



The contribution of official gazettes to the creation of a European legal space

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of the European Union



Publications Office
of the European Union

The European Forum of Official Gazettes was created in 2004 by the organisations responsible for publishing the official journals of the EU Member States, and the Publications Office of the European Union. Since 2005, the forum has also been inviting representatives of legal gazettes from countries outside the EU to participate in its works. The objective of the forum is for official publishers to exchange ideas and information on publication processes, technologies and best practices.

The 16th annual meeting of the forum took place in The Hague (the Netherlands), focusing on *The future of official publications*. The topics discussed included technological challenges for publishers, the involvement of end-users and reusers, and multilingual access to law. The event was hosted by the Knowledge and Exploitation Centre for Official Publications, part of the Dutch Ministry of the Interior and Kingdom Relations, on the occasion of the 10th anniversary of the Dutch Digital Government Gazette.

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The contribution of official gazettes to the creation of a European legal space



Speech delivered by

Rudolf W. Strohmeier,
Director-General
of the Publications Office
of the European Union,
at the European Forum of Official
Gazettes, on 20 June 2019
in The Hague.

Dear Secretary-General,

Dear colleagues,

Ladies and gentlemen,

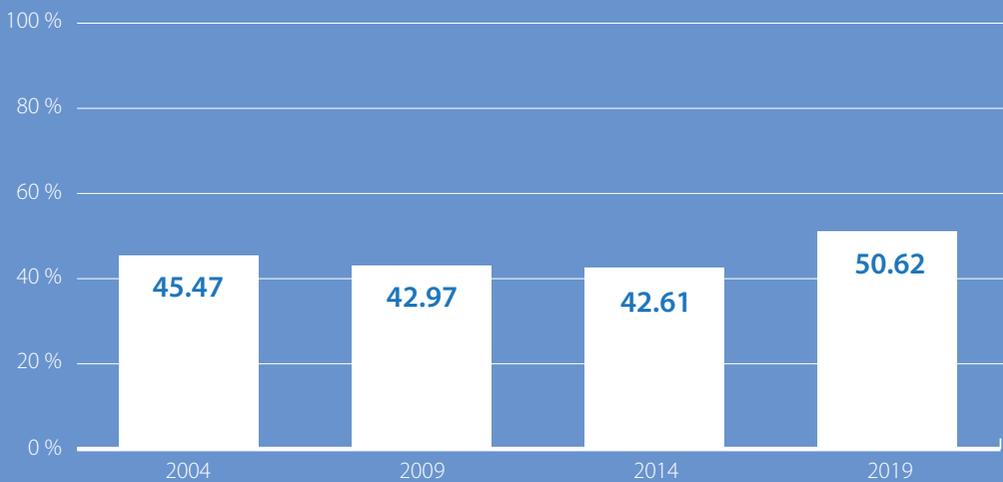
I have the honour, once again, to be here with you for our annual meeting.

This time we are hosted by the Netherlands, one of the founding countries of the European Union and one which has, from the very start, been a very active member of our forum. I would like to thank our Dutch colleagues, as well as the outgoing Norwegian Presidency, for arranging such an interesting programme. A programme which, I think, achieves the right balance between showcasing interesting features of the host country and presenting relevant developments in other countries, and also between presenting technical aspects and the bigger picture, at both European and global level.

As the title of my intervention may suggest, I would like to focus on our important role as actors who can use the legal information we produce and publish to bring forward the European project, with citizens at its centre.

2019 European Parliament elections: a turning point in European history

FINAL RESULTS



Source: European Parliament in collaboration with Kantar

2019 European Parliament elections

I believe that it is important to place our meeting today within the general politico-institutional context, as I believe we are at a turning point in the history of European integration. This was indicated, for example, by the overall rise in the turnout at the recent European elections. **More than 50 % of EU citizens** eligible to vote took part in the elections — the highest turnout in 20 years. We should also note that this was the first time since the first direct elections in 1979 that turnout increased.

This increase is definitely good news, as it reinforces the democratic legitimacy of the European Parliament and the EU institutions as a whole. It was probably the result of the perception by citizens that what was at stake in these elections was incredibly important: ultimately, the destiny of the European project itself. At the same time, the citizens of the Member State wanting to leave the EU started to realise what this would mean for them.

I had already pointed to the rise of populist movements and anti-EU sentiment in my intervention at the forum in Vienna in 2016. Well, the results of these elections, with a high popular turnout, demonstrated that the **feared anti-European tsunami did not come about**, as populist parties overall saw only a marginal increase.

But the elections also resulted in a more fragmented Parliament, which will probably make political processes more complex, as to build a stable majority at least three parties will be needed instead of two, not making the appointment of the top positions in the EU institutions any easier. The European Council is actually meeting over these 2 days, and is expected to discuss and possibly decide on the future European Commission president and other appointments for the next institutional cycle.

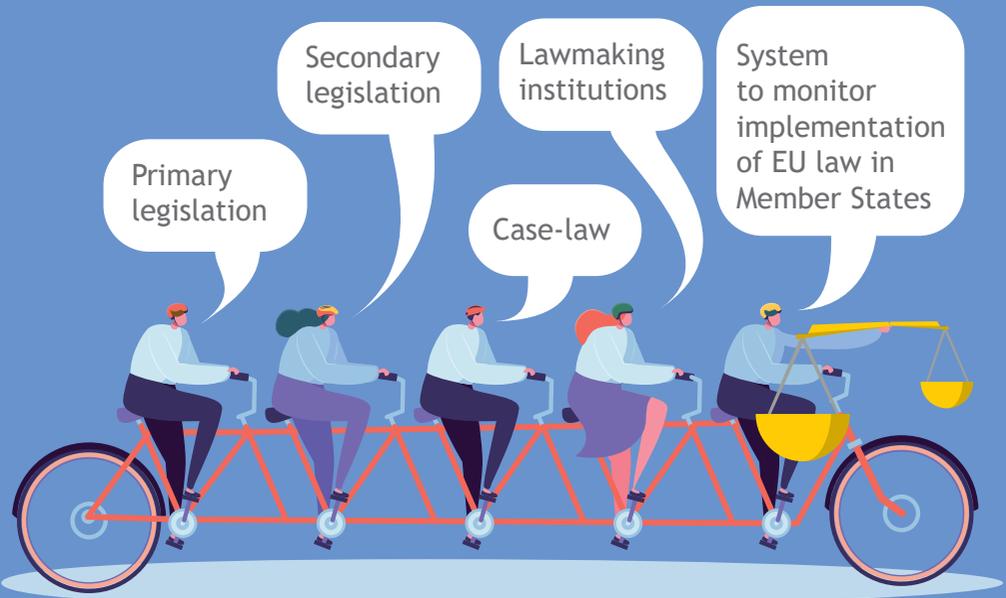
A European public sphere

The recent European elections were a turning point also because they clearly marked a milestone in the **emergence of a true 'European public sphere'**. Institutions are weak if they are not complemented by a thriving public sphere, a virtual open space in which civil society discusses common issues and forms so-called public opinion. Eurosceptics have argued in the past that no proper European public sphere existed, and that in the best case it would have been the mere sum of distinctive national discussion spaces. This fact, according to them, resulted in a structural weakness of the EU when compared with national democracies.

Some phenomena observed during the last election campaign provide evidence, however, that such a European public sphere is now emerging.

- The so-called *Spitzenkandidaten* process, which was launched during the 2014 elections, has proved to be a powerful tool to make politics more understandable

The EU as a community of law



and to engage citizens. By appointing lead candidates for the role of Commission president ahead of European elections, European political parties favour political accountability, the comparison of available policy options and public debate by means of the media.

- In fact, the media has shown an increasing degree of ‘Europeanisation’: the amount of coverage of EU issues by traditional national media (press and TV) is higher, and also social media, sometimes exploiting automatic translation technologies, have been established as means of cross-border political information and communication.
- The top issues, debated at both national and European levels, often have a cross-border and transnational dimension: security (for example the fight against terrorism), the economy (for example the euro and public debt), migration, climate change. The two levels are becoming more and more entwined.

In short, the emergence of the European public sphere is linked to the perception on the part of a growing number of citizens from different countries that we are part of a ‘common European destiny’. This is probably because the challenges posed by Brexit and by anti-European movements have led to a reaction which has reinforced European identity.

The EU as a community of law

Having touched on the institutional and political framework in which we will be operating, I would now like to focus on law, which is the main result of politico-institutional processes, and an area to which we as official publishers need to give the utmost attention.

Already more than 25 years ago, with the Treaty of Maastricht in 1992, it was decided that the European Union should develop into an area of freedom, security and justice. The Treaty of Lisbon made this statement even more prominent, as Article 3(2) of the Treaty on European Union not only stipulated that the Union should offer this area to its citizens, but also changed the ranking, as this area was put first, before the internal market, the euro, etc., with a clear citizen’s perspective.

Against this background, the EU has often been described as a **community of law**, in which common values, principles, rules and decisions are enacted and enforced through legal instruments. Almost 60 years of history have created a common legal corpus (primary and secondary EU law, EU case-law), common supranational institutions and a system through which the implementation of EU law in Member States is overseen.

A multilevel European legal space



Towards a European legal space

Despite the fact that this *acquis* is remarkable, the citizen's perspective is still to be further developed, as we can learn from the scepticism towards EU integration. As a consequence, legal scholars today tend to propose a guiding concept which is broader than a 'community of law', in order to better describe the increasing legal interdependences, to which the citizen is subject, between the supranational and national levels: the **European legal space**. This concept better captures the territorial dimension (not limited to the EU, but also open to EFTA/EEA, candidate and potential candidate countries), the complexity of the relationships (often asymmetric and non-hierarchical) and its dynamic nature, as compared with a more static 'community'.

A European legal space implies at least three complementary processes.

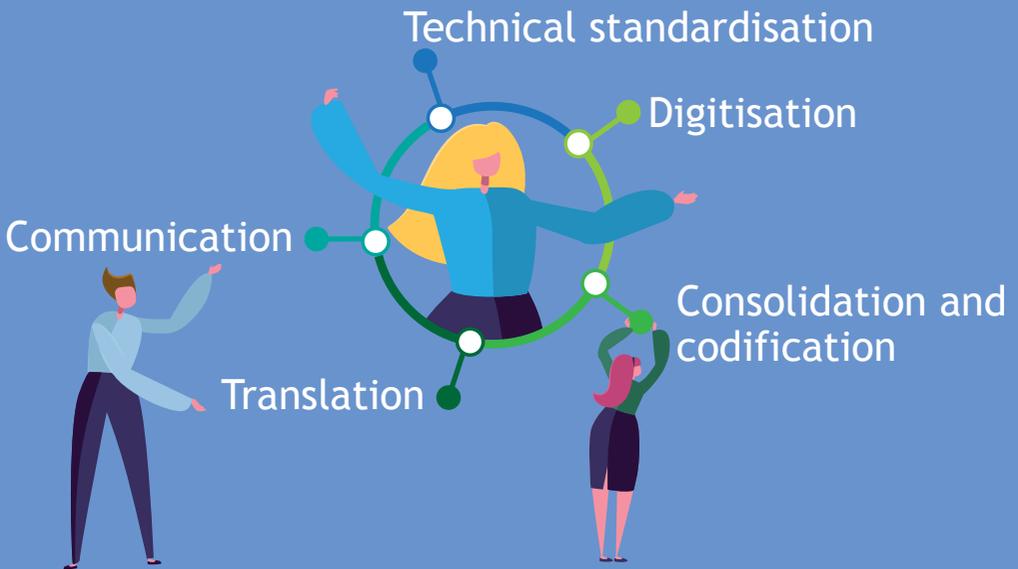
- Nationalisation of EU law: EU law becomes more and more relevant at national level.
- Europeanisation of national law: national law becomes more and more relevant at EU level.
- Increased cross-border importance of national law: national law becomes more and more relevant in other countries, not least because of the increasing numbers of citizens studying, working and retiring in other Member States, therefore requiring better information about all these laws.

Within such a European legal space, starting from the European Union, all laws (**at EU, national or regional levels**) would of course need to be gradually accessible and comprehensible by any citizen, regardless of their citizenship or language. The effort should not be limited to legislation, but should specifically target access to **case-law** in digital format, prioritising court decisions that refer to EU law. Currently, the publication of case-law is particularly diversified and dispersed, and information is hard to find, access and understand.

Therefore, the indispensable mutual understanding and trust across Member States is often fostered through judicial reviews at the level of the Court of Justice of the European Union, considerably slowing down integration. The reason for this may be that national judges sometimes do not have the linguistic capacity, and there is not even any legal guarantee that the understanding is the correct one.

The understanding of and building of trust in EU law crucially depends therefore on the digital, easy, comprehensive accessibility of all legislation and case-law at EU and Member State levels, across language barriers and with the links and dependencies among them made explicit.

Contribution of official publishers to the European legal space



In complementing this area of freedom, security and justice, Article 4(3) of the Treaty on European Union stipulates the principle of sincere cooperation. This implies the legal obligation of all EU Member States to assist each other and to facilitate the achievement of the Union's objectives.

The combined reading of these provisions putting the citizen and his or her needs at the centre is therefore also an obligation for us as official publishers, as part of our respective Member State's administration. And it offers a strong legal hook for the concept of a European legal space.

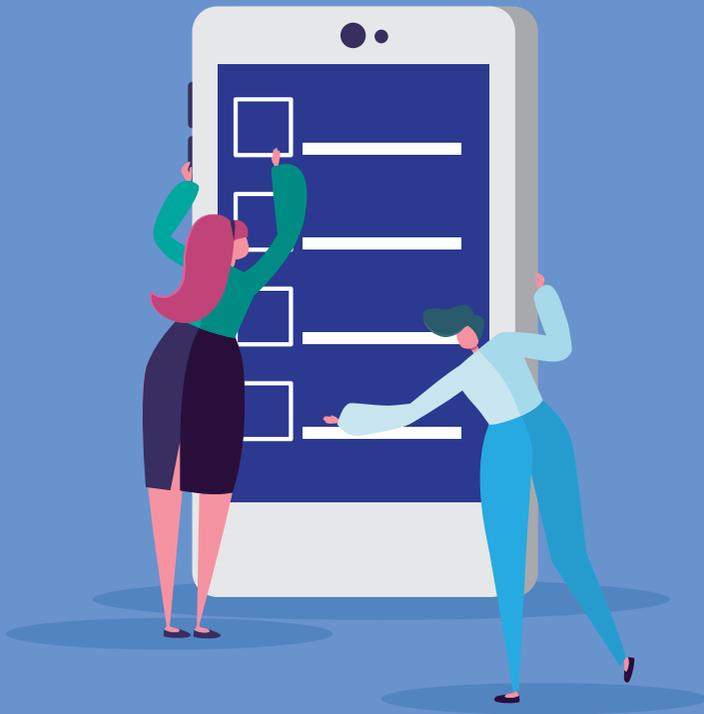
I strongly believe that the European Forum of Official Gazettes can play a crucial role in the development of a stronger European legal space to the advantage of the citizens, as national law is fully part of it. In addition, providing access to law is the noble responsibility of all official publishers.

This ambitious objective, this vision, therefore requires a broad set of activities involving **digitisation, consolidation, translation, communication and technical standardisation**, in which official publishers are key players anyway.

Our basic contribution is the electronic, authentic publication of laws as a *conditio sine qua non* for consolidated and translated versions which facilitate citizens' access to law in the European legal space. I would therefore like to congratulate our Dutch colleagues for having already put this in place 10 years ago.

Multilingualism deserves special attention here: overcoming language barriers in a cost-effective way seems today an achievable objective, thanks to the impressive recent progress in eTranslation technologies based on artificial intelligence.

The value of national and EU citizenship, as well as trust and legitimacy within and beyond borders, would be strengthened if substantial progress were made in ensuring easy access to clear and consistent laws issued by authorities at any governmental level.



The Publications Office of the EU in the context of the European legal space

I would now like to present to you some of the actions which we are developing in this respect at the Publications Office of the European Union.

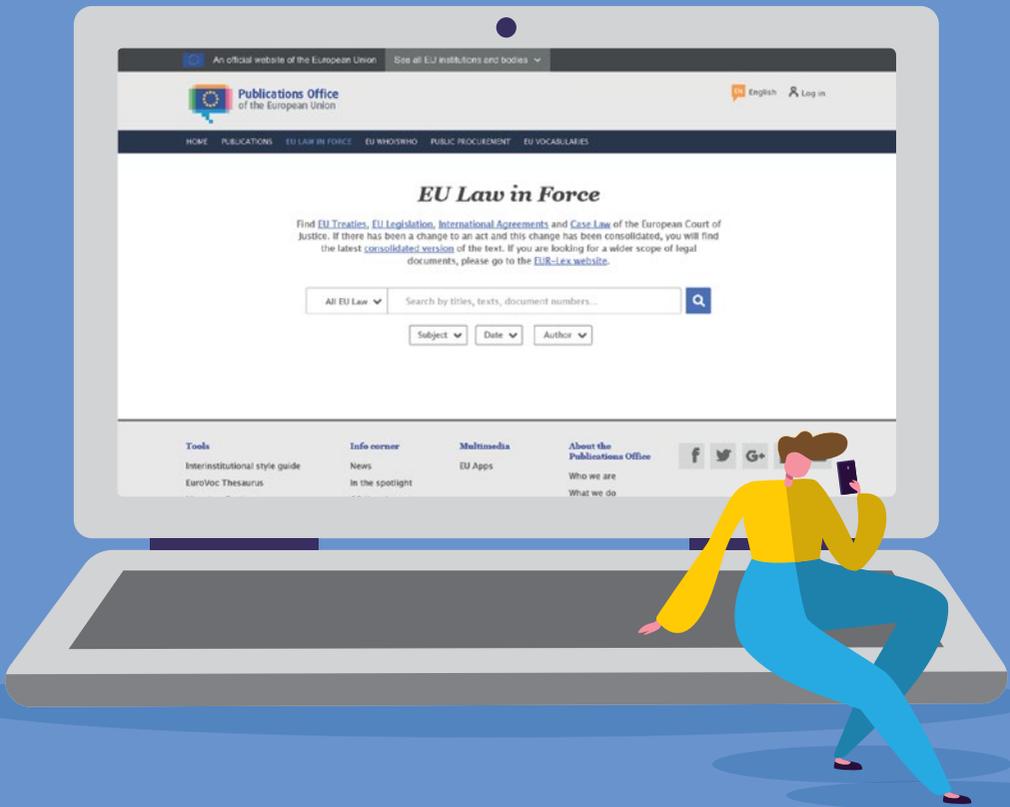
You must be aware that **EUR-Lex** is the biggest resource that exists for access to EU law, and one of the biggest websites of the EU institutions. Last year it reached 58 million visits, with an increasing trend. Since 1952 it has provided access to EU law in all of the EU's official languages and to EU case-law, and contains more than 1 million documents. In addition to a recent redesign of the user interface (which makes it simpler and more intuitive to navigate and to search), we have decided to make consolidated legislation more visible, as, according to web analytics data, this type of legislation is the most searched and viewed. If you have any further ideas, please tell us.

Another priority for EUR-Lex is improving access to case-law, from both the EU and national courts, as this is an area where the margins for improvement are higher, as indicated above. We would like to increase cooperation with Member States in providing comprehensive and easy access to national court decisions referring to EU law. For example, in the case of the JURE collection (jurisdiction, recognition and enforcement of judgments in civil and commercial matters), despite the obligation stemming from the Lugano Convention some countries have not yet transmitted any documents for publication on EUR-Lex.

You are also probably familiar with **N-Lex**, which provides a single point of entry to the national law databases of individual countries. It is a common interface from which it is possible to perform searches in national databases in any official language. Moreover, N-Lex is one of the services, together with the national implementing measures on EUR-Lex, for which the Publications Office has already implemented eTranslation: an automatic translation is provided for the titles of national legislation.

Other ambitious ideas for N-Lex include: access to legislation already translated by Member States; the use of the ELI (European Legislation Identifier) in the search for national legislation; and the use of machine translation at full document level.

We would like to increase cooperation with Member States in providing stable access to national law websites as well as translated legislation via N-Lex. Member States should also be encouraged to make existing translated legislation accessible via N-Lex. Additionally, machine translation should be proposed to N-Lex users whenever a linguistic version of a document they are looking for is not available.



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You have probably never heard about the third service I would like to mention, as it is currently under development and is not yet in production. It is called **EU Law in Force**, and, as the name suggests, is a new access service limited to EU law in force.

The idea is for a new and simpler web interface to search and access the EUR-Lex database, where access to documents is limited only to law actually in force (no repealed acts, obsolete versions, preparatory documents, etc.).

Moreover, searching for an act gives access to the latest consolidated version.

Links to EUR-Lex are kept available for more detailed information.

Collections which are available include:

- EU treaties
- EU legislation
- international agreements
- case-law.

We plan to launch EU Law in Force in early 2020, in order to enrich our service portfolio with a product which we believe responds, in particular, to the needs of non-specialised users.

The notion of a European legal space implies that each citizen has easy access not only to primary and secondary EU law, but also to its transposition into national law. For a citizen, exercising the four fundamental freedoms outside his or her country of origin requires easy access to the national laws of the country concerned.

Facilitating the understanding of EU law, legislative initiatives and the state of play of its transposition by Member States, with a citizen-centric perspective, would enhance transparency and trust in the EU.

To implement such a user-centric approach it is necessary that within the EU all laws, at both EU and national level, as well as case-law, should be online, electronically authentic, structured according to relevant standards, consolidated, up to date, reliable and complete, and should bear identifiers allowing for their integration into a broader EU legal space. Content should be clear, easy to understand and available in all EU languages.

Technology is going to help us make this possible, provided that we do not forget that our end customers are humans, and that language is an innate human ability.



I started my reasoning by referring to the present times as a turning point in European integration, and I would like to come back to that point. Current circumstances, including a newly elected Parliament and the forthcoming appointment of a new European Commission, represent a great **window of opportunity** to progress in the right direction. We must all be ready to take advantage of, and to support, positive change, with the aim of making law the basis of a strengthened democracy.

Thank you for your attention.



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