



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 28 February 2012

6828/12

**Interinstitutional File:
2011/0070 (APP)**

**JURINFO 12
INF 26
JUR 101**

"I/A" ITEM NOTE

from:	General Secretariat
to:	Coreper/Council
No. Cion prop.:	8609/11 JURINFO 17 INF 51 JUR 150
No. prev.doc.:	10759/11 JURINFO 37 INF 90 JUR 266
Subject:	Proposal for a Council Regulation on electronic publication of the Official Journal of the European Union

I. INTRODUCTION

1. On 4 April 2011, the Commission submitted to the Council a proposal for a Council Regulation on electronic publication of the Official Journal of the European Union.¹
2. The objective of the proposal is to ensure better access to law by enabling everyone to rely on the electronic edition of the Official Journal of the EU as being official, authentic, up-to-date and complete.

¹ 8609/11 JURINFO 17 INF 51 JUR 150

3. The proposal provides that the electronic publication would equate to valid publication of the Official Journal. However, only in exceptional and temporary cases of unforeseen disruption of the electronic publication the printed edition would have legal value. The proposal also deals with the technical requirements under which electronic publication equates to valid publication and establishes the competencies of the Publications Office in this area.
4. The proposal is based on Article 352 TFEU requiring unanimity in Council after having obtained the consent of the European Parliament.

II. EXAMINATION OF THE PROPOSED REGULATION

5. The Working Party on e-Law (e-Law) examined the proposal during the first semester of 2011 and reached a general agreement at that level on its content. The text as revised by the legal/linguistic experts of the Council is set out in 10222/2/11 JURINFO 34 INF 76 JUR 238 REV 2.
6. At its meeting on 9-10 June 2011 the Council took note of the agreement on the content of the proposed Regulation subject to the scrutiny reservations of certain delegations.
7. In the meantime, the Czech Republic and Germany finalised their national parliamentary proceedings and lifted their reservations.
8. There is general agreement on the text as set out in 10222/5/11 JURINFO 34 INF 76 JUR 238 REV 5 containing a revised Article 5 on the entry into force of the Regulation. In order for giving the Publications Office the time needed for making the necessary arrangements, Article 5 provides for that the Regulation shall enter into force on the first day of the fourth calendar month following its adoption.
9. The United Kingdom has domestic parliamentary procedures ongoing, but subject to those, can accept the content of the proposal. In the meantime it can give its agreement to request for the consent of the European Parliament.

III. CONCLUSION

10. In the light of the above Coreper/Council is invited:

- (a) to confirm that there is a general agreement on the text of the proposed Regulation, as set out in 10222/5/11 JURINFO 34 INF 76 JUR 238 REV 5; and
 - (b) to decide to transmit to the European Parliament the draft text of the Regulation as set out in 10222/5/11 JURINFO 34 INF 76 JUR 238 REV 5 in order to obtain the consent of the European Parliament in accordance with Article 352.
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