

LEGAL DRAFTING AT THE EUROPEAN COMMISSION: DOCUMENTATION

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OUTLINE

Introduction: Drafting of EC legislation

- Official languages
- EC legislation
- Drafting in the European Commission

Multilingual drafting in the European Commission

- Community legislative acts shall be drafted clearly, simply and precisely.
- Consistent terminology
- Provisions of acts shall be concise.

Respect the principle of multilingualism

- Use direct forms
- Avoid short cuts
- Keep the sentence structure simple
- Mind your grammar
- Choose your words with care
- Solutions to drafting problems must work in all the languages.

Training of European Commission drafters

- Functions of revisers
- Qualifications
- Basic rulebook

Practical training

- Teamwork
- ‘Apprenticeship’
- Supervision
- Consolidating best practices

Formal training

- Introductory courses for drafters
- Legal Service courses and other Commission courses
- Seminars on quality of legislation
- Other sources of expertise

RULES RELEVANT TO THE DRAFTING OF LEGAL ACTS

Declaration No 39 on the quality of the drafting of Community legislation,
adopted by the Intergovernmental Conference in Amsterdam on 2 October 1997
(OJ C 340, 10.11.1997, p. 139)

**Interinstitutional Agreement of 22 December 1998 on common guidelines for the
quality of drafting of Community legislation**
(OJ C 73, 17.3.1999, p. 1)

Interinstitutional Agreement of 16 December 2003 on better law-making
(OJ C 321, 31.12.2003, p. 1)

Joint Practical Guide

signed on 16 March 2000

Accessible from:

<http://eur-lex.europa.eu/en/techleg/index.htm>

Interinstitutional Style Guide

<http://publications.europa.eu/code/en/en-000100.htm>

CODIFICATION AND RECASTING

**Interinstitutional Agreement of 20 December 1994 on an accelerated working
method for official codification of legislative texts**
(OJ C 102, 4.4.1996, p. 2)

**Interinstitutional Agreement of 28 November 2001 on a more structured use of
the recasting technique for legal acts**
(OJ C 77, 28.3.2002, p. 1)

MODEL ACT WITH NOTES: COMMISSION REGULATION

Notes and references to the Joint Practical Guide (JPG)

COMMISSION REGULATION

Title, JPG 8.1-8.9

The name of the institution usually precedes the name of the act, JPG 8.9(1) and (3)

(EC) No 888/2005

Number and abbreviation of the appropriate Community, JPG 8.9(2)

of 8 August 2005

Date of adoption in full, JPG 8.9(4)

on rules

The title sets out succinctly but fully the subject-matter of the act, JPG 8.1-8.6

[(Text with EEA relevance)]

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Solemn form: full name of institution,
JPG 7.2

Having regard to the Treaty establishing the European
Community,
Having regard to Council Regulation (EC) No 123/2005
of 1 April 2005 on ...⁽¹⁾, and in particular Article 11
thereof,

Citations, JPG 9.1-9.14

Legal basis, JPG 9.1, 9.3-9.9

*Full title of act containing specific legal
basis, JPG 16.10*

Footnotes:

*⁽¹⁾[OJ L 123, 2.4.2005, p. 1. Regulation as
last amended by Regulation (EC) No
234/2005 (OJ L 345, 1.6.2005, p. 66].*

Having regard to ⁽³⁾,

Procedural steps, JPG 9.1, 9.10-9.12

Footnote:

⁽³⁾ [OJ C ...]

Whereas :

Recitals, JPG 10.1-10.19

(1) In order to ..., rules should be adopted to

*Recitals give concise reasons for the chief
provisions, JPG 10.1-10.14.*

(2) It is appropriate to take account of Member States
should

*They must not reproduce the text of the
provisions or contain normative provisions
or political exhortations, JPG 10.1.*

(3) It is therefore necessary to

Each recital is numbered, JPG 11.1-11.4.

(nn) subsidiarity/proportionality recital]

JPG, 10.15

(nn) The measures provided for in this Regulation are in
accordance with the opinion of the ... Committee,

JPG, 10.17

HAS ADOPTED THIS REGULATION:

Solemn form: enacting formula, JPG 7.2

CHAPTER I

Article 1 Subject matter

This Regulation lays down rules for ...

Article 2 Scope

This Regulation shall apply to ...]

Article 3 Definitions

For the purposes of this Regulation:
“interested parties” means ...]

Rights and obligations

Provisions conferring implementing powers

Procedural provisions

Implementing measures
[Penalties]
[Remedies]

[Amendments]
[Repeal]

Article nn Transitional provisions

Final provisions
Article nn Entry into force]

This Regulation shall enter into force on the seventh day following that of its publication in the *Official Journal of the European Union*.
It shall apply from 1 January 2006.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 8 August 2005. For the Commission
Jean Schmitt
Member of the Commission

Enacting terms, JPG 12.1-12.4, 15.1-15.4
Subdivisions, JPG 15.4
Standard structure, JPG 15.1-15.4
JPG 13.1-13.4
If one article is given a heading, they must all have headings.

JPG 14.1-14.4

Provisions must be clear, simple and precise, JPG 1.1-1.14.

Drafting must take account of the addressees, JPG 3.1-3.4.

Provisions must be concise, JPG 8.1-8.4.1, 4.4-4.6. Terminology must be consistent, JPG 4.2-4.3, 6.1-6.4

Provisions generally use the auxiliary verb “shall”, JPG 2.3

Standard form, JPG, 15.1(4)

JPG 18.1-18.14, 19.1-19.4

JPG 15.1(5), 21.1-21.2

JPG 15.1(5)

JPG 20.1-20.20

JPG 20.1-20.7

Standard form, JPG 20.11

Standard form, JPG 20.11

Closing formula and signature

Standard form.

NB: It is not part of the articles.

Standard form

Annexes, JPG 22.1-22.6

Annexes are numbered with Roman numerals, JPG 22.4.

Each Annex must be referred to individually in the enacting terms, JPG 22.2

ANNEX I

ANNEX II