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ADDENDUM TO THE NOTE

from: Office for Official Publications of the European Communities
to : Working Party on Legal Data Processing
Subject : European Forum of Official Gazettes
- Electronic archiving of the Official Journal

Delegations will find hereafter a document prepared for the meeting of the European Forum of Official Gazettes on the Electronic archiving of the Official Journal.

(Copenhagen, 8-9 September 2005)

Electronic archiving of the Official Journal **Archivage des journaux officiels électroniques**

Paper presented by

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The issue of archiving the Official Bulletin and all official legal publications in electronic format is currently the focus of intense scrutiny in most European Union countries, especially those, like Austria, Belgium, or France, that wish to give the electronic versions of such documents authentic normative value.

If in fact the electronic Official Journal constitutes the authentic normative format, or even simply one of the authentic normative formats, archiving then becomes as obvious a need as the archiving of paper versions.

However, the need for archiving faces three main challenges, for which the clearest possible solutions must be found.

1. On a conceptual level, first of all, the very definition of archiving may be given varying scopes. One initial distinction that must be made in most of our countries is the distinction between archiving itself and legal registration. The latter is mandatory for all material published or imported and should, therefore, be systematically extended to include online publications and not just paper publications. Of course, legal registration does not perform the same function as archiving, which is a necessary condition for the validity of a legal document. However, it does remain an irreplaceable means of keeping a record of our national community. Therefore, the issue raised is whether or not the electronic archiving of the Official Bulletin should be exhaustive. The fact that the older a document is, the less likely it is to still be in effect today must be considered. In such cases, we are no longer dealing with archiving, but rather with history. Conversely, it is true that digitization allows considerable volumes of data to be stored — unlike paper formats —, leading to the temptation to archive everything. In addition, the retrieval of data stored, on CD-ROM, for example, is, to an ever-increasing extent, expected not only by governments, but also by the public. Since the creation of the electronic Official Bulletin on 1 June 2004, France has had to adopt two separate solutions for legal registration and for archiving. Legal registration is completed with the National Library of France via a computer robot program that automatically retrieves items from our Web site. Nevertheless, while the digital signature is retrieved by the National Library, the conformity of the signature may only be verified by the Official Bulletin Division. With regard to archiving, DVDs are burned each month for another government agency, the National Archives. These DVDs contain all interventions and events that have occurred as well as their digital signatures. This is one possible way of balancing official registration and archiving. There are certainly others. The International Internet Preservation Consortium currently includes around ten major libraries around the globe. The consortium promotes experiments that aim to automate a number of archiving processes. One example is the British “Seamless Flow” project, which integrates all of the aspects of electronic archiving that can be automated. That said, some significant technical obstacles remain.

2. With regard to technical issues, note that digital information is produced using non-standardized tools, which means that there are currently still too many different formats in use. Therefore, there is a real risk of this information becoming unreadable within several

years. Using compatible solutions and shared discipline over the long term is vital to dealing successfully with this challenge. This is the purpose of the XML project, which is being steered by our colleague, Ms Koch. An “electronic data archiving” commission, which operates out of the National Library in France, is currently developing a standard that defines the techniques and methods appropriate to the archiving of electronic data in order to ensure that the data are preserved, protected, and accessible over the long term. This means that digital information must be stored in ways consistent with a bona fide preservation strategy that aims to ensure the protection of information in a highly unstable environment. While the capacity of storage media continues to grow, media shelf lives vary widely. There is also another risk: that of media becoming obsolete and, therefore, no longer readable. Rules to ensure the continuity of service are needed in both of these areas. Finally, there is the possible risk of losing data for various reasons, which would require back-up copies stored in different locations. In the final analysis, regular monitoring of the condition of storage media must be implemented, as well as the preventive copying of the content stored on a regular basis, such as every five years, for instance. Generally speaking, the thinking being done in this field is very open and a variety of methods have been put forward by experts. If we attempt to put together a set of best practices, it does appear that two methods are particularly well-suited to true archiving: the first consists of converting documents coming from various systems into conservation formats and integrating them into a common XML-based structure before exporting them to a searchable database; the second aims to convert the original documents into conservation formats and integrate them into various XML-based structures, a portal which would then allow searches via a system of cues.

3. In legal and human terms, there are several points that deserve to be mentioned briefly. First of all, in order for the long-term preservation of electronic documents to be implemented effectively, it must be mandated by law. This is the case in France, for instance, where there has been such a law on the books since 1979. However, beyond this legislative requirement, the most important thing is to draw conclusions relevant to archiving from the systems already put in place for the publication of the electronic Official Bulletin where such publication exists. These systems deal with the digital signature and the authentication of text (a topic addressed at a workshop facilitated by Mr Hietanen), the protection of personal information and the “anonymization” of some personal information (especially concerning court decisions), and, to an even greater extent, the fact that electronic Official Bulletins have either come to replace the paper version completely (in a very limited number of countries) or that they contain more information than the paper version (this is the case in France). Therefore, legal rules, which remain to be established, must exist for the archived version if it is to have the same guarantees as the original publication. This is the cost of ensuring that electronic archives inspire the same level of trust as traditional paper archives. This is also the cost of ensuring that the electronic Official Bulletin becomes the reference for legal professionals and for citizens in the coming years. Finally, it is the cost of avoiding litigation and ensuring that transparency is maintained.

I would like to conclude with the following point. All of these conditions require the development of a new profession, that of the electronic archivist, with the appropriate training this would imply. This opens a new horizon; this new generation of archivists will no longer have to authenticate a document based on its storage medium, but rather based on its signature. This is also a new horizon in that, in the future, archives will no longer be

available for consultation at a single location or virtually inaccessible; they will be available from virtually any computer. These new technologies will breathe the same kind of “life” into electronic archives that we now see in daily publications.

Of course, before I finish, I would like to express my thanks to all those who participated in Workshop 3, especially those who attended the Paris meeting. Without their support and knowledge, this report would not have been possible.

As you have all seen, the Internet “memory” is still in its early days. It is by observing the road taken that we will get a clearer picture, if need be, of the usefulness of our collaboration and our work.

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