



**COUNCIL OF
THE EUROPEAN UNION**

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NOTE

From: Presidency
To: Working Party on e-Law (e-Law)
Subject: National implementing measures
- Conclusions

At the meeting of the Working Party on e-Law (e-Law) on 13 June 2014, the Working Party examined possible conclusions on the way forward with a view to making national implementing measures (NIM) adopted by Member States publicly available in EUR-Lex. Those conclusions are set out below.

I. PRINCIPLE

1. In order to increase transparency and to facilitate public access to legislation, national implementing measures (NIM) adopted by Member States should, to the extent possible, be made available to the public through the EUR-Lex website.

II. PUBLICATION OPTIONS

2. The Commission will submit to the Publications Office, for publication on the EUR-Lex website, the full text of the NIM forwarded and to be forwarded by Member States to the Commission on the basis of the existing notification system, under the following conditions¹:
 - a) the elements to be published will be:
 - (i) the full text of the national implementation measures as forwarded by the Member States;
 - (ii) metadata (such as Member State, title, type of legal act, number of the act, publication reference, date of entry into force and reference number allocated by the Commission);
 - (iii) where applicable, the statement that no transposition is needed ; and
 - (iv) the indication, by the Member State, that the transposition is partial or complete.
 - b) a disclaimer will state in particular that the documents are displayed as notified by the Member State and that the texts published might possibly not be up to date;
 - c) explanatory documents, correlation tables and texts from the Member States to the Commission to clarify or add information will not be published.
3. Alternatively, for the Members States that would prefer to use a more modern approach, the Publications Office will only publish on EUR-Lex a link to the national website.

For that purpose, the link will refer to the specific page of the national website containing the national implementing measure (i.e. no general reference to the home page).
4. The publication system provided for under paragraphs 2 and 3 will be used on a voluntary basis by the Member States.

¹ This solution shall not imply extra work for Member States.

III. TESTING PHASE

5. The publication system provided for under paragraphs 2 and 3 will be subject to a testing period lasting until the end of December 2014.
6. The Publications Office will set up a matrix of the testing phase by mid-September 2014.
7. During the testing phase, the publications of the NIM will only be made available to the members of the Working Party on e-Law (e-Law), to other specified representatives of the Member States, to the Publications Office, to the Commission and to the General Secretariat of the Council².
8. Specific end-users may be consulted on the publication of the NIM of those Member States that have agreed to disclose their NIM to those end-users.
9. Member States shall indicate to the Publications Office and to the Council General Secretariat by 15 September whether they wish to opt for paragraph 2, 3 or 4.
10. During this testing period, the Publications Office will examine how a system of automated translation could be added to the system, and will submit proposals to the Working Party on e-Law (e-Law).
11. By the end of 2014, the Working Party on e-Law (e-Law) (including national experts on NIM) will assess the results achieved during this testing period and the possible follow up.

² Member States that do not wish to submit legislation for publication during the testing period will however be able to see the results and assess the system.