



Brussels, 9 July 2012
DG JUST B2 / SKT

**Summary report of the
3rd meeting of the subgroup on the European Case Law Identifier (ECLI) of the
Group of technical experts on the European e-Justice Portal
Brussels – 15 June 2012**

1. GENERAL INFORMATION ABOUT THE MEETING

The meeting started at 10:15 with brief opening remarks by the European Commission (COM); the agenda was adopted. The European Commission introduced M. François Gengler as the responsible person from ARHS Developments which will carry out the technical study in order to prepare the development of the ECLI search engine for the European e-Justice Portal.

2. CURRENT PROGRESS 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 **Publications Office** (OP) will introduce ECLI as a part of the search functionality of the new EUR-Lex and is willing to help as regards the standardisation of metadata.
- **CZ** started implementing ECLI at the Supreme Court on 1 April 2012. It is foreseen to introduce ECLI at all courts.
- The **European Court of Justice** (ECJ) is about to start the implementation of ECLI in close cooperation with the Publications Office and is waiting for input by the European Commission as regards metadata. It is foreseen to use ECLI not only for the EUR-Lex search, but also on the website of the Court.
- In **FR**, ECLI will be implemented at the Council of State as from 1 July 2012 and be accessible through the *Légifrance* Portal. As regards the Court of Cassation and the Constitutional Court, the definition of the ECLI number has been finalised, but problems regarding metadata remain to be solved. Also, ECLI can be computed only starting from 2008. For the *Tribunal des conflits* (joint tribunal of the Council of State and the Court of Cassation) a specific ECLI number has to be defined. Here, the difficulty arises from the fact that they have to ensure that the same judgement is assigned the same ECLI.
- **DK** completed the definitions of ECLI for all courts. However, due to delays in the new Danish case management system, the implementation of ECLI will not start before 2015. They will not apply it retroactively.
- **EE** will introduce a new information system for all courts by 2014. The implementation of ECLI will start after that.

- A new version of the HUDOC database of the **European Court of Human Rights (ECHR)** will be ready by the end of June 2012. The definition of ECLI is ready; ECLI will be implemented in the next release of HUDOC, expected at the end of 2012.
- **BE** is discussing the implementation of ECLI within a group of stakeholders.
- **ACA-Europe's** DEC.NAT database is following the implementation of ECLI of the ECJ. ECLI will be added to the JuriFast database by the end of 2012 for those Member States that have implemented ECLI. DEC.NAT and JuriFast should be part of the search indexation carried out by the European e-Justice Portal.
- The **RPSCJUE** would like to include ECLI to its search engine.
- **ES** has a public website with all Spanish case law which has already implemented ECLI in a prototype application. It is working for the Supreme Court and one other court.
- **FI** has added ECLI to the decisions of the Supreme Courts and the Courts of Appeal. Currently, a project on metadata is on-going. In the context of another project on case management, ECLI will be fully introduced within the next two years.
- **SI** has implemented ECLI for all existing and new court documents in the national database. Work will continue as soon as the metadata implementation and the IDOL 7 search at EU level have been finalised.
- The **European Patent Office (EPO)** has defined the ECLI format for its decisions and plans to start a project on the implementation of ECLI – preferably already including metadata – in summer 2012 (to be finalised by 2013).
- **DE** is currently founding a competence centre for court documentation which will be responsible for the coordination of ECLI. It is expected to be functional in January 2013. The first courts that will implement ECLI will be the federal courts and the constitutional court. The Federal Administrative Court will run a pilot project.

3. DEFINITION OF AN XML SCHEMA (XSD) FOR COMPLIANCE VALIDATION OF ECLI METADATA BY BOTH ECLI SUPPLIERS (MEMBER STATES) AND ECLI OPERATORS (COM)

COM informed participants that a contract for a technical study on ECLI has been put in place. One of the elements of this study will be the definition of an XSD in order to validate metadata. Work will be carried out in close cooperation with the Publications Office. Member States will be consulted and agreed to verify the XSD during the summer within a timeframe of 15 working days for stakeholder reviews and feedback.

4. IMPLEMENTATION ANALYSIS ON THE EXPOSURE OF ECLI METADATA FOR INDEXATION BY THE PORTAL BY ECLI PROVIDERS ON THE BASIS OF THE SITEMAP PROTOCOL AND POSSIBLE EXTENSIONS

COM reminded participants of the approach that was agreed in the 2nd meeting of the ECLI subgroup – COM will define the right format for the (XML based) sitemap protocol which needs to be implemented by all repositories that use ECLI which intend to be part of the Portal search engine. One part of this work will take the form of an "integration guide" for implementing parties and will strongly rely on Member States' feedback and cooperation.

FI, SI, CZ and the ECHR stated that they already intend to generate the necessary metadata for the Portal on the basis of an agreed protocol the search engine.

5. ANALYSIS OF LEVERAGING AUTONOMY IDOL7 SEARCH ENGINE WHICH THE COMMISSION OPERATES FOR THE INDEXATION OF SUPPLIED ECLI METADATA AND/OR CASE LAW JUDGEMENTS

COM stated that the search engine will consist of two main elements: the "ECLI resolver", which will allow to determine all relevant information and metadata from a given ECLI code, and a search functionality on the basis of some of the ECLI metadata. In addition, it can be envisaged to index the actual court decision provided the decision is technically available and in a popular file format. This might make the system more user friendly; however a solution needs to be found for systems and databases that require payment given that the European e-Justice Portal will not include any payment functionality in the foreseeable future.

The ECHR agreed with the approach of indexing the full text, but it should always provide a link back to the original source.

The use of the national databases in DE and DK is currently subject to payment. In addition, DE uses a "moving wall" system in which courts only keep case law available for a fixed amount of time. However, the system is about to change and freely accessible databases are going to be built. This will take some time (for DK, a minimum of 3-4 years). Participants agreed to focus on public databases in the first place and leave the issue of the inclusion of commercial databases for a later phase of the project.

The ECLI standard is flexible enough in order to accommodate additional pieces of information such as summaries as they are provided e.g. by the JuriFast database. This information needs to be supplied with the other metadata. One of the discussed issues was how to handle situations where a case with the same ECLI is pulled once from the national system and once, e.g., from the JuriFast database, given that the two may come with different metadata. The two could be merged or kept separate.

6. CONTENT PAGES ON ECLI FOR THE EUROPEAN E-JUSTICE PORTAL

The information pages on ECLI on the European e-Justice Portal will go live by the end of July 2012. Member States can update the ECLI information through the CMS. The EPO is kindly requested to send necessary updates to the Commission who will then ensure that updates and translations are carried out.

7. AOB

The next meetings will take place in September and December 2012. Participants will be informed about the exact date and venue in due course.

Cc: Meeting participants, e-Justice Portal expert group, Ms Lotte Knudsen (JUST Director B), JUST LIST B2.