

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

(7) Answers by the Spanish ‘Boletín Oficial’

I. Organisational data

ES		<u>1. Identification and contact person(s)</u>
1.1	Organisation:	Boletín Oficial del Estado Official State Bulletin
1.3	Address :	Avenida de Manoteras, 54 - 28050 Madrid Spain
1.5	Internet :	http://www.boe.es
		There is another portal (http://iberlex.boe.es) which is specialised in legislative issues.
ES		<u>2. Data on the organisation and its overall tasks</u>
2.1	Form and nature:	- governmental agency It is an independent body assigned to the Ministry of the Presidency
2.2	Legal basis for publishing:	- a regulatory text, degree etc. Real Decreto 1511/1986, de 6 de junio, de ordenación del diario oficial. The Constitution stipulates that the King shall order the publication of laws.

		Royal Decree 1511/1986 regulates the publication of all kinds of norms.	
2.3	Year of the found.:	1666	
		The Official Gazette was founded as a vehicle for general information in 1666. It appeared as an official government organisation in 1762.	
2.4	Legal basis for co-operation:	- regulatory text, decree etc.	
		Real Decreto 1511/1986, de 6 de junio, de ordenación del diario oficial.	
		Royal Decree 1511/1986, on the regulation of the Official Spanish Journal.	
2.5	Main tasks of the organisation		
2.5.1	Publ. of laws/regulations:	<ul style="list-style-type: none"> - laws and regulations - treaties and internal agreements - consolidated law - databases - consolidated law - paper publ. - parliamentary documents - court decisions - individual measures - legal notices - call for tender - legal notices - company data - public recruitment competitions - collective agreements - legal literature - other publications 	<p>mandatory</p> <p>mandatory</p> <p>not</p> <p>mandatory</p> <p>not</p> <p>mandatory</p> <p>not</p> <p>mandatory</p> <p>mandatory</p> <p>mandatory</p> <p>mandatory</p> <p>mandatory</p> <p>mandatory</p> <p>not</p> <p>mandatory</p> <p>not</p> <p>mandatory</p>
2.5.2	Operation of databases	<p>Iberlex-Spanish and European legislation of national application. Internet and CD ROM.</p> <p>Historical Collection-Gazette with digitalised texts. (1812 – 2004). Internet.</p> <p>Publiboe-Advertisements since 1995. Enables searches on the Internet.</p> <p>Personal-Calls to tenders and appointments. Internet. (All not legally mandatory).</p>	
2.5.3	Others (e.g. forms ...)	Books, booklets, forms (not mandatory)	
2.6	What	Spanish, Catalan, Galician and Valencian.	

	language(s) is/are used	
		Spanish.
		The Official Journal (Section I-Laws) is also published in Catalan, Galician and Valencian.
2.7	Activities of public or private companies	
2.7.1	Subcontracts in isolated cases for	- printing - CD-ROM/DVD duplication - others (consultants, auditors etc.)
2.7.2	Contracts for instit. or regular work	- CD-ROM/DVD duplication - adverting agencies
2.8	Other off. gazettes	There are 17 gazettes, one for each of the autonomous regions (regional governments), and a further 45 gazettes, one for each province, as well as those published by municipal authorities.
2.9	Annual budget (global) of the organisation	28.531.000 €
		This figure refers to the administrative budget. It also has a commercial budget of €13,300,000.
2.10	Do you have in-house	- printing facilities - online publishing facilities - facilities for CD-ROM/DVD duplication
2.11	How much of the following work is subcontracted	
	pre-press	5
	printing	20
	dissemination	95
		The subcontracting of the printer's refers to the binding. The distribution is subcontracted to the postal company Correos.
2.12	How is the head of the organ. appointed	By government decree.
2.13	Number of	530

	staff of the organ.	
		The staff of the Official Gazette has fallen since 1997 and shall continue to do so in the future.
2.14	Which services are offered by the organ.	<ul style="list-style-type: none"> - reading room - information on documents - administrative and legal service - bookshop

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

(public procurement)

A. Publication of legislation

ES		3. Publication procedures
3.1	Official Gazette:	
3.1.1	Full title of the official gazette:	Boletín Oficial del Estado BOE
		Official Spanish Journal
3.1.2	Contents:	Section I – Laws and general provisions Section II – Authorities and staff Section III – Other provisions Section IV – Administration of Justice and, Section V – Announcements.
3.1.3	Address (URL):	http://www.boe.es The Official Gazette has 5 sections in a way identical to the paper format
3.2	Organisation of the exchange:	- executive authority / electronic - executive authority / on paper
3.3	Is electronic transmission part an integrated and seamless workflow:	no
		There is not yet an integrated and seamless workflow system.
3.4	Techniques based on XML or SGML:	yes
		In Internet all the contents are XML and PDF based. The new production system (starting in two months) will also use XML as the ore format.
	If yes, does a programmar	control of the correct structure only

	exist	
		There is a work in progress in this area. All the new implementations are XML based and this point can change in the future.
3.5	Binding deadlines for publishing legislation:	yes
ES		<u>4. Details of the publication procedures for legislation</u>
4.1	The legal basis for publication of legislation:	Real Decreto 1511/1986, de ordenación del diario oficial
		Royal Decree 1511/1986 on the regulation of the Official Spanish Journal
4.2	Year of establishment of the official gazette:	1666
		As a vehicle of general information, the Official Gazette was founded in 1666. It appeared as an official government organisation in 1762.
4.3	How is publication of legislation financed:	- other
		- paper - CD-ROM/DVD
		The Official Gazette finances the Official Journal with advertisements (80%), subscriptions (10%) and other activities (10%). 50% of the income is sufficient to finance the expenses; the rest is profit.
4.4	On what medium(a) is legislation legally binding:	- paper
4.5	Problems, if legislation is (in future) legally binding in electr. form:	- no problems
4.6	On what media and from when onwards is	- on paper from 1666 - on microfilm from 1666 - on CD-ROM/DVD from 1960 - via online (database/web) from 1875

	legislation offered to end-users:		
		Although incomplete, all the contents are available in both paper and microfilm formats.	
4.7	Availability of the online edition of legislation:		
4.7.1	In which format and from when onwards is legislation offered to end-users:	<ul style="list-style-type: none"> - on paper from 1960 - PDF from 1998 - TIFF from 1875 - HTML from 1960 - XML from 	
		The XML is the basic format. It is converted to ASCII and HTML using style sheets	
4.7.2	Can the online edition be downloaded?:	yes	
4.8	On what financial terms is legislation offered to end-users:	- free of charge	- CD-ROM/DVD - online (database/web)
		- below cost (what percent is covered)	- paper
4.9	Electr. formats, legislation is offered to the private sector for further processing and commercial use:	- in the form of a database output	
		We convert the database output to many other formats (XML, ASCII, CSV, etc.)	
4.10	Is legislation available to all private sector compamies	yes	

	under the same conditions:		
--	-----------------------------------	--	--

4.11	What price is charged to the private sector for the electr. version of leg. for further processing and comm. use:	
------	--	--

		- below cost (what percentage is covered?)	- in the form of a database output
		- other	- in the form of a database output

4.12	Copyright status of legislation in your country:	- no copyright protection claimed for the information itself (content)
------	---	--

		The contents are not copyrighted. Only the format of the Official Gazette is copyrighted.
--	--	---

4.13	Copyright status of the official gazette lay-out/format in your country:	- copyright protection for the lay-out format without compulsory licensing for use
------	---	--

4.14	The owner of the content of legislation, if published by a	- the competent State body
------	---	----------------------------

**private
company:**

B. Calls for tender (public procurement)

ES	5. Details of the publication procedures for calls for tender	
5.0	Competent organisation(s):	
5.1	Organisation of the exchange of information On what medium(a) is legislation legally binding:	- electronic - on paper
		Less than 5% uses paper
5.2	Binding deadlines for publishing this information:	Yes
5.3	The legal basis for publication of public tenders:	Real Decreto 1229/2001, de 8 de noviembre, del Estatuto del Organismo Boletín Oficial del Estado. Ley de Tasas Estatales y locales y de reordenación de las prestaciones patrimoniales de carácter publico (Ley 28/1988).
		Royal Decree 1229/2001, of November 8th, endorsing the Statute of the autonomous organism, the Official Spanish Gazette (BOE). Law on the legal scheme for State and local fees and for reorganisation of Equity beneficits of a public nature (Law 25/1988).
5.4	How is publication of calls for tender financed:	- other - paper - CD-ROM/DVD - online (database/web
		The advertisements are sent by the ministries and bodies. They pay the Official Gazette the rates set forth in Law. But the ministries and bodies charge said rates to the companies who successfully bid for contracts.
5.5	On what medium(a) is the information on public tenders deemed authentic:	- paper
5.6	On what media is the	- paper - on microfilm

	information on publ. tenders offered to end-users:	- on CD-ROM/DVD - via online (database/web)	
5.7	On what financial terms is the information on public tenders offered to end-users:	- free of charge	- online (database/web)
		- below cost (what percent is covered)	- paper - CD-ROM/DVD
5.8	Electr. formats of the public tenders, which are offered to the private sector for further processing and commercial use:	- in the form of a database output	
5.9	What price is charged to the private sector for the electr. version of the public tenders for further processing and comm. use:	- below cost (what percentage is covered?)	- in the form of a database output
5.10	Copyright status of this information in your country:	- copyright protection not claimed for the information itself (content)	
5.11	Copyright status of the official gazette lay-out/format for this information in your country:	- copyright protection for the lay-out format with compulsory licensing for use	

5.12	The owner of the content of calls for tender, if published by a private company:	- the competent State body - the competent State body - the organisation publishing the legislation
------	---	--

III. Future developments and strategies

ES	<u>6. Anticipated changes and other plans or discussed issues</u>	
6.1	Changes in your country in short (1-2 years) or medium term (3-5 years):	<ul style="list-style-type: none"> - There are no plans to change in the way the publication is financed. - It is possible to make the publication of the information on the Internet official. - There are plans for the information offered to end and commercial users to have a price.
6.2	Other plans or discussed issues:	<ul style="list-style-type: none"> - There will probably be a change in the legal status of the publishing organisation to give it the character of business entity instead of independent body. - Another future project is the development of a MINISTRIES – GOVERNMENT SECRETARY’S OFFICE – OFFICIAL GAZETTE electronic information transmission system by means of an integrated and seamless workflow.
