



European Forum of Official Gazettes
5th meeting
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Consolidation

Interim report of the working group

presented by
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1. Introduction

This paper presents the interim report of the Working Group on Consolidation, the formation of which was agreed at the 2007 meeting of the Forum in Helsinki-Tallinn.

Some years ago the official publishers of Official Gazettes were dealing with the consolidation seldom. The content of the Official Gazettes was determined by the law and consolidation was not a part of it. In most cases, consolidated versions were published randomly, only if entitled by Parliament, and just for information, e.g. without legal value. Today more and more often consolidation is regulated by some legal act showing the importance of this kind of legal information.

Recent IT-technology increasingly helped to facilitate the creation, up-dating and dissemination of consolidated versions of the legislation currently in force. Even though only few statistics can prove it, consolidated versions of legislative acts are the most popular documents in electronic collections. Thus, the state must ensure that the law valid in a country would be available as widely as possible, for all kinds of public.

2. Terms of Reference and Membership of the Working Group

2.1. Following the establishment of the Working Group, detailed terms of reference were subsequently proposed to the Extended Chair of the Forum and were agreed as follows:

- analysing the methods and the organisation of consolidation production and publication in different countries;
- charting the different countries practices in producing and publishing consolidated texts;
- identifying the best practices and the problems/obstacles to successful consolidation procedures;
- studying the possibilities to attribute a legal value to consolidated texts.

2.2. The following individuals attended meetings of the Working Group:

Chair: Marika Seppius (Estonia)
Secretary: Aija Bilzena (OPOCE)
Members: Helga Stöger (Austria)
Pavel Gardavsky (Czech Republic)
Jüri Heinla (Estonia)
Christoph Eckert (Germany)
Joelle Kaufmann (France)
Philippe Gibon (France)
Inese Kovalova (Latvia)
Artis Trops (Latvia)
John Dann (Luxembourg)
Roman Makara (Slovakia)
Albrecht Berger (OPOCE)

3. Meetings

3.1. Three meetings of the Working Group have taken place:

The minutes of the meetings are available on the Forum website.

http://circa.europa.eu/Members/irc/opoce/ojf/library?l=/10_consolidation&vm=detailed&sb=Title

10th and 11th March 2008 in Luxembourg

The main issues on the agenda of the first meeting were:

- presentation of the members
- introduction and presentation of the Forum website
- introduction of the publication project “Access to legislation in Europe”, carried out by the secretariat of the Forum
- presentation and discussion of national projects and experiences:
 - o EU practice in consolidation of EU law
 - o Consolidation in Estonia
 - o Consolidation in Slovakia
 - o Consolidation in France

It was decided to concentrate on studying the following issues:

- analysing the methods and the organisation of consolidation production and publication in different countries;
- charting the different countries practices in producing and publishing consolidated texts;
- identifying the best practices and the problems/obstacles to successful consolidation procedures;
- studying the possibilities to attribute a legal value to consolidated texts;
- preparation of a questionnaire on the various aspects of the consolidation production process.

15th and 16th May 2008 in Tallinn

The issues on the agenda of the second meeting were:

- presentation of national projects and experiences:
 - o consolidation in Austria
 - o consolidation in Germany
 - presentation of the Editor of Legal Acts (Slovakia)
 - debate on the questions of the questionnaire to be sent to the other Forum members
- It was decided to launch the questionnaire in an on-line form.

14th and 15th July in Riga

The main issues of the third meeting were:

- presentation of national projects and experiences:
 - o consolidation in Latvia
- final corrections and adoption of the questionnaire to be sent to the other Forum members

www.wg-consolidation.eu

4. On-line questionnaire

The consolidation working group of the Forum launched the questionnaire focusing on consolidation production practices to assemble, as much as possible, a complete picture of the current situation, good and bad practices, as well as to share success stories. Since other questionnaires concerning also consolidation issues were circulating about the same time, it was decided that the questions already asked, for example for the EU Official Gazette Guide, would not be repeated.

The Group decided to launch a questionnaire in an “on-line” form, which seemed more comfortable for the respondents; as answers can be equipped with attachments (e.g. screenshots, manuals) or links to real web applications, and it is also possible to consult other respondents’ answers.

The invitation to answer the questionnaire was issued on 23rd July to the delegations of EU Member States, candidate countries, EFTA countries and others, altogether 38 countries. Despite the holiday season, the response rate was very good (more or less finalised answers from 28 countries). We appreciate the contribution of all respondents and we are looking forward to receiving the answers also from those who haven't completed the questionnaire yet. The working group will analyse all the answers after the Forum’s annual meeting. The results of the questionnaire will constitute an integral part of the final report of the working group to the Forum. Preliminary results are presented in this report.

The questionnaire focuses on three main aspects: legislative, organisational and technical. Further details on each aspect follow below. Answers of only a few countries to each point were selected. The full answers of all respondents will also be made available in the final report.

4.1. Legislative aspects

4.1.1. Is there a legal basis for consolidation?

Answers to this question divide into halves: 14 countries with a legal basis and 14 without. Legal regulations stipulate the bodies authorized to carry out consolidation, the sequence of the consolidation, the procedure of creating (and adopting) the consolidated versions of legislation, the methods of drafting including guidelines for consolidation, the distributive media and, last but not least, the status of the consolidation.

Consolidation is regulated by:

- legal act
Latvia: State's obligation to carry out consolidation is prescribed by Regulations of the Cabinet of Ministers of the Republic of Latvia on Systematization of legal acts.
Estonia: Consolidation is regulated by *Riigi Teataja* (State Gazette) Act.
- guidelines (not legally binding)
Denmark: Danish Ministry of Justice has set out guidelines regarding consolidation.
Germany: Instructions for drafting and consolidation of legal acts are published in the "*Handbuch der Rechtsförmlichkeit*" (manual for legal formality) published by the Federal Ministry of Justice.

Basis for the creation of a consolidated version:

- after each modification of a legal act – in 17 countries out of 28, which answered the questionnaire, consolidation is made after each modification, and the versions are available on-line.
- decided by authorities case by case, published in an official publication on paper

Former Yugoslav Republic of Macedonia: According to the Rules of procedure of the Assembly – article 177 (OG of the RM no. 91/2008) "if the law has been changed or amended a number of times, or if the law brings about extensive changes and amendments, the initiator of the law may propose establishment of a consolidated text of the law. If the Assembly deems that justified, it shall authorise the Legislative Committee to prepare a consolidated text of the law and publish it in the *Official Gazette of the Republic of Macedonia* within 30 days from the day of the publishing of the law introducing alterations and amendments to the law in the *Official Gazette of the Republic of Macedonia*."

Czech Republic: Parliament decides if a consolidated version is to be prepared.

Slovakia: Republication depends on the decision of the National Council. The consolidation is done mainly in cases when the basic act was amended by number of amending Acts and/or the basic act has some of special importance. Electronic version of the Collection of Laws is called JASPI (*Jednotný Automatizovaný Systém Právnych Informácií* - Uniform Automated Legal Information System). The consolidation of legal texts is made continuously after the amending act has been published in the paper version of the Collection of Laws. The consolidation is usually made in a few days.

Deadlines for consolidation:

Usually there are no fixed deadlines for consolidation, i.e. the consolidation is done “as soon as possible”, which in some cases mean 2-5 days after the modification and in some cases - several months.

For example, in **Belgium** the time to wait before the text is consolidated is about 6 weeks for federal legislation and 18 month for regional legislation because only 4 persons are responsible for all consolidations in two official languages. But, the day after the publication of the amendment, one can see in the future consolidated text a note saying an amendment of the text has been published and can consult by hyperlink the text of the amendment.

In **Denmark** the Danish Ministry of Justice recommends that a consolidated version is drafted each time an amendment has been passed. In reality most ministries draft a consolidated act in an area maybe once a year. In Switzerland consolidation for the print and offline versions is made 4 times a year.

In Italy consolidation is made usually monthly (but there is no fixed rules), in **Finland** every week. In **Latvia** the consolidated version is available on-line the same day the amending act comes into force. In **Estonia** the new consolidated text of a legislative act has to be published in the *Riigi Teataja* at the same as the amending legislative act.

4.1.2. What is consolidation (is there a legal definition?)

Although in general there is no legal definition of consolidation, the understanding of consolidation is basically the same – integration into a single text of all the amendments to

the original legal act or in other words – legal act in its current wording, where in one document is merged initial version of the particular act and its latter sequential amendments. A consolidated text is an updated version of the legislative act (= in force at a given moment).

Some definitions:

EU – consolidation integrates (in a single non legally-binding text) the provisions of the original instrument together with all subsequent amendments to it. Consolidation brings benefits to citizens, administrations and business in the form of a more accessible, transparent legislative framework (COM (2003) 71 final).

Estonia: A consolidated text is the version of legislation which sets out all amendments made to the legislation. The first original text is at the same time also the first version of the consolidated text. (*Riigi Teataja Act*).

Latvia: Consolidation is not explicitly defined in the Latvian legal system, but according to regulations of the Latvian Cabinet of Ministers on systematization of legislative acts, the procedural order of this matter is defined as follows: „Article 3. By the process of systematization, Ministry of Justice:

3.1. Arranges legal acts in chronological order, accordingly to the type of act, field of legislation and substance;

3.2. Sets apart legal acts or specific provisions that are no longer in force from legal acts or provisions that are in force;

3.3. supersedes respective words, numbers, combinations of words, sentences or parts of sentence of a previously promulgated legal act with words, numbers, combinations of words, sentences or parts of sentence of subsequently promulgated legal act;

3.4. supplements a text of a previously promulgated legal act with words, numbers, combinations of words, sentences or parts of sentence of subsequently promulgated legal act;

3.5. Partly or entirely supersedes previously promulgated legal act with a new text.”

4.1.3. Legal status of consolidated texts

There is quite a large difference in opinions concerning the legal status of consolidation. Historically the paper version of Official Gazettes has been official and legally binding. Still, not everything published on paper in the Official Gazette is always legally binding. The consolidated versions of legal acts published in Official Gazettes may be official, but in many cases they only have an informative value.

Since 2001 when Belgium changed the history in publishing Official Gazettes and started to disseminate *Belgisch Staatsblad/Moniteur belge* only via Internet, the electronic versions of Official Gazettes have acquired official status in numerous countries. It has aroused the question of the status of consolidated texts in these electronic publications.

Consolidated acts published in Official Gazette are legally binding:

Slovenia: Consolidations published in *Uradni list Republike Slovenije* (on paper and electronically) are equally legally binding.

Estonia: Consolidation is officially published in electronic *Riigi Teataja* after each modification. It is legally binding and a court may apply the consolidated text. In case the consolidated text does not correspond to the original text of the legislation or

legislation amending or repealing thereof, a court may refuse to apply the consolidated text and notify the State Chancellery of the contents of the non-correspondence.

In many cases legal value of the consolidated version depends on the legislative procedure, it has to be passed through Parliament:

Malta: Consolidated versions of legal texts enacted by Parliament are legally binding as prepared and published by the Law Revision Commission under the Authority of the Statute Law Revision Act.

Belgium: The consolidated versions of legal texts voted by Parliament are legally binding.

Luxembourg: The consolidated versions of legal texts voted by Parliament are legally binding (example: "Code du Travail" - Code containing the legal acts referring to labour reglementation - legally binding as of January 1st 2007).

Official collections depend usually on whether the publication form is official or not. As paper publication has still official status therefore republication in Official Gazette can be also official.

Germany: The text is only official when the consolidated text is published in the law gazette (*Bekanntmachung der Neufassung*).

Hungary: According to Article 60 of Act No. XI/1987 consolidated texts contained in the Official Compilation of Law in Force (published every five years) are official.

Romania: Republication is the only official consolidated form.

Informative value: In most cases both consolidated texts printed in official paper publication or published on-line have just an informative value.

EU: The reason, why consolidation does not have official or legally binding status is that the consolidated versions are not formally adopted by the legislative authorities.

Finland: To make consolidated versions official (legally binding) would require changes in the legislative procedure, and the consolidated version would have to be passed through Parliament simultaneously with the amendments. This can be the long-term objective.

Sweden: The legally binding promulgation of a legal act has to be exactly in accordance with the decision of the deciding body (Parliament or Government). The consolidated versions are not formally adopted by the deciding bodies.

Many countries are planning to give consolidated versions also official or/and legally binding status in the future.

Czech Republic: System of publication of legally binding electronic and paper versions of acts in consolidated form called e-Sbirka (e-Collection) is being prepared.

Serbia: *Sluzbeni glasnik* undertakes certain steps to make its consolidated basis legally binding.

Italy: No immediate plans, but they are thinking to move forward.

Experience of set-backs in this field:

Switzerland: It was discussed within the last revision of the law in 1994 to make consolidated versions again official (was legally binding up to 1986), but the Parliament has finally confirmed his position from 1986. Legally binding are still the publications of the original acts in the official gazette. It is not planned in the next few years to change again the law.

4.1.4. Legislation covered by consolidation

Recent IT-technology increasingly helped to facilitate the creation, up-dating and dissemination of consolidated versions of the legislation currently in force, as well as the facility to look at all the available versions over time.

All legislation –

Belgium: Database "Legislation belge" does consolidation of all legislation.

Germany: All legislation which is part of the *Fundstellennachweis A* (official register) is contained in the database for federal law. Legal acts which are published in the *Bundesgesetzblatt II* (law gazette for international law) are not included. Those acts are only displayed with some basic information (e.g. reference).

Sweden: All acts and ordinances in force are consolidated.

Estonia: Acts, decrees of the President of the Republic, regulations and orders of the Government of the Republic, regulations of ministers, regulations of the President of the Bank of Estonia, regulations of the National Electoral Committee. The legislation that has to be consolidated is named in *Riigi Teataja Act*.

Switzerland: The law defines the content of the compilation of the federal legislation: legal acts + international treaties, agreements and decisions + agreements between Confederation and cantons + cantonal constitutions.

Primary legislation – consolidation always covers at least legislative acts adopted by Parliament. Whether consolidation is made of all parliamentary acts or just certain and more important ones varies from country to country and is often a matter of the decision of the authorities.

Luxembourg: Legislation is only partially consolidated, on demand of Ministries. It is planned to start developing a new system beginning 2009 which will allow consolidation of all newly published legislation.

Spain: The *Boletín Oficial del Estado* offers in his web consolidated versions of the main laws: Constitutional law and the *Comunidades Autonomas* statutes.

Denmark: Only acts of Parliament are consolidated, not statutory orders or regulations from a ministry.

France: The subject of consolidation is explained in the decree 2002-1064. It concerns all the law, the decrees, and the orders.

Primary legislation and some secondary legislation

Latvia: Laws and government regulations, decisions of the Constitutional Court.

Hungary: All legal acts and other means of state governance published in the Hungarian Official Journal are consolidated.

Slovakia: systematic consolidation of the Laws passed by National Council of the Slovak Republic (Parliament). Consolidation of some acts of the secondary legislation is also available, but is not currently systematic; new system is in development which will allow consolidation of all of the legislation published in the Slovak Legal Gazette (*Zbierka zakonov*).

Lithuania: There are consolidated legal documents adopted by Parliament, Government, President and some Ministries (if the Ministries consolidate their documents themselves).

Former Yugoslav Republic of Macedonia: Legislation is only partially consolidated on demand of Parliament or Ministries.

4.1.5. Public interest (Are consolidated versions more viewed by users than original acts?)

It seems to be the tendency that consolidated acts are more often viewed, even though no precise statistics are available for all countries.

Estonia: Ten times more searches in the consolidated part of the Estonian Gazette.

Switzerland: 450.000 visitors/day for the consolidated online version versus 50.000 for Legal Gazette.

4.1.6. Other forms of simplifying the access/reading of often modified acts

Codification – the acts to be codified are repealed and replaced by a single act containing no substantive change to those acts. It therefore involves the reworking of the consolidated text into a coherent and comprehensible new single legal act formally replacing the basic act and all its amendments. (COM (2001) 645 final)

EU: Codification is done on the basis of consolidated text and results in a new legislative act.

Luxembourg: The Service Central de Législation (SCL), as well as other Ministries, issue a certain number of codes and compilations of legal texts referring to certain precise matters. These collections of texts are, as well as all the legislation existing in Luxembourg, accessible on the legal Internet site of the Government "www.legilux.lu", installed and supervised by the SCL.

Recast – means adopting a single legal act which makes the required substantive changes, codifies them with provisions remaining unchanged from the previous act, and repeals the previous act.

EU: The primary purpose of a recast is the substantial amendment while opportunity is used also to codify the basic act and all subsequent amendments. Recasting proposal follows a normal legislative procedure according to its legal base.

Sweden: If a law or ordinance (printed version) has been amended to a limit when it becomes immense there are two options for making the structure of the laws and ordinances comprehensible – to draft a new law or ordinance that repeals the old one or – to reprint the law or the ordinance (*omtryck*) e.g. republication.

Latvia: In particular cases (when there are adopted plenty of amendments) a new act is adopted and published afresh. Mostly - even with the same title.

Hungary: Laws containing extensive amendments authorise the minister (usually the Minister of Justice) to publish the amended act in the Official Journal. Afterwards this consolidated text is considered the official text.

Republication –

Switzerland: Collections of selected legal acts.

Slovakia: Some laws passed by National Council of the Slovak Republic (Parliament) are republished in the paper version of official gazette. These republished versions have incorporated amendments, but are not legally binding. Not all the laws passed by the Parliament are republished (approx. 10 per year).

Romania: Law no. 24/2000 concerning legislative procedure norms for drawing up normative documents stipulates the republication of a substantially modified or

amended normative document. Republication is the only official consolidated form and all references to consolidation imply republication.

Hungary: Laws containing extensive amendments authorise the minister (usually the Minister of Justice) to publish the amended act in the Official Journal. (Afterwards this consolidated text is considered the official text.)

4.1.7. Do drafting rules help to make consolidation easier?

Generally drafting rules for new legislation exist and they also provide help for consolidators, which make sure that the amendments are clear and consistent and there is minimum risk of misinterpretation (**Germany**). Some of the drafting rules are meant to make it easier to consolidate legal texts. For example in **Sweden** there is a technical rule saying that changes in articles shouldn't be described theoretically in amendments, the whole article must be rewritten. In **Lithuania** these rules (Order No.104, 08.17.1998, adopted by Ministry of Justice of the Republic of Lithuania) also foresee the change of the whole particular article of the law, even if very little changes (like several words) have to be changed in the original document. This method makes it possible to "cut and paste". In **Slovakia** the drafting rules exactly specify how to prepare amendments. An amendment prepared strictly according to legislative rules is generally easier to consolidate.

In some cases these rules are not necessarily considered to be helpful for consolidation (**Latvia**).

4.1.8. How the information about validity or invalidity (in force or not in force) of a certain consolidated version is presented?

Belgium: The information about the date of entry into force (*entrée en vigueur*) is presented at the beginning of the text and also by means of a note in the consolidated version of the modified articles.

Sweden: As metadata in the head of the consolidated law or ordinance.

Germany: In the free of charge online service only the latest valid consolidated, the last amendment, versions are available. In the paid service the exact period of validity is displayed, as well as all amendments.

Hungary: The heading of the electronic version of the legal document is highlighted with red (not in force), green (in force) or blue (enters into force at a future date). In addition every document has a bibliographic notice listing the title, publication reference, date of entry into force and the consolidated versions.

Latvia: With a proper reference of current status (above a title of an act), for example: „Current version since 01.01.2008.”, „Past version from 01.01.2006 till 01.01.2007” and „Future version from 01.01.2010”.

4.1.9. What is the practice if a mistake is discovered in legal acts while consolidating?

The correction of mistakes depends on whether the mistake was already in the amending act or the consolidation was done incorrectly. In case the mistake was already in the amending act there are two main practices. First, if the mistake is in a legal act, it can only be corrected by an amending act. It might depend on legal procedure (mistakes in legal texts can only be corrected by another legal act) or on the type of the mistake (not just an orthographical mistake but affecting the content). Another practice is that the issuer of the

legal act is notified and with his consent the official corrigendum is published and the mistake is corrected. Different measures listed below are used:

- Notification to the author
 - EU:** The consolidation team of the Publications Office informs the responsible Directorate General (the author DG) and the publication of official corrigenda is arranged. In the meantime the consolidated version can be produced with a mistake and then updated with the corrigendum.
 - France:** If a mistake is discovered, the responsible civil servant of the ministry is contacted. An indication of the mistake and "nota" is made in the consolidation text.
 - Latvia:** Usually the Ministry of Justice and its responsible department is informed about the mistake. The Ministry of Justice will inform about the mistake the issuing Ministry and a decision on how to correct the mistake will be taken, mainly – with the publishing of an official corrigendum or by adopting a new amendment.
 - Romania:** If mistakes are discovered while consolidating, the issuing authority is informed in order to issue a correction with a rectification procedure.
- Issue of official corrigenda
 - Belgium:** By initiative of the author of the text a corrigenda is published under the name of "erratum".
 - Luxembourg:** If the mistake concerns a purely material mistake, such as an error in orthography or grammar, it is possible to issue an official corrigendum which will be published in the Official Gazette at the initiative of the competent Ministry. If the mistake is discovered by the SCL, notification will go to the relevant Ministry.
 - Slovakia:** Author has the right to decide, whether to issue official corrigenda or make the correction by amendment. If the mistake was made in the final processing of the act (printing) and the final text is different to the approved and officially signed one, the corrigenda could be issued by the Office of the official legal gazette.
- Notice in the consolidated text
 - Denmark:** If a negligible mistake is discovered in an act while consolidating, the Danish practice is to correct it in the consolidated text and add a notice at the end, that there has been a mistake in the original act, and that this will be corrected in a following amendment. Only minor mistakes such as a typing error can be corrected in the consolidated act.
 - Estonia:** Date and time of the correction is indicated in the consolidated text.
- Correction by amendment
 - Luxembourg:** If the mistake concerns the content of the legislation and has been as such voted by Parliament and validated by the Grand-Duc, a formal amendment must be introduced into the legal procedure and the text must be revoted by Parliament and resigned by the Chief of State.
 - Malta:** If the mistake concerns a particular legal term or a conflict between languages, then another legal act is published to correct/rectify such mistake.

4.2. Organisational aspects

4.2.1. Consolidators

Consolidations are made by:

- Ministries (other authorities)
 - Sweden:** The consolidation is done by the Division for Legal and Linguistic Draft Revision at the Ministry of Justice.

Austria: Federal Chancellery.

Estonia: Consolidated texts are compiled by the same authorities who are responsible for the adoption of the basic acts and the amending acts. 1) The Ministry of Justice - Acts and decrees of the President of the Republic;

2) The State Chancellery - regulations and orders of the Government of the Republic;

3) Ministries - regulations of appropriate ministers;

4) The Bank of Estonia - regulations of the President of the Bank of Estonia;

5) The Chancellery of the Parliament - regulations of the National Electoral Committee.

EU: Consolidation of primary law (Treaties) is the responsibility of the Council Legal Service.

Poland: Consolidated texts of laws complies special department of the Chancellery of the Sejm to be signed by Chairman of the Sejm and officially edited in the paper version of the Official Journal.

- Publisher of Official Gazette

Hungary: The consolidation is done by the Legal Consolidation Unit of the Hungarian Official Journal Publisher.

Turkey: The consolidation is done by the Office of the Prime Minister, Directorate General for Development and Publication of Legislation.

Switzerland: The Centre for Official Publications within the Swiss federal chancellery.

Luxembourg: Service Central de Législation.

EU: Consolidation of secondary law (Regulations, Directives and Decisions) is carried out by the Publications Office. Some other documents (like guidelines etc.) can be consolidated by the Publications Office upon request. The consolidation team (6 people) of the Publications Office is responsible for daily analysis of the Official Journal (taking consolidation decisions), preparing working instructions for the external contractor and sending source files to the contractor. The technical consolidation is carried out by the contractor (45 people). The delivered consolidated texts are then validated, controlled and disseminated by the Office consolidation team.

- Outsourced

In **Finland** consolidation is done by Edita Publishing Ltd.

EU: The technical consolidation process is carried out by an external contractor, following detailed instructions of the Publications Office consolidation team.

Netherlands: Consolidation is made by an external contractor, following detailed instructions of an interdepartmental editorial board.

Slovakia: private company compiles consolidated texts and Ministry of Justice provides quality check. Future - brand new system, where consolidation should be fully automatic done by a special software.

- Others

Lithuania: IT department of the Office of the Parliament.

The personnel involved in preparing the consolidation is mainly legal experts and lawyers by their qualification.

In **Hungary** they are Masters of Arts in Law with specialization in the process of Hungarian legislation and EU law.

In **Latvia** consolidators and a head of the consolidation department of the official publisher „Latvijas Vestnesis” have legal education (highest education or the latest year students), because it’s considered as an important necessity for that trade and

responsibility and because of a specific character of amendments and arising problem issues.

In **Luxembourg** the consolidated texts issued by Ministries as well as the texts prepared by the legal partner of the SCL are put together by legal experts. As for the SCL itself, the consolidation is operated by its agents and supervised by legal experts, and, for certain matters, by the Department of Law of the University of Luxembourg.

In **Estonia** in most cases the legal department of the ministry is responsible for the consolidation, but some cases the duty is delegated to assistants (more mistakes and problems).

In **EU** the person responsible for the analysis of the amended acts is a lawyer. Publications production agents at the Publications Office and documentalists at the external contractor are involved in further consolidation process.

4.2.2 Quality control

Generally the quality control of consolidated acts is done by the same personnel involved in preparing the consolidation:

Latvia: Quality control is done by the consolidators themselves. If any uncertainties arise, the Ministry of Justice is contacted.

Belgium: The same personnel involved in preparing the consolidation makes also the quality control.

Austria: Federal Chancellery.

Finland: Edita Publishing Ltd.

France: The team of consolidation.

In some cases quality control is done by other specialists, not consolidators themselves:

EU: The consolidation team and proofreaders trained for this task perform quality control of some randomly selected consolidated versions.

Denmark: The Office of the Official Danish Gazette performs a legal technical check, but not a control of the material content, before the consolidated text is promulgated in the Official Danish Gazette.

Estonia: *Riigi Teataja* (State Gazette) Department in State Chancellery

Switzerland: There is a team of three lawyers who make the quality control in the 3 languages. Every lawyer checks the version in his mother language. Each lawyer needs excellent knowledge of the two other languages.

The end users are of course also controlling the quality of consolidation as they inform publishers in case of suspicion of mistakes. These users are generally legally competent (lawyers, attorneys, judges, civil servants etc.). The information received from users is verified and appropriate corrections are made if necessary.

4.3. Technical aspects

4.3.1. Formats in which consolidated texts are offered to end-users

The electronic formats of collections of consolidated acts are most commonly HTML and PDF. PDF format is used to maintain the same look of both versions, consolidated and the original act printed in the official Gazette.

4.3.2. XML schema and automatisisation of consolidation process

Consolidation can be made:

Manually – in most cases simple copy-paste.

Switzerland: Automation is not possible at this time. There are very often other legal acts indirectly touched by amendments. For detecting these special cases it needs high qualified persons. Some links and other very important information have to be done by lawyers.

Semi-automatically –

EU: The synchronisation of the XML structure from the "pilot" language to the other language versions is semi-automatic, with manual interventions if automatisisation failed.

Belgium, Germany: Some production steps are supported by automatic procedures. The modification of the text is done manually.

Automatically – Fully automatic consolidation seems to be unreachable challenge. It demands very precise drafting rules for drafting the amending acts and also to strictly follow the rules. A technical premise for automatic consolidation is encoding the structure and content of the legal documents.

Slovakia: in near future consolidation will be fully automatic by special software - Editor of Legal Acts, which is currently in testing.

Automatic or semi-automatic process of consolidation needs standardization of the structure of the electronic documents. XML is considered to be one of the best for that at present. In electronic collections of consolidation using XML schemas is becoming inevitable.

XML schemas used for legal documentation and consolidation:

Common standard – Metalex - is an open format and a generic and extensible framework for the XML and RDF encoding of the structure and contents of legal documents. It aims to be jurisdiction and language-neutral, and is based on modern publishing concepts like XSLT-based transformation pipelines and emerging Semantic Web standards like RDF and OWL.

Denmark: LexDania.

Switzerland is using different standards (Metalex, LexDania).

Own standards

EU: Format for the Exchange of Electronic Publications (Formex).

Italy: Norm In Rete,

Germany: *Bundesanzeiger* and *Bundesgesetzblatt* print are partly XML-based; *eBundesanzeiger* is XMLbased;

Netherlands, Finland, and France – own XML schema;

Belgium, Latvia: Consolidated acts are structured documents in data base that are convertible to XML format if necessary.