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From: General Secretariat of the Council
To: Working Party on e-Law (e-Law)
Subject: Concept of codification and consolidation at the EU level
- Explanatory note

I. INTRODUCTION

1. At the meeting of the Working Party on e-Law (e-Law) on 13 June 2014 some delegations requested clarification on the meaning of the terms 'codification' and 'consolidation' in the context of the EU legislation. This note aims to provide those clarifications.

II. CODIFICATION AND CONSOLIDATION¹

a) codification

2. Official codification means the procedure for repealing the acts to be codified and replacing them with a single act containing no substantive changes to those acts.
3. Codification is therefore adopted by the same institutions that adopted the initial act, in accordance with the rules of the treaties. Such acts have legal value and are published in the Official Journal L.
4. Codification can be achieved through more structured means by using the recasting technique for legal acts². Recasting consists in the adoption of a new legal act which incorporates in a single text both the substantive amendments which it makes to an earlier act and the unchanged provisions of that act. The new legal act replaces and repeals the earlier act.

b) consolidation

5. Consolidation means the procedure by which the provisions of the basic act and all the subsequent amendments to it are compiled into a single text. The compilation only affects the enacting terms (the recitals that appear in a consolidated act are those of the basic act).
6. Consolidation does not constitute the adoption of a new act and has no legal effect.
7. Consolidation is carried out by the Publications Office and the consolidated texts are included in the EUR-Lex database.

III. SITUATION IN THE MEMBER STATES

8. It is worth indicating that codification and consolidation can have a different meaning in the legal systems of the Member States.

¹ See also the *Manual of Precedents for acts established within the Council of the European Union*.

² See Interinstitutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts (OJ C 77, 28.3.2002, p. 1).