



EUROPEAN COMMISSION
DIRECTORATE-GENERAL JUSTICE

Directorate B: Criminal justice
Unit B2: Criminal law

Brussels, 17 October 2013
DG JUST B2 / AI

**Report of the
8th meeting of the subgroup on the European Case Law Identifier (ECLI) of the
Group of technical experts on the European e-Justice Portal
Brussels – 25 September 2013**

1. WELCOME AND INTRODUCTORY REMARKS

The meeting started at 14:30 with opening remarks by the European Commission (COM). COM noted that an error was introduced in the report of the previous meeting and the statement of **Belgium** should read as follows: “*Belgium explained that its public database is not adapted to ECLI. ECLI will ~~not~~ be implemented in the internal database that is for internal use only by the judges*”. The agenda was adopted.

2. PROGRESS SINCE THE LAST MEETING

COM gave a brief overview of its activities in the implementation of the ECLI search engine as part of the European e-Justice Portal (‘the Portal’). Over the course of the summer good progress was made on the implementation of the Front Office component of the system further to the modalities agreed in previous meetings and work was actively on-going on the Back Office and the ‘crawler’ functionalities. COM noted that the state of play of the system was to be demonstrated under the relevant agenda point.

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:

- **France** informed the group that they were not yet able to validate the Java tool provided by the Commission’s contractor and were also unable to meet with the supreme courts concerned, but this was planned to take place shortly.
- The **Czech Republic** stated that they were in contact with COM’s contractor (**ARHS Developments**) and were fixing reported issues identified during integration testing – all reported issues had been resolved.
- **Germany** stated that ECLI had been assigned to the decisions of the Federal Administrative Court and all identified technical issues reported by **ARHS Developments** were resolved. They also stated that their experience will be the basis for the subsequent implementation of ECLI in the federal court system of Germany followed by the 16 *Länder*.
- The **UK** stated there was no timeline in place yet. Contacts have been made with the judiciary.

- The **Netherlands** informed the group that the assignment of ECLI on national level had been completed and that there were about 1.5 million judgements having an ECLI representing all courts. The national search system of the Netherlands supporting an ECLI search was launched on 28 June 2013, but unfortunately the provision of the judgements to the Portal had dropped in priority and no date for that to become possible could be communicated at this stage.
- The **Publications Office (OP)** stated there were no updates on their side.
- **Belgium** noted they were having internal discussions on the definition of ECLI court codes.
- **Slovenia** had been working with **ARHS Developments** on the resolution of identified issues during testing.
- **Spain** stated that the validation process of their cases delivered to the Portal had completed successfully and that they were in-line with the integration roadmap.
- **The European Patent Office (EPO)** explained that their ECLI search implementation had been completed in July 2013 and communicated a small (two week) delay in their readiness for integration testing with the Portal ECLI search.
- **Italy** informed the group that they were in the process of formal acceptance of their internal case management system. The definition of ECLI court codes was work in progress.
 - **Italy** proceeded with a presentation of the draft document distributed to the group explaining the logic and modalities of the production of court codes in Italy.
 - No formal ECLI coordinator for Italy had been appointed yet.
- **ACA-Europe** stated that they had produced an initial set of sitemaps and once all technical issues had been resolved they would proceed with the assignment of ECLI to all decisions.
- The **CJEU** announced that a decision had been reached on how they would generate the 5th part of the ECLI. The **CJEU's** intentions were to finish loading all produced law documents in the CELLAR by the end of November 2013 and that these decisions will be available via the new EUR-Lex.

4. PORTAL IMPLEMENTATION

ARHS Developments presented the Front Office of the Portal search tool and a discussion took place.

The **EPO** inquired whether additional schema elements could be easily added. In particular they were interested as to whether European patent numbers can be added as a new reference type thus enabling an explicit patent search on the basis of quoted references. The group agreed in principle that this would be useful, but asked the **EPO** to provide technical information on the format and the generation rules for patent numbers to ensure a well-informed approach. **COM** suggested that for the time being patent numbers could be declared with type 'Other' pending a final decision.

The **Netherlands** asked what the source for the CELEX treaty information was to which **COM** replied that the source was EUR-Lex's database and information received separately by the representative of the **OP**. **COM** noted that the import of this data involved significant manual transformations enabling the data's import into the system for its intended purpose.

The **CJEU** asked whether there was a possibility to carry out an ECLI search on data provided with CELEX number references. **COM** replied that unless there was an ECLI to CELEX mapping this would not be possible. It was agreed that this could be implemented in the future.

Germany noted that it was often important to be able to find case law decisions on the basis of quoted [e.g. in publications] national case numbers and asked what would be the appropriate way to supply this information. The **Netherlands** answered that a discussion on this topic had previously taken place at the time of the drafting of the ECLI conclusions and due to the diverging notations and references to national identifiers and due to the presence of multiple identifiers this matter had been left open. **Belgium** noted that national numbers should also gradually disappear with the adoption of ECLI. **COM** remarked that a recommendation can be made in the Developer's Guide. On a suggestion of the **Netherlands** it was agreed to recommend utilising the 'Title' element for quoting national case law identifiers.

The **CJEU** asked for a clarification on the 'Private' / 'Public' metadata element and the **Netherlands** explained that 'Private' is to be used by ECLI providers who do not provide public access to the decisions or all of the metadata (often the case with commercial providers). **COM** agreed that this explanation should be elaborated in the UI of the Portal ECLI tool.

COM communicated a limitation due to the fact that the ECLI standard allows the usage of non-alphanumeric characters (. and :) which requires the indexation of all special characters. This would imply a fragmentation of the search terms – for example 'test' and 'test.' would be treated as unique keywords and this would decrease the quality of the search results. **COM** confirmed that at present it is not possible to index specific elements with or without special characters support.

A discussion took place on whether ECLI cases should appear as part of the results if they do not contain content elements of substantial added value. On a suggestion from **Belgium** it was agreed to display only ECLI cases if they contained an abstract, description or a judgement text link.

The Front Office of the product, as presented, was generally very well received by participants.

5. AOB

Under AOB **COM** briefly presented its joint work with the **OP** on the National Courts Authority Table and explained that at present the table's design does not accommodate for court divisions. That would be a potential issue as the ECLI conclusions allow courts and tribunals to assign unique ECLI court codes to their divisions. **COM** explained that either all relevant ECLI court division codes are listed for the parent court (many to one mapping) or this is addressed in the design of the table to support court division to ECLI court code mapping. The **OP** confirmed the latter as their preferred approach and noted that this could be achieved.

The **Netherlands** asked **COM** whether the pending Commission decision on Data Protection also concerned the ECLI implementation thus possibly delaying the launch of the ECLI

search. **COM** confirmed that similar to the other e-Justice interconnection projects ECLI was also concerned and noted that this issue received its utmost attention.

In conclusion **COM** thanked participants and informed them that the next sub-group meeting would take place in the second part of November 2013.

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