

## ELI@EULAW - INTEGRATION OF THE RETRIEVAL OF LEGISLATIVE DATA COMPLIANT WITH THE EUROPEAN LEGISLATIVE IDENTIFIER WITH THE INFORMATION SYSTEMS FOR MONITORING THE APPLICATION OF EU LAW (2017.02).

### IDENTIFICATION OF THE ACTION

Service in charge	SG.C.3 (Project Owner)
Associated Services	SG.R.3 (Solution Provider)

### EXECUTIVE SUMMARY

#### Context

Under article 17 TEU, the Commission shall oversee the application of Union law under the control of the Court of Justice of the EU. This monitoring task is entrusted to the Commission in its exclusive role as "guardian of the Treaties".

The monitoring of the application of Union law is a challenging task, involving several services at various stages and specific rules to be followed. The cooperation between the Commission and the Member States is a crucial element in the effective monitoring of the application of EU Law.

Adopted legislative acts setting up the goals that all EU countries must achieve, when coming into force, require Member States to communicate their national transposition measures to the Commission by strict given deadlines.

#### Current situation

The exchange of data relating to legislation has grown considerably at EU level. These data originate from regional, national and EU bodies. However, the exchange of data is hindered by disparities between legal systems at country and EU level.

Within the context of EU Law, transposition of adopted directives implies national legislative changes which are currently notified to the Commission via filling in a form and attaching all relevant legislative texts sustaining the transposition within an existing IT system (currently MNE, future THEMIS).

This method of notification is tedious and leads to inefficiencies and discrepancies as the notified information is duplicated (at Member State and Commission databases), not necessarily up to date, forcing Member States to further notify as their national legislation evolves.

As of the 1st of October 2016, Member States can elect to have their national transposition measures published on EUR-Lex. These issues will be then further propagated once these measures are transmitted from the Commission's internal application (MNE, future THEMIS) to Eur-Lex in order to be published.

## Proposed solution

The European Council conclusions<sup>1</sup> foster for the introduction of a European Legislation Identifier (ELI), aimed at providing simple access to information relating to EU and EU countries' national legislation.

The adoption of ELI enables EU and national legislation to be referenced in a harmonised and stable way, resulting in a faster and more efficient search and data exchange system which is accessible to citizens or specific users such as legislators, judges and legal professionals.

The outcome of this proposal will be a solution which enhances and simplifies the transmission and dissemination of legislation related data, within the context of EU Law proceedings, by integrating the ELI link within notifications, aiming at simplifying working methods and avoiding data inconsistencies and duplication.

## OBJECTIVES

Better and more efficiently managed application of EU law involves both the European Commission and the Member States, working in close partnership. Member States are responsible for the timely and correct implementation and application of EU law while the Commission's responsibility is to ensure that EU law is applied consistently.

The specific objective of this action is to identify and implement common web services of interest aimed at improving communication and information exchange between Commission services and Member States. The project will analyse, design and develop services to manage and support the exchange and dissemination of data relating to legislation, via the adoption of the ELI link, between Member States and the Commission whenever needed through the lifecycle of an infringement proceeding.

These services will become part of the catalogue of existing services developed within the scope of ISA Action 1.20, "Application of EU Law: Provision of cross-sector communication and problem solving tools", which have been integrated into THEMIS. THEMIS is the central Commission IT application which will provide a one-stop solution for Commission services and Member States' administrations with regard to all aspects of the application of EU law; starting from the transposition process of directives into national legislation and the notification of the corresponding legal acts to the Commission, through dialogue based problem resolution triggered either by complaints or own-initiative of the Commission, onto the full bi-directional flow of information in the context of infringement proceedings.

## SCOPE

The scope of this action can be summarised as follows:

- Guidelines on the implementation of ELI within the context of EU Law proceedings

The introduction of ELI is optional. EU countries and the European Union can decide to introduce this identifier on a voluntary and gradual basis. Some countries (i.e. France and Luxembourg) have already developed solutions to comply with ELI. However, we have detected inconsistencies in how the solutions from the different countries have addressed the support of ELI.

In this respect, an initial work in scope of this action is focused on defining guidelines to determine how ELI should be addressed, within the context of EU Law proceedings, ensuring that system-to-

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<sup>1</sup> <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=URISERV:jl0068>

system communication can be achieved in a harmonised way and that legislation related data can be inter-exchanged easily regardless of its source.

These guidelines will also help other Member States to adopt ELI in a much faster and reliable way.

- Common web services to improve inter-exchange and dissemination of legislation related data

Design and develop services – and the underlying back-end infrastructure - to manage and support the exchange and dissemination of data relating to legislation, via the adoption of the ELI link, between Member States and the Commission whenever needed through the lifecycle of an infringement proceeding.

The proposed services will provide a reliable, robust and secure mechanism to inter-exchange data in an ELI compliant data structure.

The new services in scope of this proposal will be added to the catalogue of existing ones developed within the scope of ISA Action 1.20, "Application of EU Law: Provision of cross-sector communication and problem solving tools", which have been integrated into THEMIS.

In particular, the following web services have already been identified:

- ELI data retrieval: Receives as input an ELI link, identifies and establishes a connection with the source system – Member State's or Commission's – from where the service retrieves the related meta-data and documents for the specific legislation and returns such data and documents in a standard format.
- ELI transmission: Transmits the meta-data and documents of a specific legislation received from the ELI data retrieval web service to EUR-Lex for publication.
- ELI measure notification: Adaptation of the existing web service, part of the THEMIS catalogue, Member States use to notify on transposition measures, to incorporate the possibility to add the ELI link (which will be read and decoded by the ELI data retrieval web service).

- Integrated approach to national IT tools

Interoperability between THEMIS and national IT tools will be supported. The identified web services will allow for a seamless system-to-system exchange of data related to legislation between Member States and the Commission wherever needed within the lifecycle of an infringement procedure.

The European Commission offers the deliverables output of this proposal as a service to Member States and hosting the computing infrastructure. This will be accompanied by technical documentation detailing the interfaces to be used.

Furthermore the Commission will provide assistance to Member States, in order to ensure correct and reliable interconnection between Commission's and Member States' systems.

## ACTION PRIORITY

The proposed action complies with the following prioritisation criteria listed in art 7 of the ISA<sup>2</sup> Decision<sup>2</sup>, as follows:

(a) the contribution of the action to the interoperability landscape, measured by the importance and necessity of the action to complete the interoperability landscape across the Union;

Interoperability between Commission's and national IT tools so as to support the inter-exchange and transmission of data related to legislation.

(b) the scope of the action, measured by its horizontal impact, once completed, across the sectors concerned;

National legislation transposing EU directives and notified by Member States to the Commission cover all sectors of EU activity.

(c) the geographical reach of the action, measured by the number of Member States and of European public administrations involved;

The geographical reach of this action covers all Member States which either have already adopted ELI or will do so in the future, as they will have the possibility to choose whether to notify national legislation complying with EU directives via ELI links or following the standard existing approach (which all Member States are currently using).

Moreover, the Publications Office will be closely associated to the work, as they are also an actor within infringement proceedings (they will need to publish in EUR-Lex the notified transposition measures of those Member States who decide to do so).

(d) the urgency of the action, measured by its potential impact, taking into account the lack of other funding sources;

As of the 1<sup>st</sup> of October 2016, Member States can elect to have their national transposition measures published on EUR-Lex for which the ELI support within infringement proceedings must be provided as soon as possible.

(e) the re-usability of the action, measured by the extent to which its results can be re-used;

Even though the web services in scope to develop as part of this proposal are tailored to infringement management processes, particularly the ELI data retrieval web service could potentially be provided as a general service for initiatives where legislation data needs to be inter-exchanged.

(f) the re-use by the action of existing common frameworks and elements of interoperability solutions;

- The IMMC Core Metadata exchange protocol will be used to ensure a good understanding between the different systems involved.

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<sup>2</sup> DECISION (EU) 2015/2240 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

- Transmission to EUR-Lex, for publication, of national legislation transposing EU directives notified by Member States.

(g) the link of the action with Union initiatives to be measured by the collaboration and contribution level of the action to Union initiatives such as the DSM.

The Commission, as "Guardian of the Treaties", is required to monitor the correct application of Union Law by Member States. This proposal has a link with the 'democratic change' priority of the Juncker Commission and addresses several objectives of the Digital Single Market initiative.

### Contribution to the interoperability landscape

*The contribution of the action to the interoperability landscape, measured by the importance and necessity of the action to complete the interoperability landscape across the Union*

Question	Answer
<i>Does the proposal directly contribute to implementing the European Interoperability Strategy, the European Interoperability Framework, or other EU policies with interoperability requirements, or needed cross-border or cross-sector interoperability initiatives? If yes, please indicate the EU initiative / policy and the nature of contribution.</i>	Yes. The proposal will allow the exchange of legislative information in a standardised format between Commission services and Member State administrations. It will make the notification and publication process of National measures more efficient and will avoid re-encoding of data that already resides in other systems.
<i>Does the proposal fulfil an interoperability need for which no other alternative solution is available?</i>	Yes. There is no other current alternative other than THEMIS to notify to the Commission national legislation which transposes Union Law.

### Cross-sector

*The scope of the action, measured by its horizontal impact, once completed, across the sectors concerned*

Question	Answer
<i>Will the proposal, <b>once completed</b> be useful, from the interoperability point of view, and utilised in two (2) or more EU policy areas? If yes, which are those?</i>	Yes. Union Law adopted by the Commission, which Member States need to comply with, covers all EU policy areas. The proposal will improve the interoperability of systems supporting the EU Law domain both Commission's and Member states. It will

	improve the notification process, making it more efficient, the quality of the data and its publication.
<i>For proposals or their parts <b>already in operational phase</b>: have they been utilised in two (2) or more EU policy areas? Which are they?</i>	N/A

## Cross-border

*The geographical reach of the action, measured by the number of Member States and of European public administrations involved.*

Question	Answer
<i>Will the proposal, <b>once completed</b> be useful, from the interoperability point of view, and used by public administrations of three (3) or more EU Members States?</i>	Yes. All Member States are required to notify on their national legislation transposing adopted EU Law. As the introduction of ELI is voluntary, not all Member States will make use of the output of this proposal at first, but it is probable that they will join at a later stage. One of the key parts of this proposal is to define guidelines on how to use ELI within the context of infringement proceedings. These guidelines will ease transition for Member States towards ELI.  As of today, public administrations from France and Luxembourg already provide support for ELI – to some extent – while other like Austria and Italy are in the process.
<i>For proposals or their parts <b>already in operational phase</b>: have they been utilised by public administrations of three (3) or more EU Members States?</i>	N/A

## Urgency

*The urgency of the action, measured by its potential impact, taking into account the lack of other funding sources*

Question	Answer
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<i>Is your action urgent? Is its implementation foreseen in an EU policy as priority, or in EU legislation?</i>	Yes. As of the 1 <sup>st</sup> of October 2016, Member States can elect to have their national transposition measures published on EUR-Lex. As the publication of measures is triggered from THEMIS, the services in-scope of this proposal, providing support for ELI, must be ready as soon as possible.
<i>Does the ISA<sup>2</sup> scope and financial capacity better fit for the implementation of the proposal as opposed to other identified and currently available sources?</i>	Yes. We believe that this action perfectly aligns with the scope of ISA <sup>2</sup> .

### Reusability of action outputs

The web services in scope to develop as part of this proposal are tailored to infringement management processes. Nevertheless, there may be possibilities to reuse/apply certain outputs to other purposes – to be explored during the Planning phase of this action.

The following output of this proposal has already been identified as perfect candidate for re-usability purposes:

Name of reusable solution	ELI data retrieval services
Description	A set of services that will allow other Information systems to retrieve and display the metadata and documents from the systems in the Member states.
Reference	
Target release date / Status	Q4 2017
Critical part of target user base	
For solutions already in operational phase - actual reuse level (as compared to the defined critical part)	N/A

### Level of reuse by the proposal

*The re-use by the action of existing common frameworks and elements of interoperability solutions.*

Question	Answer
Does the proposal intend to make use of any ISA <sup>2</sup> ,	Yes. The proposed solution will be based on

ISA or other relevant interoperability solution(s)? Which ones?	the results of the ELI ISA action. Additionally, the proposed solution will use the eTrustEx platform for the secure exchange of information between the Commission and the Member states.
For proposals or their parts already in operational phase: has the action reused existing interoperability solutions? If yes, which ones?	N/A

### Interlinked

*The link of the action with Union initiatives to be measured by the collaboration and contribution level of the action to Union initiatives such as the DSM.*

Question	Answer
Does the proposal directly contribute to at least one of the Union's high political priorities such as the DSM? If yes, which ones? What is the level of contribution?	Yes. This proposal has a link with the 'democratic change' priority of the Juncker Commission and the Digital Single Market initiative.

### PROBLEM STATEMENT

The exchange of data relating to legislation has grown considerably at EU level. These data originate from regional, national and EU bodies. However, the exchange of data is hindered by disparities between legal systems at country and EU level.

Within the context of EU Law, transposition of adopted directives implies national legislative changes which are currently notified to the Commission via filling in a form and attaching all relevant legislative texts sustaining the transposition within an existing IT system (currently MNE, future THEMIS).

This method of notification is tedious and leads to inefficiencies and discrepancies as the notified information is duplicated (at Member State and Commission databases), not necessarily up to date, forcing Member States to further notify as their national legislation evolves.

As of the 1<sup>st</sup> of October 2016, Member States can elect to have their national transposition measures published on EUR-Lex. These issues will be then further propagated once these measures are transmitted from the Commission's internal application (MNE, future THEMIS) to Eur-Lex in order to be published.



## EXPECTED BENEFICIARIES AND ANTICIPATED BENEFITS

Beneficiaries	Anticipated benefits
Member States and European Commission	<p><b>Security, rapidity and privacy, preservation of information.</b></p> <p>The facilitation of structured data exchange between Member States and the Commission via application interfaces and web-services in the domain of the notification of transposition measures in the form of national legislative acts, as well as their subsequent transmission to the Publications Office and their publication on the EUR-Lex web site.</p> <p>Reduction of administrative burden of the Member States who have already implemented ELI.</p> <p>The service dedicated to the communication of transposition measures will guarantee the information exchange system providing:</p> <ul style="list-style-type: none"> <li>- Immediate transmission (MS are required to respect deadlines).</li> <li>- Secure transmission with acknowledgement of receipt (high level of trust).</li> <li>- Secure data preservation (legal security for both MS and the EC).</li> </ul>
European Commission	<p><b>Efficient IT development and evolution, flexibility, scalability, adaptability to legislation change.</b></p> <p>When further Member states adopt ELI, use by these MS of ELI in THEMIS will be transparent.</p>
Citizens and businesses	<p><b>Transparency and openness through efficient interoperability with Eur-Lex .</b></p> <p>Greater transparency by making the national transposition measures available to the general public on EUR-Lex.</p>

## EXPECTED MAJOR OUTPUTS

Output name	ELI guidelines
Description	<p>Guidelines to determine how ELI should be addressed, within the context of EU Law proceedings, ensuring that system-to-system communication can be achieved in a harmonised way and that legislation related data can be inter-exchanged easily regardless of its source.</p> <p>These guidelines will also help other Member States to adopt ELI in a much faster and reliable way.</p>

Reference	
Target release date / Status	Q4 2017

Output name	ELI data retrieval
Description	A service that will allow other Information systems to retrieve and display the metadata and documents from the systems in the Member states.
Reference	
Target release date / Status	Q4 2017

Output name	ELI transmission
Description	A service to transmit the meta-data and documents of a specific legislation received from the ELI data retrieval web service to EUR-Lex for publication.
Reference	
Target release date / Status	Q4 2017

Output name	ELI measure notification
Description	Adaptation of the existing web service, part of the THEMIS catalogue, Member States use to notify on transposition measures, to incorporate the possibility to add the ELI link (which will be read and decoded by the ELI data retrieval web service).
Reference	
Target release date / Status	Q4 2017

## ORGANISATIONAL APPROACH

### Expected stakeholders and their representatives

Stakeholders	Representatives
European Commission – administrator	Unit SG C.3 of the Secretariat General administrating the application, providing policy guidance on its use.
Project Owner	Unit SG. C.3 of the Secretariat General responsible for application of the EU law.
Solution Provider	Unit SG R.3 (Information Technology) responsible for THEMIS.
End users -	Infringement correspondents and case handlers in all Commission services.

Commission	
End users - Member States authorities	Infringement correspondents and case handlers in all Member States (various national administrations in all Member States) and Member States Central Managers (Ministry of Foreign Affairs).
End users – citizens and businesses	Persons and entities which would like to have easy access to updated national legislation texts and national measures notified by Member States transposing adopted Union Law.

### Identified user groups

Commission infringement correspondents and case handlers, Member states infringement correspondents and case handlers, European Commission and the public at large.

### Communication plan

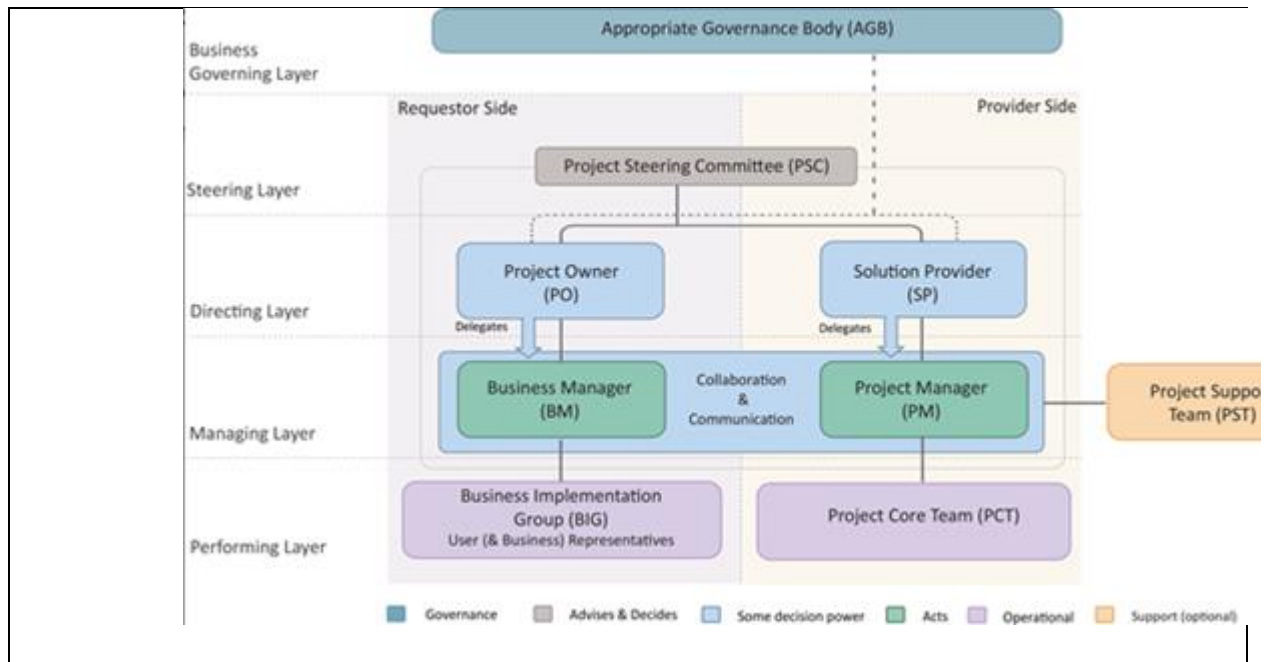
The main communication actions are described next:

- Written communication, both to internal and external stakeholders (newsletter via e-mail).
- Awareness sessions – 1 with MSs representatives and 1 with DGs representatives – to present the project.
- Dissemination material for all relevant stakeholders:
  - o DGs: Leaflets, posters and a quick-start guide.
  - o MSs: Quick start guide.
- Meetings:
  - o With external stakeholders, once a year, in the frame of the EU Law Network meetings, to provide status and recollect feedback.
  - o With internal stakeholders, twice a year, as part of the DGs infringement correspondents meeting, to provide status and recollect feedback.
- First-line support: The Project Support Team will help users through the change and collecting feedback.
- CIRCABC group of interest on "Implementation and application of EU law", members of which are MS representatives.

Event	Representatives	Frequency of meetings / absolute dates of meetings
EU Law Network	All Member States	Normally, once or twice a year
Infringement correspondents meetings	Representatives from all DGs	Once or twice a year
Directors network	Representatives from all DGs	Once or twice a year
Project owner/System supplier	SG.C.3/SG.R.3	Quarterly reporting using PM <sup>2</sup> methodology

## Governance approach

This project will follow the standard PM<sup>2</sup> project governance structure.



Project Owner: Mr. VON KEMPIS, Karl (SG.C3)

Solution Provider: Mr. GRITSCH, Martin (SG.R3)

Project Manager: Mr. WILLANDSEN, Oliver (SG.C3)

Business Manager: Mrs. GROCHOWIAK, Elzbieta

Project Support Team (PST): To be appointed.

Project Core Team (PCT): To be appointed.

Business Implementation Group (BIG): 1 representative per MS. To be appointed at a later stage.

The governance approach has established weekly coordination meetings between SG.C.3 (project owner) and SG.R.3 (solution provider). In addition, this action will respect the general ISA<sup>2</sup> Governance under the supervision of the ISA<sup>2</sup> Coordination Group.

The governance of this action project is set up in the vision document for THEMIS. According to this document, the Steering Committee monitors completion of the project phases; sets project requirements, objectives and outcomes, validates project deliverables, tests activities and disseminates information about the project to the relevant stakeholders.

## TECHNICAL APPROACH AND CURRENT STATUS

The services in scope of this proposal will extend the common external module of the THEMIS system, providing a reliable, robust and secure mechanism to provide system-to-system connectivity between in Member States public authorities' and Commission's (existing or under development).

System-to-system data exchanges between the national administrations and the Commission will reduce extra manual data encoding. This will allow Member States to transmit data directly from their back-office systems in respect of the following principles of the European Interoperability Framework: security and privacy, multilingualism, administrative simplification, transparency, preservation of information, openness, reusability, effectiveness and efficiency. History of all data exchanges with the Member States' administrations should be accessible to either party.

All services will be strongly integrated to ensure a consistent and reliable workflow.

The technical implementation of the proposed data-exchange services has the following requirements:

- State of the art secure web services allowing for the inter-exchange of meta-data and documents related to national or EU legislation.
- A transfer mechanism allowing for highly reliable exchange of documents, including very large documents if needed (electronic transmission should be the unique notification mechanism). To be checked if this can be covered by the eTrustEx platform.
- Legally binding electronic signature for official notification of infringements and transmission of the corresponding MS replies (explicit requests by Spain and Germany). Here we see a potential to leverage the eTrustEx platform.
- A publishing service allowing THEMIS to 'push' legislation related information to EUR-Lex, making the actual transmission of the corresponding document representing the national legislative act obsolete.

It is imperative to involve Member States in order to ascertain that compliance with ELI is achieved in a transparent and homogeneous way, within the scope of infringements proceedings. This will be channelled through the existing EU Law Network, with regular coordination meetings in Brussels.

## COSTS AND MILESTONES

### Breakdown of anticipated costs and related milestones

Phase: Initiation Planning Execution Closing/Final evaluation	Description of milestones reached or to be reached	Anticipated Allocations (KEUR)	Budget line ISA/ others (specify)	Start date (QX/YYYY)	End date (QX/YYYY)
	Implemented solution	128	ISA2	Q1/2017	Q1/2018

## Breakdown of ISA funding per budget year

Budget Year	Phase	Anticipated allocations (in KEUR)	Executed budget (in KEUR)
2017	Initiating	128	
2017	Planning		
2017	Executing		
2017	Closing		
2017	Monitor & Control		

## Planning for the tendering procedures to be launched for the action

No tendering procedures planned to be launched for this action.

## ANNEX AND REFERENCES

Description	Reference link	Attached document
Articles 4 and 17 TEU	<a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:083:0013:0046:EN:PDF">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:083:0013:0046:EN:PDF</a>	
Articles 258 and 260 TFEU	<a href="http://eur-lex.europa.eu/JOHtml.do?uri=OJ:C:2010:083:SOM:EN:HTML">http://eur-lex.europa.eu/JOHtml.do?uri=OJ:C:2010:083:SOM:EN:HTML</a>	
Decision 2002/47/CE, CECA, Euratom for document management rules	OJ L 21, 24.1.2002, p. 23–27	
Annual Reports on monitoring the application of Community law	<a href="http://ec.europa.eu/eu_law/infringements/infringements_annual_report_en.htm">http://ec.europa.eu/eu_law/infringements/infringements_annual_report_en.htm</a>	
Communication 'A Europe of results – Applying Community law' (the 2007 Communication)	COM (2007) 502	
Communication on the application of Article 260 (3) TFEU	<a href="http://ec.europa.eu/eu_law/infringements/infringements_260_en.htm">http://ec.europa.eu/eu_law/infringements/infringements_260_en.htm</a>	
Framework Agreement between the Commission and the European Parliament (Section on	<a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:304:0047:0062:EN:PDF">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:304:0047:0062:EN:PDF</a>	

'Monitoring the application of Community law')		
Public access to documents relating to infringement proceedings	SEC(2003)260/3 <a href="http://www.cc.cec/sg_vista/cgi-bin/repository/getdoc/COMM_PDF_SEC_2003_0260_3_EN.pdf">http://www.cc.cec/sg_vista/cgi-bin/repository/getdoc/COMM_PDF_SEC_2003_0260_3_EN.pdf</a>	
Monitoring the application of community law: manual of procedures	SEC(2005)254/5 <a href="http://www.cc.cec/sg_vista/cgi-bin/repository/getdoc/COMM_PDF_SEC_2005_0254_5_EN.pdf">http://www.cc.cec/sg_vista/cgi-bin/repository/getdoc/COMM_PDF_SEC_2005_0254_5_EN.pdf</a>	