement is not always published by the national Official Journals but often by separate private companies in the form of a paid subscription. Services for the notification of public contracts are often proposed.

It would be useful to draw up an inventory of the rules applicable to the awarding authority, to firms wishing to tender, and to users of the sites.

The legislative process

The legislative process is usually presented either on the sites of the national parliaments or on those of the Ministries of Justice, but not on the Official Journal sites.

Legislation in force

OJ sites give legislation in force sometimes in consolidated form, as in Estonia, but mostly as PDF files which faithfully reproduce the printed version of the Official Journal, which continues to be the authoritative version.

Free access is usually available. Advanced search services are often charged for.

Case law

Case law is not available on the Member States' OJ Web sites but is available either on specialised sites belonging to the Ministries of Justice or in conventional legal databases.

The Publications Office proposed collecting, with the help of the OJ representatives, information with which to draw up a list of the practical arrangements for disseminating legislation in preparation, legislation in force, consolidated legislation, case law and public contract notices. Such an inventory would be a useful addition to an overview of the features of the national on-line legal sites which was being compiled by the Council Working Party on Legal Data Processing.

Annexes

- 1. List of participants at the meeting of 11 April 2003*
- 2. Address by Mr Pinto*

*ANNEX 1***Participants at the meeting of 11 April 2003****1. Representatives of the Official Journals of the EU and the candidate countries**

Mr João PINTO (Portugal) - Chairman
Ms Daina ABELE (Latvia)
Mr Daniel ANDRICH (Luxembourg)
Mr Ricardo BARREIROS (Portugal)
Ms Sandra COSTA (Portugal)
Mr Emil HORCICKA (Czech Republic)
Mr Jiri KAUCKY (Czech Republic)
Ms Joëlle KAUFFMANN (France)
Ms Carole KENNEDY (Canada)
Ms Nina KOCH (Denmark)
Mr Külli KOIT (Estonia)
Ms Alenka LESKOVIC (Slovenia)
Mr Christian MORELL (OJ France)
Dr Francesco NOCITA (Italy)
Dr Béla PUSZTAI (Hungary)
Mr Karl SCHIESSL (Austria)
Ms Marika SEPPIUS (Estonia)
Mr Pascal THILL (Luxembourg)
Mr Albert VAN DAMME (Belgium)
Mr Berchard WEWEL (Germany)

2. Representatives of the Publications Office of the EU

Mr T.L. CRANFIELD
Mr Andrea BARTOLINI
Mr Albrecht BERGER
Ms Pascale BERTELOOT
Ms Lucia CECCARELLI
Mr Gyorgy KALMAN
Mr Michel LANGLAIS
Mr Carlos NETO
Mr Jean-Jacques PATRICOLA
Mr Jacques RAYBAUT
Mr Jean-Pascal RIHOUX
Mr Yves STEINITZ
Ms Regina VAHRMEIJER

ANNEX 2

Address by Mr Pinto

1

I would like to thank Mr Cranfield for giving me the opportunity to speak to you today, my esteemed colleagues and representatives of the Official Journals of the European Union's Members.

I hope you will feel that I have lived up to the expectations and responsibilities of the invitation.

2

I was invited with regard to the point of view that we have maintained on the role that the Official Journals of the EU countries, and the EU itself, should play at a time that is historical in more ways than one: that of the construction of the EU and of the widespread adoption of new information technologies.

3

In 1998, as these two unavoidable realities – one eminently institutional, the other of a technological nature – were readily apparent, we organised a Forum in Lisbon to which we invited representatives from the OJs of the southern countries – France, Spain, Italy, Greece – and of the EU's OJ.

4

The reason we kept the number of people invited to the Lisbon Forum low was that we were launching a project which we wanted to define clearly, and the Roman law used by all of the countries that were invited was a common heritage and provides a mental framework that facilitates understanding and coming closer together.

The presence of a representative of the EU's OJ served two purposes: it lent the EU's institutional weight to the event, and it gave the lie to any hint of European regionalism, which would be completely inappropriate with regard to what the Lisbon Forum hoped to achieve.

5

I must say that the goals were fully met, as both the participants' speeches and the Forum's conclusions were published in an issue of the INCM.

6

Following up on this Forum, our dear friend, the Director of the French Official Journal, Mr Jean Paul Bolufer, held a second Forum in Paris in 2001. This "*Colloque des Directeurs des Publications Officielles de l'Union Européenne*" was another step bringing all of us closer together, and attracted many participants.

7

The fact that nowadays, in addition to feeling that we are citizens of our own countries, we also feel that we are citizens of Europe is a qualitative change that we must allow to influence the purpose that our OJs serve.

8

The OJs essential role is to confer credibility, transparency and effectiveness to action that the political authorities consider to be relevant to our societies.

9

It is clear that free movement of people, goods and capital within the EU has given enormous momentum to the EU itself, to each of our countries and to individuals. Such a situation cannot fail to require procedural changes of the OJs which we represent, since it weaves a richer and more complex web of legal relationships and brings us into closer contact with the legal orders of the many EU countries.

10

This is reinforced by the fact that new information technologies – particularly the Internet – have, on the one hand, increased circulation of the content of the OJs, which can now be accessed instantly, and, on the other, made it possible to make the same content available in databases which provide legal professionals and the general public with more accurate and more systematic understanding of the legal framework in which they live.

11

A well-known effect of this clarity is that the market is taking an extremely active role, and that the subjects of this new legal, economic and political order are now playing on a new, larger and more complex, field. We see multinationals and lawyer's offices linked in networks and providing legal services aimed at the entire EU increasing contractual effectiveness and risk prevention, and improving conflict resolution.

12

Having got so far, we must ask ourselves whether we, the OJs of the EU Member States, have, on the basis of the institutional, economic and technological realities I have described, made an effective contribution to each of the countries that we represent and to the EU as a whole.

13

Obviously, it is not up to me to ask each of you this question: it is something that I ask myself, and I can only answer for the OJ that I represent.

So I would like to provide a full explanation of the changes that have been and are continuing to be made to my country's OJ, and describe where we stand at the moment. All I require is a moment of your time.

14

However, I cannot fail to mention that, with our focus on the EU, we have attempted to give the OJs of all the EU countries and of the EU itself a voice on the portal that we created precisely for this purpose. On this portal, as far as Portugal's OJ is concerned, links to the EU OJ are made automatically if there are EU rules which apply in Portugal.

I would also like to mention that we scrupulously stick to the form and the content used by each of the many OJs accessible from the Internet which are available through our portal.

15

This step is still in its early stages, but all of us should commit to taking it as a way of making the OJs of the many EU countries mutually accessible. I am sure others will adopt procedures in the same vein, but we should reflect on it and ensure our approaches are in harmony.

16

The same attitude should be taken with regard to the OJs of the EU candidate countries – whose representatives are here today, so I would like to take this occasion to personally welcome them – with the goal of working together to come up with proposals and find solutions.

With regard to this, I would like to mention that we have established bilateral links with Hungary's OJ, at their behest, and that these help to keep us up-to-date on each other's stages of development.

17

In connection with the OJs coming closer together, it would be lax of me not to mention that Portugal's OJ has also been developing closer ties with the OJs of the other Portuguese-speaking countries, all of which are outside Europe. This amounts to 200 million people, of which Brazil, naturally and affectionately, stands out, and who is only absent from this meeting because of unavoidable last-minute impediments.

For the last four years we have been holding annual meetings with them – two in Brazil and one in Portugal, which will play host again this year – where we discuss the problems and strategies we share, since the institutional portal that we are creating includes the information from Brazil's national and state OJs, as well as from the OJs of the other Portuguese-speaking countries which make information available on the Internet.

18

We Portuguese and Brazilians are aware of the central role that our shared language and culture play in our relationship. I firmly believe that Europe must not fail to recognise itself in this close relationship that has European culture and one of the main languages of our continent as its essential vector. If Europe is to leave its mark on the world, it can never be solely technological, although this can of course strengthen it.

19

Still referring to Brazil, I would like to mention that its OJs have come together in an effective association – the *Associação Brasileira de Imprensa Oficiais (ABIO)* – which has increased exchanges between its members and fostered development so that all can benefit from new information technologies and from the best practices in the dissemination of their respective contents.

20

But this need to institutionalise closer ties between the Official Journals is not the sole domain of the OJs I have already mentioned, specifically that of Brazil. This spirit of association has been growing: in the USA there is a very powerful and active association – the National State Printing Association – which has come to play an important role in establishing closer ties between the OJs of the United States. Every year it holds a meeting whose agenda is carefully prepared by the host states. At these meetings, information is widely shared by specially-invited firms working in new information technologies which provide knowledge and solutions in fields which need specific skills (e.g. computers).

I personally had the great pleasure of taking part in the 1998 meeting held in Washington and seeing for myself the useful and constructive way that they proceeded.

21

But what about us, my esteemed EU colleagues, and what about the candidate countries? If we leave it up to the markets to meet the growing needs of our citizens, and if we ourselves are not able to show, as institutions, that we can work together and if the solutions we need to come up with do not demonstrate that we have a talent for inventiveness, then we will surely be failing to respond to the challenges and opportunities presented to us by this historical occasion.

22

It is clear that the market plays an essential role. We, the INCM, have concluded a protocol with one of the main distributors of information in the world, which now uses its distribution channels to sell information on public competitions which take place in Portugal.

23

With everything that I have mentioned, with the steps we have already taken in Lisbon and Paris, with our societies' need for instant information, with the opportunities and challenges opened up by new technologies and by the spirit of co-operation shown by the most active Official Journals in the Western world, I would like to issue a challenge to everyone present to found an association of the Official Journals of the European Union – the AOJEU.

To do this, I would like to ask the most motivated among you to volunteer to take part in a committee to draw up its rules, to be approved at a meeting to be held soon for this purpose.

24

The steps that follow on logically from this – i.e. creating a portal containing all the OJs, holding regular meetings, creating a thesaurus of European legal terms, increasing free access to the OJs on computer media, connecting the OJs databases with suitable bodies in the world of law (e.g. Faculties of Law), etc. – will take place as a result of the rules and thanks to the ability to carry out tasks that we will be called on to demonstrate.

Director of INCM, SA