

Brussels, 24 February 2014 DG JUST B2/MM

Report of the 10th meeting of the subgroup on the European Case Law Identifier (ECLI) of the Group of technical experts on the European e-Justice Portal Brussels – 12 February 2014

1. WELCOME AND INTRODUCTORY REMARKS

The meeting started with opening remarks by the European Commission. There were no comments on the report of the previous meeting. **The Netherlands** requested to add an AOB point - an *OASIS* initiative for the uniform citation of legal sources. The agenda was adopted.

2. PROGRESS SINCE THE LAST MEETING

The Commission gave a brief overview of its activities on the implementation of the ECLI search engine as part of the European e-Justice Portal ('the Portal'). **The Commission** reported that deployment of the software at the Commission's data centre was on-going and that there were two tests which still remained to be carried out - one security test and one performance test, a requisite for the go live of any Commission IT system. With regard to the go live of the system, **the Commission** noted that the internal decision on the adoption of a legal instrument on the protection of personal data with regard to all interconnection projects was still pending.

The Commission also stated that a maintenance contract would be in place as of March 2014 which will cover corrective, evolutive maintenance as well as on-going integration support to current and new ECLI providers.

Finally **the Commission** informed participants that the slides of **ARHS Developments**' presentation were available on CIRCABC.

3. NATIONAL IMPLEMENTATION OF ECLI – TOUR DE TABLE

A brief "tour de table" regarding the state of play of the implementation of ECLI in the participating Member States / organisations had the following outcome:

- The Network of the Presidents of the Supreme Courts confirmed their observer status:
- The Court of Justice of the European Union (CJEU) announced that they were working on resolving certain issues communicated by ARHS Developments;

- **Finland** informed the group that they were in the process of producing the necessary sitemap files and which would encompass approximately 25.000 decisions. Finland estimated being ready for integration testing by mid-April 2014;
- Italy noted that an agreement with the Supreme Court and the Italian Ministry of Justice had been reached in order to implement ECLI. Their objective for the next months was the implementation of ECLI for 'civil law' decisions from the Supreme Courts. A decision was reached regarding the national part of the ECLI and for the court codes (respectively the 3rd and the 5th parts of ECLI). Italy reported having started the development of a tool that detects automatically ECLI cases;
- **Spain** informed the group that all decisions of their Supreme Courts (approximately half a million) had been successfully published and noted that the objective for 2014 was the publication of the approximately 4.400.000 Appeal Court decisions. which is to be followed by the decisions of courts of first instance (300.000 400.000) these are decisions which had not been appealed as well as those with social significance;
- France (DILA) confirmed their intention to integrate to the Portal and noted that their IT department had now given priority to the adoption of ECLI and ELI a significant technical development was in progress. ECLI cases will be published for the *Cours de Cassation*, *Conseil d'Etat* and *Conseil Constitutionnel*;
- **Belgium** reported no progress since the previous meeting. **Belgium** is waiting on the nomination of a national ECLI coordinator;
- **ACA-Europe** announced that they had received the ECLI court codes of the federal administrative courts from Germany so they were now able to start the publication of decisions from Germany. Concerning the number of decisions available on the Portal they expected to reach 500 published decisions by the next sub-group meeting (May/June 2014);
- **Germany** reported one technical issue which remained to be solved along with ARHS. **Germany** had presented ECLI at an IT working group with representatives of the 16 German states and a subsequent meeting will take place at the end of May 2014. They also noted that the German states have a contractor responsible for publishing court decisions and each state will make a pattern for the fifth part of the ECLI. **Germany** indicated that court codes have been assigned to all courts, not only the federal ones;
- The Czech Republic noted that they had received the report from the contractor and confirmed that the ECLI integration tool has been tested with no errors so they did not expect further issues;
- The Netherlands announced that they had started working on the implementation of the ECLI Portal interconnection and were expecting to be ready for integration testing in 4 to 6 weeks' time. The Netherlands also informed the group about their presentation on how linked data could be extracted using references given during the Working Party on e-Law in December 2013. The Netherlands indicated that the same presentation could be given during the next ECLI meeting. Italy had made progress in the same direction. It was agreed that these presentations and information on an IT workshop organised by Italy would be sent to all members of the group and published on CIRCABC;
- **Slovenia** reported that all files were correctly validated, and that they will now carry out again a full database export and then start the daily publication of decisions;
- The Publications Office confirmed that ECLI had been integrated to all decisions from the Court of Justice of the European Union and they were already searchable on EUR-LEX;

An update by the **Commission** on the implementation of ECLI in Austria was given. The Commission informed the group that ECLI was already assigned to the decisions of the *Bundesverwaltungsgericht*, *Landesverwaltungsgerichte*, *Datenschutzbehoerde* and the *Personalvertretungsaufsichtsbehoerde*. In 2014 the implementation of ECLI would continue. **Austria** is currently assessing the technical documentation for integrating with the Portal search engine.

Italy questioned whether the ECLI coordinator for Austria comes from the Ministry of Justice. The **Commission** replied that the ECLI was under the responsibility of the Austrian Federal Chancellery.

4. PORTAL IMPLEMENTATION

ARHS Developments gave a presentation on:

- Implementation progress of the ECLI search system;
- Integration status;
- Possible future improvements

On the ECLI search system, **ARHS Developments** reported that all functionalities had been implemented. The system was now being installed and tested by DG Justice. The maintenance phase of the system will start in March 2014.

On the integration status of providers, **ARHS Developments** reviewed the status of all participating providers.

Concerning **Germany**, **ARHS Developments** noted that their daily production was published and searchable in the demonstration environment since August 2013. There was one minor open issue that was planned to be fixed in February 2014. About 17.000 decisions are currently published. **Germany** stated that the total of 20.000 decisions should be reached in approximately 6 months. For **Slovenia**, ARHS Developments stated that 100.000 decisions had been made available.

About France (DILA), ARHS Developments commented that a first set of sitemap and sitemap index files had been provided in September 2013. It was confirmed that DILA expected 14.000 decisions per year from the three Supreme Courts. There is currently no target date for integration testing with the Portal.

For the **Court of Justice of the European Union (CJEU)**, they confirmed that the target amount of 35 to 40.000 decisions was still applicable. Data were published on their server (not accessible outside the Commission). It was agreed that the **CJEU** would send the configuration information to **DG Justice** so that they can start fetching the **CJEU** data from their DIGIT environment directly.

Finland informed **ARHS Developments** that the target was to publish 25.000 decisions (including 5.000 decisions in Swedish). The estimated date of readiness for integration testing is mid-April 2014.

The Netherlands also confirmed that their expected amount of decisions was unchanged - 300.000 cases would be initially published, with an estimated growth of 20.000 - 25.000 decisions per year.

On possible new features for the system, **ARHS Developments** presented the planned improvements from the side of the Commission and sought their feedback:

- User Preferences: possibility for a user to
 - Save searches
 - Add ECLI cases in a list of "favourites"
 - Save sorting preferences
 - Save the default expanded/collapsed status of the advanced criteria in the search form
 - o Save preferred language for the consultation of ECLI cases
 - Configure the number of results per page

This feature would involve user authentication in order to configure and save preferences. All providers were in favour of this improvement.

- **Display the total number of entries selected in the courts screen**: all providers were in favour of this improvement;
- Add the access criterion (private/public) to the facets: the implementation of this improvement can be deferred until commercial providers join the system;
- Create RSS from a saved query: all providers were in favour of this improvement;
- Webservice for remotely retrieving the details of an ECLI: all providers were in favour of this improvement;
- Mobile/tablet interface (responsive web design) version: all providers were in favour of this improvement;
- Crawler Possibility to fetch and re-index all data from a certain date (and not only the data from the latest successful fetch): all providers were in favour of this improvement;
- Warnings in the crawler report when an ECLI cases having a linguistic version without title, abstract, description or judgement text metadata is indexed): all providers were in favour of this improvement;
- User interface for the Integration Tool: the providers indicated that this improvement was not necessary.

The following improvements proposed by the providers were also discussed:

• **The Netherlands** mentioned that it would be interesting to see in the results list which ECLI cases had already been consulted;

- **The Netherlands** also mentioned that the text of the "Exclude decisions that have not been assigned an ECLI code by the court responsible" checkbox should be rephrased because its purpose was unclear. They would make a proposal for the modification of the text;
- **Belgium** indicated that it would be interesting to be able to export (e.g. in PDF format) a printable version of the search results list;
- **Belgium** also mentioned that dynamic paging would be helpful (i.e. when you reach the bottom of the results list, additional results are dynamically added to the list).

All participants were invited to send their suggestions regarding possible future improvements of the system, if possible by the end of March as the implementation should start in April.

5. AOB

The Netherlands indicated that "European Case Law Identifier" had been translated and that it was confusing because in **the Netherlands**, they chose not to translate it. Subsequently, it was decided that the "ECLI" abbreviation would never be translated, but that the full name would be. To solve this, **the Netherlands** proposed to systematically add "(ECLI)" when the full name is used.

The Netherlands informed participants that *OASIS* started an initiative for the uniform citation of legal sources. A first meeting of the working group had already taken place and involves members of the ELI group. **The Netherlands** will send the link to the website where more information could be found.

The CJEU inquired as to whether ECLI should only be used for judicial decisions or if it could be extended to administrative decisions as well. The group concluded that the boundary between the two types is unclear and that it should be up to each national ECLI coordinator to decide if a decision should have an assigned ECLI or not.

On planned promotional activities DG Justice confirmed that once the decision for the ECLI system to go live is made, **the Commission** will publicly announce it and contact Member States to encourage them to proceed with the implementation of ECLI on national level.

- **The Netherlands** indicated that the Dutch standardisation body for technical standards had formally added ECLI as an official technical standard;
- **Belgium** also indicated that ECLI will be introduced at the yearly conference made for alumni in law at the University of Louvain and that it would be interesting to get universities on board in the promotion of ECLI.

On remaining technical points the Commission thanked participants for designating their chosen name and confirmed that "ACA-Europe" and "DILA" will be respectively used (which will not be translated). **DG Justice** also recalled that a secure connection is required in order to ensure the integrity of the data while in transit. Providers that had not yet provided their SSL certificates were invited to do so (i.e. Czech Republic and Spain).

| In conclusion, the Commission thanked participants for their attendance and informed the group that the next sub-group meeting would take place at the end of May/beginning of June 2014. |
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| Cc: Meeting participants, e-Justice Portal expert group, Ms Lotte Knudsen (JUST Director B) |
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