

## Questionnaire on the organisation and operation of Official Gazettes in the EU

### (26) Answers by the Publications Office of the European Communities

#### I. Organisational data

EU		<b><u>1. Identification and contact person(s)</u></b>
1.1	<b>Organisation:</b>	Office for Official Publications of the European Communities
		Office for Official Publications of the European Communities
		[The name of the Publications Office exists in all official EU languages (as of 1 May 2004, 20 languages). All languages are considered "original" and have equal status.]
1.3	<b>Address :</b>	2, rue Mercier L-2985 Luxembourg
1.5	<b>Internet :</b>	www.publications.eu.int
EU		<b><u>2. Data on the organisation and its overall tasks</u></b>
2.1	<b>Form and nature:</b>	- governmental agency
		By assimilation, this is the nearest possible category The Publications Office is an interinstitutional supra-national organisation. It is the publishing house of the European Union institutions, agencies and other bodies.

2.2	<b>Legal basis for publishing:</b>	- a regulatory text, degree etc.	
		Decision 2000/459/EC, ECSC, Euratom (Official Journal of the European Communities L 183, 22 July 2000, p. 12)	
		Decision of the European Parliament, the Council, the Commission, the Court of Justice, the Court of Auditors, the Economic and Social Committee and the Committee of the Regions, of 20 July 2000, on the organisation and operation of the Office for Official Publications of the European Communities (2000/459/EC, ECSC, Euratom) see OJ L 183, 22.07.2000, p. 12	
		The decision was published in the OJ in all 11 official languages.	
2.3	<b>Year of the found.:</b>	1969	
		The Publications Office was formally set up as an independent body in 1969. However, its origins go back to the Publications Service of the European Coal and Steel Community, which published the Official Journal of the European Coal and Steel Community from 1952 onwards	
2.4	<b>Legal basis for co-operation:</b>	- regulatory text, decree etc.	
		Decision 2000/459/EC, ECSC, Euratom (Official Journal of the European Communities L 183, 22 July 2000, p. 12). In the case of the Publications Office, the European institutions, agencies and other bodies are the "public administration".	
		ditto	
		In the case of the Publications Office, the European institutions, agencies and other bodies are the "public administration", to which the Office also belongs.	
2.5	<b>Main tasks of the organisation</b>		
2.5.1	<b>Publ. of laws/regulations:</b>	<ul style="list-style-type: none"> <li>- laws and regulations</li> <li>- treaties and internal agreements</li> <li>- consolidated law - databases</li> <li>- parliamentary documents</li> <li>- court decisions</li> <li>- individual measures</li> <li>- legal notices - call for tender</li> <li>- legal notices - other</li> <li>- public recruitment competitions</li> <li>- inform. about EU legislation</li> </ul>	<ul style="list-style-type: none"> <li>mandatory</li> <li>mandatory</li> <li>not</li> <li>mandatory</li> <li>mandatory</li> <li>mandatory</li> <li>mandatory</li> <li>mandatory</li> <li>not</li> <li>mandatory</li> </ul>

		- legal literature - other publications	mandatory not mandatory not mandatory not mandatory
2.5.2	<b>Operation of databases</b>	not mandatory: CELEX, EUR-Lex (to be integrated after 1/7/2004), IDEA ("Who is who?"); exception: the publication of Commission proposals for EU law on EUR-Lex is mandatory because these proposals are no longer published on paper mandatory: TED (public procurement notices), because public procurement notices are no longer published on paper	
2.5.3	<b>Others (e.g. forms ...)</b>	no	
		Laws and regulations in the jurisdiction of the EU are: - regulations, - directives Individual measures are: decisions	
2.6	<b>What language(s) is/are used</b>	For mandatory legislative and quasi-legislative material: - until 30.4.2004: all 11 official languages (plus Irish for primary legislation) - from 1.5.2004: all 20 official languages (plus Irish for primary legislation) (a temporary derogation for the publication of legal acts in Maltese is expected) For non-mandatory texts: - any of the official EU languages - other languages on request	
		No	
		All EU official languages have equivalent status.	
2.7	<b>Activities of public or private companies</b>		
2.7.1	<b>Subcontracts in isolated cases for</b>	- printing - online publishing - CD-ROM/DVD duplication - adverting agencies - others (consultants, auditors etc.)	
2.7.2	<b>Contracts for instit. or regular work</b>	- printing - online publishing - CD-ROM/DVD duplication - adverting agencies - others (consultants, auditors etc.)	
2.8	<b>Other off.</b>	Official gazettes of decentralised agencies, e.g. the Community	

	<b>gazettes</b>	Trade Marks Bulletin of the Office for Harmonization in the Internal Market (OHIM); the Official Journal of the Community Plant Variety Office (CPVO)
		These are also published by the Publications Office
2.9	<b>Annual budget (global) of the organisation</b>	174,67 Mio Euros
		135,20 Mio Euros from own resources and 39,47 Mio Euros from credits from the Institutions' budgets
2.10	<b>Do you have in-house</b>	- printing facilities - online publishing facilities - facilities for CD-ROM/DVD duplication
		These facilities do not include the actual production or pressing of CD-ROMs/DVDs.
2.11	<b>How much of the following work is subcontracted</b>	
	pre-press	98
	printing	91
	dissemination	100
2.12	<b>How is the head of the organ. appointed</b>	By the European Commission, following a unanimous favourable opinion given by the Publications Office's inter-institutional Management Committee (secretaries-general of the EU Institutions)
2.13	<b>Number of staff of the organ.</b>	519
		519 EU officials
2.14	<b>Which services are offered by the organ.</b>	- information on documents - other
		Other: InfoPoint Europe (located in the entrance hall of the Office's premises): - handling requests (visitors + telephone calls) - distribution of free publications

## II. Details concerning the publication of legislation and of calls for tender

### (public procurement)

#### A. Publication of legislation

EU		<b><u>3. Publication procedures</u></b>
3.1	<b>Official Gazette:</b>	
3.1.1	<b>Full title of the official gazette:</b>	Full title exists in all official EU languages which have equal status; abbreviations exist in all EU official languages.
		Official Journal of the European Union (abbreviation in English: OJ)
3.1.2	<b>Contents:</b>	<ul style="list-style-type: none"> <li>- The "L series" contains EU legislation, including: regulations, directives, decisions, recommendations, opinions ...</li> <li>- The "C series" contains EU information and notices, including: summaries of judgments of the Court of Justice and the Court of First Instance, minutes of Parliamentary meetings, reports of the Court of Auditors; parliamentary written questions and answers from the Council or Commission, statements from the Economic and Social Committee and the Committee of the Regions, competition notices for recruitment by the EU institutions..., the contents of the "OJ C E series"</li> <li>- The "C E series" (C electronic) currently contains the preparatory acts in the legislative process (only available in the EUR-Lex database or in the monthly CD-ROM edition)</li> <li>- The "OJ S series" is the ELECTRONIC Supplement to the Official Journal (TED database + OJ/S CD-ROM) which includes public procurement notices.</li> </ul>
3.1.3	<b>Address (URL):</b>	<a href="http://europa.eu.int/eur-lex/">http://europa.eu.int/eur-lex/</a> <a href="http://ted.publications.eu.int/">http://ted.publications.eu.int/</a>
3.2	<b>Organisation of the exchange:</b>	<ul style="list-style-type: none"> <li>- executive authority / electronic</li> <li>- executive authority / on paper</li> <li>- legislative authority / electronic</li> <li>- legislative authority / on paper</li> </ul>
3.3	<b>Is electronic</b>	yes

	<b>transmission part an integrated and seamless workflow:</b>	
		Partially. Further projects are underway aiming to establish such integrated and seamless workflows
3.4	<b>Techniques based on XML or SGML:</b>	yes
		from 1.5.2004, the OJ will be composed using XML mark-up (so called "FORMEX v.4" - FORMEX: Formalised Exchange of Electronic Publications) (before, the Office used SGML (since 1990: FORMEX V.1, V.2, V.3) The public procurements notices are available for license holders in ISO format and by the end of 2004 in XML.
	If yes, does a grammar exist	as XML schema
		Documentation pertaining to DTDs for FORMEX V.3 (SGML) and schema for FORMEX V.4 (XML) can be found at <a href="http://formex.publications.eu.int/">http://formex.publications.eu.int/</a>
3.5	<b>Binding deadlines for publishing legislation:</b>	yes
		Binding dates of publication may be fixed by the originating institution.
<b>EU</b>		<b><u>4. Details of the publication procedures for legislation</u></b>
4.1	<b>The legal basis for publication of legislation:</b>	The legal provisions below exist in all official EU languages.
		- Art. 254 of the Treaty establishing the European Community - Decision of the Council of the European Economic Community of 15.9.1958 creating the 'Official Journal of the European Communities', OJ No 17, 6.10.1958, p. 390
4.2	<b>Year of establishment of the official gazette:</b>	1952

		The predecessor of the current Official Journal was created by the decision listed under point 4.1. The first issue the “Journal officiel de la Communauté européenne du charbon et de l’acier” (Official Journal of the European Coal and Steel Community) was published on 30 December 1958 in the then four official EU languages (Dutch, French, German, Italian).	
4.3	<b>How is publication of legislation financed:</b>	- other	- paper - CD-ROM/DVD - online (database/web)
		In the case of the Official Journal of the European Union, “State budget” means the European Union budget. The net sales revenue derived from paper and CD-ROM subscriptions flows back into the European Union budget.	
4.4	<b>On what medium(a) is legislation legally binding:</b>	- paper	
4.5	<b>Problems, if legislation is (in future) legally binding in electr. Form:</b>	- questionable in terms of democracy - threat to legal certainty	
4.6	<b>On what media and from when onwards is legislation offered to end-users:</b>	- on paper from 1952 - on CD-ROM/DVD from 1998 - via online (database/web) from 1979 - other from 1998	
		1979: priced public access to CELEX (free access as of 1 July 2004) 1998: daily publication of the OJ on EUR-Lex Microfiche, produced from 1952 to end 1999, are no longer issued by the Publications Office (produced by a commercial publisher in certain languages under licence from the Publications Office)	
4.7	<b>Availability of the online edition of legislation:</b>		
4.7.1	<b>In which format and from when onwards is</b>	- on paper from 1979 - PDF from 1998 - TIFF from - HTML from 1996	

	<b>legislation offered to end-users:</b>		
4.7.2	<b>Can the online edition be downloaded?:</b>	yes	
		Downloading for commercial re-dissemination subject to conclusion of a licence agreement	
4.8	<b>On what financial terms is legislation offered to end-users:</b>	- free of charge	- online (database/web)
		- other	- paper - CD-ROM/DVD - online (database/web)
		Online information is free of charge except for the value-added Celex database which is currently a paying service, but which will become free of charge from 1.7.2004 onwards. Price structures for paper and CD-ROM subscriptions are designed to encourage use of electronic media, in particular Internet-based information services.	
4.9	<b>Electr. Formats, legislation is offered to the private sector for further processing and commercial use:</b>	- HTML - other	
		ISO format	
4.10	<b>Is legislation available to all private sector companies under the same conditions:</b>	yes	
4.11	<b>What price is</b>		

	<b>charged to the private sector for the electr. Version of leg. For further processing and omm.. Use:</b>		
		- other	- other
4.12	<b>Copyright status of legislation in your country:</b>	- other	
		EU legislation is copyright protected under the legislation of the country of first publication (i.e. Luxembourg). However, legislative material is treated as being in the public domain for end-users.	
4.13	<b>Copyright status of the official gazette layout/format in your country:</b>	- other	
		see point 4.12	
4.14	<b>The owner of the content of legislation, if published by a private company:</b>	- the organisation publishing the legislation - other	

## B. Calls for tender (public procurement)

EU		<b><u>5. Details of the publication procedures for calls for tender</u></b>
5.0	<b>Competent organisation(s):</b>	
5.1	<b>Organisation of the exchange of info. On what medium(a) is legislation legally binding:</b>	- electronic - on paper
		The Publications Office offers the possibility of sending notices in an agreed XML DTD format.

		<p>Notices are also collected and forwarded to the Publications Office via national or regional organisations involved in public procurement (OJ e-Senders).</p> <p>The SIMAP website (<a href="http://simap.eu.int">http://simap.eu.int</a>) is offering on line form filling facilities, availability of all forms in all official languages is targeted by mid 2004.</p>
5.2	<b>Binding deadlines for publishing this information:</b>	yes
		<p>less than 12 days for normal procedures</p> <p>less than 5 days for urgent procedures and for notices delivered in structured XML messages</p>
5.3	<b>The legal basis for publication of public tenders:</b>	The legal provisions of which references are given below exist in all current official EU languages.
		<p>- Council Directive 92/50/EEC of 18 June 1992 relating to the coordination of procedures for the award of public service contracts</p> <p>- 1992/50/CE and later references: (92/50/EEC), 93/36/EEC, 93/37/EEC, 93/38/EEC, 97/52/EC, 98/4/EC, 2001/78/EC</p>
		First issue of the Supplement to the Official Journal: 7.1.1978.
5.4	<b>How is publication of calls for tender financed:</b>	<p>- from the State budget</p> <p>- CD-ROM/DVD</p> <p>- online (database/web)</p>
		In the case of the Supplement to the Official Journal of the European Union, "State budget" means the European Union budget.
5.5	<b>On what medium(a) is the information on public tenders deemed authentic:</b>	- CD-ROM/DVD
		3 trusted copies (print-outs) are kept at the Publications Office as proof of publication
5.6	<b>On what media is the information on publ. tenders offered to end-users:</b>	<p>- on CD-ROM/DVD</p> <p>- via online (database/web)</p> <p>- other</p>
		Other: via licence holders

5.7	<b>On what financial terms is the information on public tenders offered to end-users:</b>	- free of charge	- online (database/web
		- at cost	- CD-ROM/DVD
		- other	
		Free-of-charge for end-users. 3000_€ per year and per language version for licence holders (see <a href="http://publications.eu.int/general/oj_en.html#5">http://publications.eu.int/general/oj_en.html#5</a> )	
5.8	<b>Electr. formats of the public tenders, which are offered to the private sector for further processing and commercial use:</b>	- HTML - XML - other	
		ISO format for licence holders XML anticipated by the end of 2004.	
5.9	<b>What price is charged to the private sector for the electr. version of the public tenders for further processing and comm. use:</b>	- at costs	- XML - other
5.10	<b>Copyright status of this information in your country:</b>	- other	
		Copyright protected: Free of charge online information for end-users. Compulsory licensing and payment of fees for commercial re-dissemination.	
5.11	<b>Copyright status of the</b>	- other	

	<b>official gazette lay-out/format for this information in your country:</b>	
		see point 5.10
5.12	<b>The owner of the content of calls for tender, if published by a private company:</b>	- the organisation publishing the legislation

### III. Future developments and strategies

EU		<b><u>6. Anticipated changes and other plans or discussed issues</u></b>
6.1	<b>Changes in your country in short (1-2 years) or medium term (3-5 years):</b>	<p>question 4.6 &amp; 5.6 We intend to offer automatic notification facilities and automatic delivery of published notices in "certified format" to awarding authorities publishing in the OJ Supplement.</p> <p>question 4.7 We anticipate to offer a full XML format for all public procurement notices</p> <p>Discussions within and between the EU Institutions reveal a trend whereby legislation published online could become legally binding in a medium-term perspective</p> <p>Free-of-charge access, from 1.7.2004, to an integrated EUR-Lex/CELEX online service (legislation and case law)</p>
6.2	<b>Other plans or discussed issues:</b>	<ul style="list-style-type: none"> <li>- co-operation with national official gazettes on common schemas for legislative XML</li> <li>- co-operation with national legal database operators with a view to creating a one-stop-shop to national legal databases (common search interface)</li> </ul>