



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL JUSTICE

Directorate B: Criminal justice  
Unit B2: Criminal law

Brussels, 12 December 2012  
DG JUST B2 / AI

**Report of the  
5<sup>th</sup> meeting of the subgroup on the European Case Law Identifier (ECLI) of the  
Group of technical experts on the European e-Justice Portal  
Brussels – 5 December 2012**

**1. WELCOME AND INTRODUCTORY REMARKS**

The meeting started at 14:10 with brief opening remarks by the European Commission (COM); the agenda was adopted. COM informed participants that to its knowledge all issues concerning access to its collaborative system (CIRCABC) have been addressed and asked participants whether anyone is still experiencing problems – participants acknowledged that access was now possible.

**2. PROGRESS IN THE 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:

- **Belgium** noted little progress since the previous meeting. Concerning the existing case-law database, Belgium informed the group about an on-going reprioritisation exercise for IT projects in the judicial order. Furthermore, Belgium informed the group that its project to create a new central database for case law has been adopted and will start early 2013. The ECLI number will be part of it. This database will be an internal, but complete one.
- **Bulgaria** noted that no decisions were made since the previous meeting.
- **Germany** noted no major progress and informed the group that it intends to publish all judgements with ECLI in the second half of January 2013.
- The **Netherlands** informed the group that their new system featuring ECLI was scheduled for a go live in December 2012, but this has been postponed to January/February 2013.
- **ACA Europe** stated that they were waiting for national implementations to add ECLI data.
- **France** informed the participants that for the Court of Cassation the situation is still unclear. The decisions of the *Conseil d'État* will be assigned an ECLI within the first three months of next year.
- The **European Court of Human Rights (ECHR)** has started work on ECLI as part of implementing an ECLI search as part of its HUDOC engine with a target date for start of operations January 2013.
- The **European Court of Justice (ECJ)** was still at the same stage as reported last time.

- The **Publications Office (OP)** reported no news – the implementation of an ECLI search would be available as part of the new EUR-Lex portal which is work in progress.
- **The European Patent Office (EPO)** will provide an ECLI search interface before the summer.
- **Spain** stated that they had already implemented ECLI in their national case law database for all case law.
- The **Czech Republic** stated that its supreme court has started intensive negotiations with its IT department – mostly concerning the technical organisation and the necessary adaptations to support ECLI.
- **The Network of the Presidencies of the Supreme Courts** stated that at this stage they were rather in an observer role.

**Spain** made a short presentation of a mobile application for accessing Spanish case law which also supported an ECLI based search.

### 3. XML SCHEMA (XSD) XML SCHEMA (XSD) FOR COMPLIANCE VALIDATION AND IMPLEMENTATION OF ECLI METADATA

**COM** made a presentation of a working document describing the proposed implementation specificities of ECLI metadata for the purposes of the European e-Justice Portal search. **COM** stated that the tabled XML schema is aligned with that proposal. **COM** invited the group to discuss the document point by point.

- **On the dcterms:identifier** element **COM** explained the suggested approach which introduced the concept of linked manifestation and two new attributes *format* and *type*. **COM** invited stakeholders to contribute to the initial list of *type* values if warranted.
- **On the dcterms:isVersionOf** element there were no comments.
- **On the dcterms:creator** element there was a question as to whether ECLI providers need to always provide all multi-lingual translations of the judgement's creator. **COM** replied into the affirmative, stating that ideally the name of the creator should be available in all languages or at least in these languages in which other metadata is made available.

The **European Court of Justice (ECJ)** made the point that instead of redundant declarations the creator can be identified uniquely with the translations mapped on the level of the ECLI search system. **COM** replied that this indeed seems like a reasonable suggestion, but it is part of larger, horizontal exercise of creating appropriate authority tables of courts in potential collaboration with the respective parties and the **OP**. This work has already been flagged, but so far has not been actively pursued. It was agreed to retain the suggested approach for the time being.

- **On the dcterms:coverage** element **COM** made the point that it would not be possible to do any validation on the side of the system. There were no other remarks.
- **On the dcterms:date** element there were comments.
- **On the dcterms:language** element **COM** presented a proposal to deviate from the element's initial intended usage. **COM** explained that as elements not defined per a schema must feature a language attribute value anyhow this element is, in fact, superfluous. On the basis of previous discussions it was suggested to use this element to designate the authoritative languages of the decision instead.

The **ECJ** queried as to whether this approach would not make it impossible to search per language. The **Netherlands** and **COM** replied that as long as the metadata is available it shall not matter how the language value is supplied as long as it is and the rest is a matter of actual implementation. The **ECJ** also asked what was the point of having a *languageType* attribute at all if it was to be always declared. The **Netherlands** replied that this appeared to be a leftover artefact further to discussions on previous alternatives. **COM** added that there is indeed no strict reason for having this attribute, but it would make it easier to ensure that ECLI providers are in fact providing values to the element per its new intended usage, and not as might be assumed on the basis of the Council Conclusions alone.

- **On the dcterms:publisher** element the **ECJ** and the **OP** raised the question why this element is restricted to a single declaration per language. The **Netherlands** replied that regardless of the case there is always one publisher per ECLI provider, even if the same ECLI decision can be published and re-published by different parties.

With regard to the multi-lingual definitions of this element, and in principle, **Belgium** proposed to support an 'all' value in case a provider's name is the same in all languages. After a discussion it was agreed to retain the proposed approach with a recommendation to ECLI providers to strive to provide language variants for at least as many languages as the number in which they provide decision metadata. It was pointed out that the process will be anyhow automated therefore the only drawback would be technical – storage and network traffic.

- **On the dcterms:accessRights** element the **ECJ** asked why it is defined as a common one. **COM** explained that the access rights are per publisher and the same ECLI can be defined as public or private if published by different publishers.
- **On the dcterms:type** element **COM** stated that in addition to the default type (judicial decision) several new types are suggested. **COM** asked stakeholders to contribute to this list if necessary and that the **COM** translation services will produce the necessary translations. **Several stakeholders** stated that such a request was already made by **COM** and that some of them have already replied a while ago. **COM** stated it will check internally and asked stakeholders to resend their feedback.
- **On the dcterms:title** element there was a clarification concerning the wording used in the Council Conclusions.
- **On the dcterms:subject** element **COM** noted that there were some corrections according to the feedback received from its translation services. The **Netherlands** stated that there were still some inaccuracies concerning the Dutch translations. **COM** added that it would make the translations available and asked participants to provide their corrections if necessary.
- **On the dcterms:abstract** element there were no comments.
- **On the dcterms:description** element there were no comments.
- **On the dcterms:contributor** element there were no comments.
- **On the dcterms:issued** element there were no comments.
- **On the dcterms:references** element the **Netherlands** and the **OP** pointed out that the definition of an ECLI, ELI and CELEX number should start with the respective identifier's scheme prefix i.e. CELEX:52012SA0011 instead of 52012SA0011. Also the example CELEX numbers were not valid.
- **On the dcterms:isReplacedBy** element there were no comments.

A few stakeholders stated that they did not yet have a chance to review the proposed XML schema. **COM** stated that although the deadline has passed it would welcome any feedback. **COM** concluded by thanking the participants and promising to take on-board their remarks.

#### **4. IMPLEMENTATION ANALYSIS ON THE PROVISION OF ECLI METADATA TO THE EUROPEAN E-JUSTICE PORTAL BY ECLI PROVIDERS**

**COM** presented the document and thanked those stakeholders who have provided comments.

The **Netherlands** stated it was good that there was now a solution to the issue of the update mechanism, but questioned the necessity to maintain historical sitemap references in the robots.txt file which is not sustainable. **COM** acknowledged this consideration and explained that at least some partial historical references have to be maintained to allow for recovery ('catch-up') after extended unavailability.

There was also a question as to whether providers are expected to keep sitemaps with ECLI metadata forever. **COM** stated that although that would be good for the purposes of disaster recovery it is not realistic to have such expectations and mentioned that it has to ensure that disaster recovery can be achieved on its side.

There were no further observations on the document.

With regard to the preferred approach for the delivery of ECLI metadata (sitemaps vs. SCM) **COM** stated that only the **Czech Republic** had expressed a preference for the SCM solution. Having this in mind, and in view of project cost, **COM** asked whether the **Czech Republic** would be willing to reconsider to which the reply was positive.

#### **5. NEXT STEPS AND AOB**

**COM** informed participants that its intention is to initiate a development contract for the ECLI search engine as part of the European e-Justice Portal early next year. The duration of the project is envisaged to be between 9-12 months. On a parallel track, and as soon as the next meeting, **COM** would like to set up an integration roadmap with those stakeholders able and willing to start providing ECLI metadata to the Portal search engine as early as 2013.

There was general agreement that the user interface has to be very carefully designed from a usability perspective (**Belgium** referred to the HUDOC site as a good example) and **COM** promised to come up with suggestions and present mockups to the group for discussion at a later stage.

The next meeting will take place in late January or February 2013. 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.