



Plenary sitting

A9-0352/2023

9.11.2023

RECOMMENDATION

on the draft Council regulation amending Regulation (EU) No 216/2013 on the electronic publication of the *Official Journal of the European Union* (6551/2023 – C9-0142/2023 – 2020/0126(APP))

Committee on Legal Affairs

Rapporteur: Adrián Vázquez Lázara

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the draft Council regulation amending Regulation (EU) No 216/2013 on the electronic publication of the *Official Journal of the European Union* (6551/2023 – C9-0142/2023 – 2020/0126(APP))

(Special legislative procedure – consent)

The European Parliament,

- having regard to the draft Council regulation (6551/2023),
 - having regard to the request for consent submitted by the Council in accordance with Article 352 of the Treaty on the Functioning of the European Union (C9-0142/2023),
 - having regard to Rules 105(1) and (4) of its Rules of Procedure,
 - having regard to the recommendation of the Committee on Legal Affairs (A9-0352/2023),
1. Gives its consent to the draft Council regulation;
 2. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

EXPLANATORY STATEMENT

The Official Journal of the European Union is published in electronic form pursuant to Regulation (EU) No 216/2013 (“the Regulation”)¹.

To guarantee the authenticity of the Official Journal, this electronic publication has to bear a qualified electronic signature or a qualified electronic seal in accordance with Regulation (EU) No 910/2014².

Authenticity, integrity and inalterability of the electronic edition of the Official Journal can be guaranteed by various organisational and technical means, which provide comparative security guarantees. These means can change over time. In order to avoid the need to amend the Regulation with each new method or technology or change of technical details, it is proposed to reformulate the wording of the Regulation in a more generic way.

Despite the fact that the Official Journal is in principle inalterable, situations arise where it is necessary to remove certain information from the Official Journal, once it has been published. Such removals are carried out by application of the Union data protection legislation or based on decisions of the Court of Justice. For the sake of legal certainty, this interference with the rules on authenticity should be regulated. The proposed amendment will not change the practice that the original version of the issue of the Official Journal concerned by the removal is not altered in the process and is kept in the archives of the Publications Office for an unlimited period.

According to the Regulation, only the Official Journal published in electronic form is authentic and produces legal effects. There is only one exception to this rule (in Article 3 of the Regulation): in situations when the Official Journal cannot be published due to an unforeseen and exceptional disruption of the information system of the Publications Office. In those cases, only the printed edition of the Official Journal is authentic and produces legal effects. Once the information system is restored, an electronic edition is made available to the public. This electronic edition is for information purposes only.

The Publications Office has put in place contingency measures, which minimise the risk of not being able to publish and make available the electronic edition of the Official Journal on the EUR-Lex website.

Introduction of the authentic electronic edition of the Official Journal has simplified access to EU law and increased legal certainty. Based on the same reasoning, it is preferable that citizens can rely as much as possible on the version of the Official Journal that has been made available on the EUR-Lex website. Therefore, it is proposed that the electronic edition made available to the public on the EUR-Lex website subsequently to a disruption of the information systems becomes the authentic edition from the moment it is made available. Legal certainty then requires that from that moment, the earlier (printed) edition no longer has authentic status.

¹ Council Regulation (EU) N°216/2013 of 7.3.2013 (OJ L 69, 13.3.2013, p.1.).

² Regulation (EU) N°910/2014 of the European Parliament and of the Council of 23.7.2014 (OJ L 257, 28.8.2014, p.73).

Finally, since the entry into force of the Regulation, only three issues of the Official Journal have been published in the authentic printed edition pursuant to its article 3³. In line with the reasoning explained above, and in order to ensure coherence, it is appropriate to confer authentic character and legal effects to the corresponding electronic editions of those printed editions. These editions are based on the same authenticated files as the printed editions and were made available to the public on the EUR-Lex website promptly after the publication of the paper editions. Hence, legal certainty will not be called into question by the provision proposed in this regard.

Given that the aim of the Proposal is to simplify the publication of the Official Journal and citizens' access to it without any alteration to the principle of authenticity, your Rapporteur proposes to the Committee on Legal Affairs to recommend that Parliament give its consent to this proposal for a Council regulation.

³ OJ L 347 of 20.12.2013, OJ L 221 of 25.07.2014 and OJ L 261I of 14.10.2019.

**ANNEX: LIST OF ENTITIES OR PERSONS
FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT**

The following list is drawn up under the exclusive responsibility of the rapporteur. The rapporteur has received input from the following entities or persons in the preparation of the report, until the adoption thereof in committee:

Entity and/or person
The rapporteur declares that he did not receive input from any entity or person.

PROCEDURE – COMMITTEE RESPONSIBLE

Title	Regulation amending Regulation (EU) No 216/2013 on the electronic publication of the Official Journal of the European Union
References	06551/2023 – C9-0142/2023 – 2020/0126(APP)
Committee responsible Date announced in plenary	JURI 8.5.2023
Rapporteurs Date appointed	Adrián Vázquez Lázara 26.6.2023
Discussed in committee	24.10.2023
Date adopted	7.11.2023
Result of final vote	+: 19 –: 0 0: 0
Members present for the final vote	Ilana Cicurel, Angel Dzhambazki, Ibán García Del Blanco, Gilles Lebreton, Maria-Manuel Leitão-Marques, Karen Melchior, Sabrina Pignedoli, Franco Roberti, Raffaele Stancanelli, Adrián Vázquez Lázara, Axel Voss, Marion Walsmann, Javier Zarzalejos, Juan Ignacio Zoido Álvarez
Substitutes present for the final vote	Alessandra Basso, Patrick Breyer, René Repasi
Substitutes under Rule 209(7) present for the final vote	Valérie Hayer, Luděk Niedermayer
Date tabled	10.11.2023

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

19	+
ECR	Angel Dzhambazki, Raffaele Stancanelli
ID	Alessandra Basso, Gilles Lebreton
NI	Sabrina Pignedoli
PPE	Luděk Niedermayer, Axel Voss, Marion Walsmann, Javier Zarzalejos, Juan Ignacio Zoido Álvarez
Renew	Ilana Cicurel, Valérie Hayer, Karen Melchior, Adrián Vázquez Lázara
S&D	Ibán García Del Blanco, Maria-Manuel Leitão-Marques, René Repasi, Franco Roberti
Verts/ALE	Patrick Breyer

0	-

0	0

Key to symbols:

+ : in favour

- : against

0 : abstention

