

*Chapter Five*

## Sector 7

### *National Implementations of EU Directives*

This Sector is a comparatively recent addition to CELEX. It contains documents which provide a list of titles referring to the implementation of EU Directives in the national law of the Member States. This information is difficult to find in a comprehensive manner, so this sector is very useful. The text of any implementing measure enacted in a particular Member State has to be obtained from the national database of that Member State; these are generally accessible via the Internet.

Documents in **Sector 7** are comparatively short and consist of a title which refers to the original directive, followed immediately by the common bibliographic fields, which are then followed by a list of the titles of the individual implementations in each Member State. Each entry for a Member State has a unique tag that identifies it. For example:

- **BELPROV** - signifies the Belgian implementing measure
- **DEUPROV** - signifies the German Implementing measure
- **GBRPROV** - signifies the United Kingdom implementing measure

A typical **Sector 7** document is **DOCNUM 71988L0378**. Notice that except for the prefix, which is 7, the document number is identical to the original directive number. Searching can be done by using the number of the Directive or the subject matter in the title.

This sector provides a formal check on the implementation of a directive in each of the Member States and enables a direct comparison to be made between the rates of implementation in the Member States.

The accuracy and currency of **Sector 7** is dependent on the notification procedures followed in the Member States. The drafting of national regulations for implementing EU directives is normally carried out by the responsible Ministry of the respective Member State. This draft is then given parliamentary approval and so becomes national law. The text is then sent to the respective permanent representative of the Member State in Brussels, who passes it to the Secretariat General of the Commission, which is responsible for monitoring the implementation of Community directives.

This process accounts for over 90% of EU directives. Parliamentary approval for a regulation in the Member States is fairly rapid (for example, 40 days in the UK).

However, if a full Act of Parliament is required for implementation, then this process can take much longer, since it is then subject to the vagaries of the parliamentary timetable and the national political situation. Compliance of the national law with the purpose of the original directive is checked by the legal advisers in each Member State and their permanent representatives in Brussels, and then by the Secretariat General of the Commission. The final arbiter in any dispute is the European Court of Justice.

The references to these implementing measures are sent to the CELEX Group and stored in **Sector 7**. This step occurs at the end of a lengthy process, so unfortunately **Sector 7** is not as current as it could be. The Commission, in

conjunction with the CELEX Group, is making strenuous efforts to improve this sector. Also, the advent of publicly accessible national law databases on the Internet should assist the process of locating individual national implementations of EU directives.

The full text of these implementing measures can be obtained from the legislative databases in the Member States and those other countries that have an association with the EU. These databases may be accessed directly or via the Internet. The following list contains the most important services:

<i>Country</i>	<i>Database provider</i>	<i>Database name</i>	
Belgium	Ministry of Justice	JUSTEL	
	CREDOC	BLEX	
Denmark	Ministry of Justice	RETSINFORMATION	
Germany	Juris Gmbh	BUNDESRECHT	
Greece	Intrasoft	NOMOS	
Spain	Athens Bar Association	THEMIS	
France	Official Journal (BOE)	IBERLEX	
	Journaux Officiels	JORF	
	Journaux Officiels	LEGI	
	Premier Ministre	LEX	
	Lexis/Lamy	LOIREG	
	Italy	Corte Suprema di Cassazione	LEXS
		Corte Suprema di Cassazione	TITLEX
		Gazzetta Ufficiale (IPZS)	GURITEL
Luxembourg	Ministere d'Etat	MELE	
Netherlands	SDU Informatiebank	Opmaat	
	Kluwer	ADW	
	Vermande	DUTCH LEG	
	ASSER Institut	RUN	
Austria	Bundeskanzleramt (RIS)	BND	
	Bundeskanzleramt (RIS)	BGBI	
	Staatsdruckerei	BGBI	
	Parliament	PARLINKOM	
Portugal	Official Journal (Digesto)	PCMLEX	
	JURINFOR	LEXDATA	
	ATAC	ECOLEGIS	
	DATAJURIS	DATAJURIS	
	TBD	LEJURIS	
Finland	FINLEX	FSLV	

	Ministry of Foreign Affairs	EURODOC
Sweden	Rattsbanken	SFS
	Parliament	RIXLEX
	Kommerskollegium	GENOMFORANDE
United Kingdom	Statutory Publications Office	Statute Law Database
	Context Limited	Justis UK Statutory Instruments
	LEXIS/Butterworth	STAT, SI
Norway	Lovdata	NORLEX
Switzerland	Bundesverwaltung	BUNDESRECHT

### *Implementing SIs*

Context Limited has included an additional field - **Implementing SIs** - to documents in the Justis CELEX Legislation database (Sector 3). Context checks the implementing references for the United Kingdom and adds any references that are missing from the UK Implementations field, together with corrected versions of any erroneous references. It also includes comments on the relevance and chronology of some of the references.

### *Related SIs*

The **Related SIs** field is also added by Context and includes references to UK Statutory Instruments which are of relevance to the implementation of EU Directives in the United Kingdom, but which are not listed in the UK Implementations field.