HCCH
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PRIVATE INTERNATIONAL LAW
CONFÉRENCE DE LA HAYE
DE DROIT INTERNATIONAL PRIVÉ

**RENFORCEMENT DE L'ACCÈS AU DROIT ÉTRANGER ET À LA JURISPRUDENCE –
PRÉSENTATION DE SOLUTIONS PAR L'UNION EUROPÉENNE**

(DISPONIBLE EN ANGLAIS UNIQUEMENT)

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**ENHANCING ACCESS TO FOREIGN LAW AND CASE LAW -
PRESENTATION OF SOLUTIONS BY THE EUROPEAN UNION**

*Document préliminaire No 14 d'avril 2014 à l'attention
du Conseil d'avril 2014 sur les affaires générales et la politique de la Conférence*

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of the Council of April 2014 on General Affairs and Policy of the Conference*

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ENHANCING ACCESS TO FOREIGN LAW AND CASE LAW - PRESENTATION OF SOLUTIONS BY THE EUROPEAN UNION

I.   INTRODUCTION

1.   Different discussions have taken place under the auspices of the Hague Conference of Private International Law on possible ways to enhance access to foreign law content. In its report on the Conference of 9 to 11 April 2013, the Council of General Affairs and Policy invited the Permanent Bureau to continue to follow developments concerning access to foreign law content and the need for the development of a global instrument in this area[1].

2.   This contribution from the European Union to the Council of General Affairs and Policy of the Hague Conference aims to share knowledge and offer a solution found at European level, dealing about the possibility to link and grant access to foreign law and case law content.

II.   OVERVIEW OF EXISTING SOLUTIONS

a)   European Legislation Identifier (ELI)

- **What?**

3.   ELI is a semantic web solution that enables direct access to specific national legislation through a structured, flexible identifier. It creates a common system to identify legislation and its metadata. ELI sets out unique identifiers, metadata and a recommended ontology that, when applied to online legislation, produces a structured reference to legislation that is recognisable, readable and understandable by humans and computers, allowing greater and faster exchanges of data and information.

4.   ELI references legislation in a way that is organised, retrievable and machine readable. In other words, web pages with similar content will be automatically interlinked and easily retrievable.

5.   ELI is currently being implemented gradually by the Member States and the institutions of the European Union, on a voluntary basis.

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[1]   Report of June 2013 of the Council on General Affairs and Policy on the Conference of 9 to 11 April 2013, p. 18.

6.   The technical elements of ELI are further described in the Annex.

- **Example**

7.   When referencing their pages on national legislation on the web, authorities use a unique identifier, built on the ELI structure, and metadata that are specifically designed to allow the greatest level of flexibility, all the while guaranteeing interoperability. Once on the web, these Uniform Resource Identifiers (URI) and metadata will automatically create links to pages of similar content.

8.   ELIs reflect the structure of legislation in a way that is natural to a given jurisdiction:

UK General Public act 2014, no 1:
http://www.legislation.gov.uk/ukpga/2014/1/contents/enacted

Luxembourg law signed on 29.1.2014:
http://eli.legilux.public.lu/eli/etat/leg/div/2014/01/29/n1, transposing EU directive 2014/18

9.   All ELI URIs are, however, built from the same universally shared and well-documented building blocks. The sites embed metadata using accepted standards such as RDFa, so sites can easily understand each other and share information. What is more, all sites are encouraged to use the same subject classifications, making it easy to find acts on similar subject matters.

- **Advantages**

10.   The great advantage of ELI is that it brings together information that would not otherwise be linked. ELI therefore creates a bridge between legal information arising from different national systems, and an increase in the number of participants would de facto increase the amount of interlinked data.

11.   Because it was originally designed to encompass a great diversity of legal systems, ELI is characterised by great flexibility and can accommodate any foreign legal system. The components of the URIs used to describe national legislation are as broad as possible to cover many systems, are optional, and have no pre-defined order. Metadata is afterwards attributed in the framework of a shared syntax, and an ontology completes the system.

12. Furthermore, ELI is a system that is not only flexible, but also fast, and simple to implement in terms of human and financial resources.

b) European Case Law Identifier (ECLI)

- **What?**

13. ECLI is a system for improving case law accessibility on the internet. It consists of three main components. First, it introduces the 'ECLI' itself: a uniform identifier for case law that is recognisable, readable and understandable both by humans and computers. Secondly, it describes a set of metadata to make it easier to find case law. A standard for easily referencing related case law and (national and European) legislation – e.g. by using ELI – is an important element in this metadata set. Thirdly, a common search interface is being developed, enabling multilingual and cross-border case law research.

14. The case law identifier consists of five elements: the abbreviation 'ECLI', the country code, the abbreviation for the court or tribunal issuing the decisions, the year of the decision and a unique code, which is decided upon at the national level. Court codes and the formatting of the unique code are decided upon by a 'national ECLI co-ordinator'.

15. Various courts in the Member States have already introduced ECLI on a voluntary basis, and many more are preparing to introduce it, including the Court of Justice of the European Union and the European Court of Human Rights.

16. The common search interface for case law is currently being built by the European Commission. Some screenshots are shown in the example below.

17. The technical elements of ECLI are further described in the Annex.

18. ECLI is a semantic web solution that is simple to implement in terms of human and financial resources. The usability of the system will be improved, though, if more metadata are added, such as multilingual summaries and references to other legal sources.

- Example

    This example uses the 'ECLI case law search interface' as it is currently being developed by the European Commission.

In this example a user wants to know whether any national judicial decisions on the implementation of Regulation (EC) No 44/2001 are available. The user keys in this query in a user-friendly search form:

In the results the records found are grouped by ECLI, so one can immediately see whether judgments and/or metadata are available in other languages. For example, the following judgment is found on two websites.

The first one is (mainly) in Czech:

The second version of the same decision has substantial metadata in other languages.

ECLI:CZ:NS:2013:22.CDO.2180.2009.1

Nejvyšší soud České republiky (Supreme Court of the Czech Republic) | ACA-Europe

CS | EN | FR

Issuing country or institution:	Czech Republic
Issuing court:	Nejvyšší soud ČR
Decision type:	Judgment
Date of decision:	26/02/2013
Wording of decision/judgment:	http://www.aca-europe.eu/index.php/en/jurifast-en?ID=1927&page=DETAIL html
	http://www.aca-europe.eu/WWJURIFAST_WEB/DOCS/CZ02/CZ02000224.pdf pdf
Field of law:	Administrative law
Publisher:	ACA-Europe
Title:	international jurisdiction
Abstract:	Decision no. 22 Cdo 2180/2009 of February 26, 2013 (international jurisdiction) The plaintiff sought that the defendant refrain from filing dilatory petitions against the plaintiff. By those petitions, the defendant sought termination, suspension, limitation or modification of the operation of the Temelín Nuclear Power Station. The District Court in Ceské Budjovice discontinued the proceedings since the Czech courts did not have jurisdiction to hear and decide the dispute. The subject matter of the dispute was not a right in rem in immovable property, as defined in Article 22(1) of the Brussels I Regulation or in any other article of that Regulation. The Regional Court in Ceské Budjovice upheld the decision of the District Court. In their decision-making, the lower courts based their conclusions on those of the Court of Justice of the European Union expressed in the Judgment of May 18, 2006 in C-343/04. The Court of Justice held that Article 16(1)(a) of the Brussels Convention (the wording and content of which is identical to Article 22 of the Brussels I Regulation) applies to those actions concerning rights in rem in immovable property which seek to determine the extent, content, ownership or possession of immovable property. If the fact that the action concerns immovable property is of only marginal significance, the article in question does not apply to the petition. The subject matter of the dispute at issue is not a right in rem in immovable property. The purpose of the action is to ensure undisrupted operation of the Temelín Nuclear Power Station

This version though is available on the website of ACA-Europe, with a summary in French or English.

Potentially all case law publishers are able to make their published judgments searchable via this common portal, as long as these decisions have an ECLI assigned. In an international and multilingual context this portal substantially speeds up searches because users do not have to visit dozens of different websites to find out whether the desired language version is available.
The search engine not only allows for searches by ECLI and metadata, but also for full-text searches on all indexed documents. As a result, a huge and very well-structured European case law search portal is being set up, while leaving the original websites/sources intact.

- **Advantages**

19. Even more so than legislation, case law is referenced in an anarchic way on the web because each court or each private vendor uses different systems that are not interoperable. The three layers of the ECLI system will dramatically reduce the time legal professionals and researchers spend on searching relevant case law. By using the ECLI for citing cases, it will be substantially easier to retrieve these cited cases.

III. NEXT STEPS

20. The European Union proposes to share knowledge on the ELI and the ECLI with the Members of the Hague Conference, as it is confident that an increase in the number of participants to ELI and ECLI will expand the access to the content of legislation and case law.

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I.   ELEMENTS OF ELI

The following elements of ELI address these requirements on a technical basis. These components can be implemented independently of each other, but the combination of all of them will give the full benefits of ELI.

1.   IDENTIFICATION OF LEGISLATION — WAYS TO UNIQUELY IDENTIFY, NAME AND ACCESS NATIONAL AND EUROPEAN LEGISLATION

ELI uses 'HTTP URIs' to specifically identify all online legal information officially published across Europe. These URIs are formally described by machine-readable URI templates (IETF RFC 6570), using components that carry semantics both from a legal and an end-user point of view. Each Member State will build its own, self-describing URIs using the described components as well as taking into account their specific language requirements.

All the components are optional and can be selected based on national requirements and do not have a pre-defined order. To enable the exchange of information the chosen URI template must be documented using the URI template mechanism, see example below:

/eli/ {jurisdiction}/{agent}/{sub-agent}/{year}/{month}/{day }/{type}/{natural identifier}/{level 1…}/{point in time}/{version}/{language}

ELI template components

	Name	Comments
	eli	
Jurisdiction	Jurisdiction	Use of DCTERMS.ISO3166 : 2 alpha country codes, e.g. 'LU' For international organisations, the registered domain name can be used: e.g. 'EU' or 'WTO'
	Agent	Administrative hierarchical structure, e.g. Federal States, constitutional court, parliament, etc.
	Sub-agent	Administrative hierarchical substructure, e.g. the responsible ministry
Reference	Year	YYYY Various interpretations allowed depending on countries' requirements, e.g. date of signature or date of publication, etc.
	Month	MM
	Day	DD
	Type	Nature of the act (law, decree, draft bill, etc.) Various interpretations depending on countries' requirements
	Sub-type	Sub-category of an act depending on countries' requirements (e.g. corrigendum)
	Domain	Can be used if acts are classified by themes, e.g. codes
	Natural identifier	Reference or number to distinguish an act of same nature signed or published on the same day
Subdivision	Level 1	Reference to a subdivision of an act, e.g. Article 15
	Level 2	Reference to a smaller subdivision than level 1, e.g. Article 15.2
	Level 3	Reference to a smaller subdivision than level 2
	Level n	Reference to a smaller subdivision
Point in time	Point in time	YYYYMMDD Version of the act as valid at a given date
Version	Version	To distinguish between original act or consolidated version
Language	Language	To differ different official expressions of the same act Use of DCTERMS.ISO3166 : 3 alpha

2. PROPERTIES DESCRIBING EACH LEGISLATIVE ACT

While a structured URI can already identify acts using a set of defined components, the attribution of additional metadata established in the framework of a shared syntax will set the basis to promote interchange and enhance interoperability between legal information systems. By identifying the metadata describing the essential characteristics of a resource, Member States will be able to reuse relevant information processed by others for their own needs, without having to put into place additional information systems.

Therefore, while Member States are free to use their own metadata schema, they are encouraged to follow and use the ELI metadata standards with shared but extensible authority tables, which permit to meet specific requirements. The ELI metadata schema is intended to be used in combination with customised metadata schemas.

For the data exchange to become more efficient, ELI metadata elements may be serialised in compliance with the W3C recommendation 'RDFa in XHTML: Syntax and Processing'.

a)   Metadata

	European Legislation Identifier (ELI)				
Field name	**Description**	**Field identifier**	**Cardinality**	**Data type**	**Comments**
Legal resource (language independent) **Any type of legal resource published in an Official Journal at the work level**					
<u>**Unique identifier**</u>	The number or string used to uniquely identify the resource ELI URI schema	id_document	1..*	String	See URI proposal
<u>**URI schema**</u>	Reference to the URI schema used	uri_schema	1	String	URI of the URI template schema
Local identifier	Local identifier: the unique identifier used in a local reference system	id_local	0..*	String	Act's reference in the EU's, country's or region's own terminology, e.g. celex id, national id
Type of legislation	The type of a legal resource (e.g. directive, règlement grand ducal, law, règlement ministeriel, draft proposition, Parliamentary act, etc.)	type_document	0..1	Authority table resource types	For European law based on authority table: Resource types = class names in the OP's common data model (CDM). For national and regional laws specified on the appropriate level. Types of legislation are specific for each jurisdiction
Territorial application	Geographical scope of applicability of the resource (e.g. EU, country/Member State, region, etc.)	relevant_for	0..*	Authority table	Individual administrative units, taxonomy of possible values to be defined (NUTS taxonomy, two or more levels)
Agent/authority	Organisation(s) responsible for the resource The European institution, other bodies or Member State or regional bodies, who initiated/adopted the legal resource (e.g. European Parliament, Luxembourg Government, Rheinland-Pfalz parliament, etc.)	agent_document	0..*	Authority table corporate body	Based on authority tables: Corporate bodies/ countries, if necessary extended to cover regional agents. Record project
Sub-agent/sub-authority	Person or sub-organisation primarily responsible for the resource (e.g. name of ministry if applicable)	Service	0..*	String	Text indicating responsible ministries, DGs, etc.

Subject	The subject of this legal resource	is_about	0..*	Reference to Eurovoc (concept_eurovoc)	Eurovoc, national and regional extensions might be needed for areas not currently covered
Date of document	The official adoption or signature date of the document	date_document	0..1	Date	Format: YYYY-MM-DD
Date of publication	Date in which this legal resource was officially published/ratified	date_publication	0..1	Date	Format: YYYY-MM-DD Depending on the Member State, the date of publication or ratification (signature of the responsible organisation)
Date entering in force	Applicable date for the resource, if known and unique. Otherwise use controlled vocabulary such as 'multiple', 'unspecified-future', etc.	date_entry-in-force	0..*	Date or string	Format: YYYY-MM-DD or string 'unspecified'
Date no longer in force	Applicable date starting from which the resource is not in force anymore	date_no-longer-in force	0..*	Date or string	Format: YYYY-MM-DD or string 'unspecified'
Status	Status of the legal resource (in force, not in force, partially applicable, implicitly revoked, explicitly revoked, repealed, expired, suspended, etc.)	Status	0..*	String	Free text
Related to	Reference to draft bills, judgments, press release, etc.	related_to	0..*	URI identifier to other legal resource(s)	
Changed by	Legal resource changed (amended or replaced) by another legal resource (typically a newer version, replacement can be completely or partially)	changed_by	0..*	URI identifier to other legal resource(s)	
Basis for	Legal resource (enabling act) enables another one (secondary legislation)	basis_for	0..*	URI identifier to other legal resource(s)	Enabling act/empowering act
Based on	Legal resource is based on another legal resource (e.g. a Treaty article, a provision in the constitution, framework legislation, enabling act, etc.)	based_on	0..*	URI identifier to other legal resource(s)	
Cites	References to other legal resources mentioned in the resource	Cites	0..*	URI identifier to other legal resource(s)	

Consolidates	Reference to the consolidated version(s) of the resource	consolidates	0..1	URI identifier to other legal resource(s)	
Transposes	References to other legal resources that allow Member States to adopt relevant legislation	transposes	0..*	URI identifier to other legal resource(s)	
Transposed by	References to other legal resources that have been adopted to comply with a framework legislation	transposed_by	0..*	URI identifier to other legal resource(s)	
Interpretation (expression)					
Expression belongs to a work	Association of the expression with its work	belongs_to	1	URI of work	
Language	Language version of the expression.	language_expression	1	String	Based on authority table: Languages. Record project
Title	Title of the expression	title_expression	1	String	The name given to the resource, usually by the creator or publisher
Short title	Established short title of the expression (if any)	short_title_expression	0..1	String	
Alias	Alternative title of the expression (if any)	title_alternative	0..1	String	
Publication reference	Reference to the Official Journal or other publication in which the legal resource is published, identified by a suitable mechanism	published_in	0..*	String	
Description of the act	A suitable free text description of the legal resource in the expression's language (e.g. using the abstract)	description	0..1	String	

Format (manifestation) link or description to the physical object					
Manifestation belongs to an expression	Association of the manifestation with its expression	manifests	0..1	URI of expression	If a link to a file is given, then the manifests element must be present
Link to file	Link to the concrete file (can be a local link)	link_manifestation	0..*	Any URI	
Publisher	The entity (e.g. agency including unit/branch/section) responsible for making the resource available in its present form, such as a publishing house, a university department, or a corporate entity	publisher	0..*	String	In a given country often a constant

Bold and underlined: mandatory field
**Bold: recommended**

b) *Ontology*

Ontology is an 'explicit, formal specification of a shared conceptualisation' and represents a formal description of a set of concepts and the relationships in a given domain. By describing the properties of legislation and their relationships between different concepts, a shared understanding is made possible and ambiguities between terms can be avoided. Being a formal specification, it is directly machine-processable.

ELI itself builds on the well-established model for 'Functional requirements for bibliographic records' (FRBR, http://archive.ifla.org/VII/s13/frbr/), aligned with other current standardisation initiatives in the field. FRBR distinguishes between the concepts of 'work' (distinct intellectual or artistic creation), 'expression' (the intellectual or artistic realisation of a work) and the 'manifestation' (the physical embodiment of an expression).

ELI describes legal resources following the same abstraction:
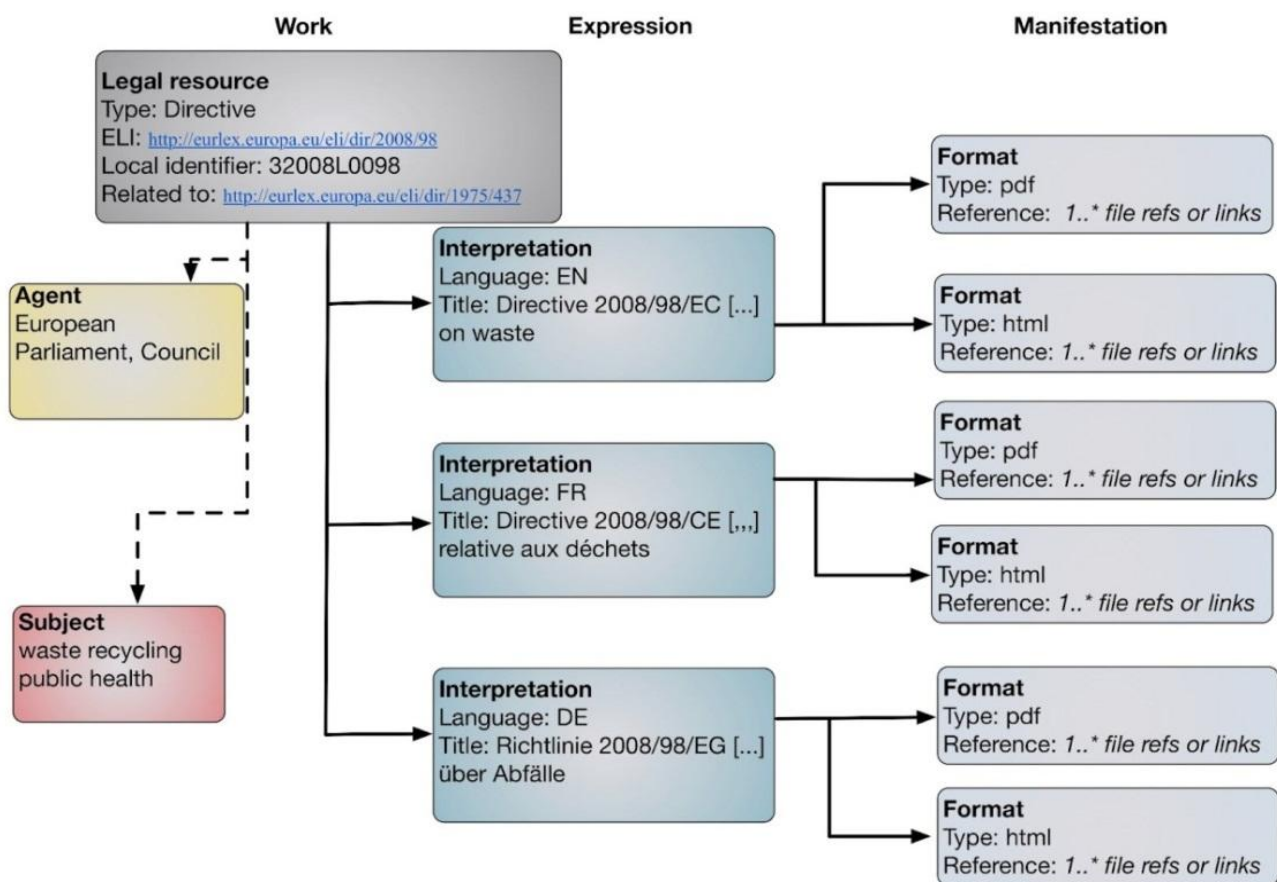
3. **ON NATIONAL IMPLEMENTATION**

3.1. **The national ELI-co-ordinator**

1) Each Member State using the ELI must appoint a national ELI-co-ordinator. One country must not have more than one ELI-co-ordinator.

2) The national ELI-co-ordinator is responsible for:

   a) Reporting on the progress of the ELI implementation.

   b) Defining the applicable URI template(s) and communicating them to the Publications Office of the European Union.

   c) Documenting available metadata and its relationship to the ELI metadata schema (if applicable).

   d) Sharing and disseminating information on ELI.

3) The national ELI-co-ordinator should provide information to be published on the ELI-website, as defined in paragraph 4, information describing the way the ordinal number is composed.

3.2. **Implementation**

1) ELI's implementation is of national responsibility.

2) ELI may optionally also be used within physical manifestation of the legislative act itself, to facilitate easy referral.

4. THE ELI-WEBSITE

1) An ELI website should be established; this website should be part of the EUR-Lex portal.

2) The website should contain:

    a) information on the format and use of ELI. Regarding the format it should contain:

        i) the formatting rules as described in paragraph 1.

        ii) (a reference to) the list with abbreviations of participating countries.

        iii) technical information.

    b) information on the availability of metadata and ontology, as set out in paragraph 2.

    c) information on the national ELI-co-ordinators: their role and responsibilities, but also contact information per country.

5. ELI WITHIN THE EU

1) The ELI co-ordinator for the EU is the Publications Office of the European Union.

2) Where appropriate in the Annex 'country' or 'Member State' should be read 'EU.'

II. ELEMENTS OF ECLI

1. THE FORMAT OF THE EUROPEAN CASE LAW IDENTIFIER

1) A European Case Law Identifier (ECLI) must consist of the following five components, which must appear in the listed order:

a) the abbreviation 'ECLI';

b) the country code for the country under whose competence the judicial decision is rendered.

    i) For Member States and candidate countries the codes in the Inter-institutional style guide[1] are used;

    ii) for other countries ISO 3166 alpha-2 is used;

    iii) for the European Union the code 'EU' is used;

    iv) for international organizations a code is decided upon by the European Commission, taking into account the codes starting with 'X' as already being used by European institutions;

c) the abbreviation for the court or tribunal (hereafter: the court code). The court code:

    i) must have at least one character, and at most seven characters;

    ii) must always begin with a letter, but may also contain digits;

    iii) should be chosen in such a way that it appears logical to people familiar with the organisation of the judiciary of the country concerned;

    iv) must at least be an abbreviation of the name of the court or tribunal, but may also contain an indication of the chamber or division within that court or tribunal, especially if the naming of the chamber or division is habitual in the country's citation practice;

    v) should not contain information on the type of document;

    vi) must be established according to § 5.1;

    vii) The court code 'XX' must be reserved for decisions of courts and tribunals which are not in the list established by the national ECLI-co-ordinator of that Member State (§ 3.1 (2-a)), including decisions from other countries or international courts which do not have an ECLI (yet) by the Member State of the issuing court;

d) the year of the decision, which must be written in four digits;

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[1] http://publications.europa.eu/code/en/en-370100.htm

e) an ordinal number, which must be unique in the sense that there must not be more than one judgment of the same court within the same year with the same ordinal number. The maximum length of the ordinal number is 25b characters. The ordinal number may contain dots ('.'), but no other punctuation marks.

2) All components are separated by a colon (':')

3) An ECLI must not contain any interspacing or punctuation marks, neither within the constituent components, nor between them – except for those mentioned under (1-e) and (2).

4) Letters in all of the components must be Latin alphanumerical characters only.

5) Letters in the components described in (1a), (1b), (1c) and (1e) should be written in capitals; at the very least there must not be a difference in meaning as to their capitalization.

6) So as not to compromise its use or comprehensibility an ECLI must not be extended with any other components.

7) The namespace of ECLI must be registered at https://e-justice.europa.eu/ecli.

2. METADATA

1) To further the understandability and findability of case law, each document containing a judicial decision should have a set of metadata as described in this paragraph. These metadata should be described according to the standards set by the Dublin Core Metadata Initiative (hereafter: DCMI), and as further specified in this paragraph.

2) Each document which is an instance of a judgment should, and in case it has to be searchable by the interface as described in § 5, must contain the following metadata:

   a) dcterms:identifier

   A URL where this instance document, or information thereon, can be found. This may be in the form of a web-based resolver together with the ECLI, or any other URL.

   b) dcterms:isVersionOf

   The form of this element must be an ECLI, as described in § 1.

   c) dcterms:creator

   The full name of the court. The name of a chamber or division may be included.

   d) dcterms:coverage
      i) The country in which the court or tribunal is seated.
      ii) It may also contain a part of a (federal) state to specify the territorial jurisdiction.

e) dcterms:date

The date of the decision, which must be written in conformance with ISO8601

f) dcterms:language

i) The language must be abbreviated, in accordance with the Inter-institutional style guide. In case of languages which are not included in this style guide ISO 639 must be used.

ii) The language is not (necessarily) the language of the original judgment, but the (main) language of the instance document.

g) determs:publisher

The (commercial or public) organization responsible for the publication of this instance of the judgment.

h) dcterms:accessRights

This field must have one of two values: 'public' or 'private'. If it is 'public' the document on the given URL must be accessible by all, otherwise the value 'private' must be used, whether the non-public character access is due to commercial or other reasons.

i) dcterms:type

This field may contain information on the type of decision rendered, according to a scheme. The field defaults to 'judicial decision' to distinguish it from other types of documents.

3) Each document which is an instance of judgment may also contain the following metadata:

a) dcterms:title

The title field must not be a replication of other fields. Preferably the name of the parties or an alias should be used, according to national practice and data protection rules.

b) dcterms:subject

The subject field is used to indicate the field of law. It should contain one or more items from a scheme containing values for civil law, commercial law, family law, insolvency law, private international law, criminal law, EU law, administrative law, tax law, international public law and constitutional law, and may contain a more specific description of the field of law.

c) dcterms:abstract

This field contains an abstract or summary of the case, not being a description, classification or interpretation.

d) dcterms:description

This field contains descriptive elements, be it in the form of keywords or headnotes.

e) dcterms:contributor

Names of judges, Advocate-General or other staff involved.

f) dcterms:issued

The date of the publication of this instance document of the decision. The date must be written in conformance with ISO8601.

g) dcterms:references.
   i) References to other (legal) documents.
      (1) If these references are to other national judgments, ECLI must be used if the referred document has an ECLI, otherwise it should contain other references.
      (2) If these references are to EU legal instruments, the CELEX-number must be used.
      (3) If these references are to national legal instruments, judgments not having an ECLI or to scholarly writings available URL's or other identification systems should be used.

h) dcterms:isReplacedBy

An ECLI, once issued, must be persistent. Renumberings though are unavoidable because of administrative errors or when an ECLI is assigned to decisions with a formerly XX-court code (according to § 1 (8)). In case of such renumberings the new ECLI must be recorded in this field. This field must not contain any other type of information.

4) All metadata in this paragraph which do not have a fixed format or which are not based on a scheme must have a language attribute.

3. ON NATIONAL IMPLEMENTATION

3.1. The national ECLI-co-ordinator

4) Each Member State using the ECLI must appoint a governmental or judicial organization as the national ECLI-co-ordinator. One country must not have more than one ECLI-co-ordinator.

5) The national ECLI-co-ordinator is responsible for:
   a) the list of courts and tribunals that can have a code as mentioned in § 1 (1-c) and § 2 (2-c);
   b) the scheme on the types of documents as mentioned in § 2 (2-i)

6) The national ECLI-co-ordinator should publish on the ECLI-website, as defined in § 4, information describing the way the ordinal number is composed.

Existing national identification systems for case law should – to the widest possible extent – be encapsulated in the ECLI. However, the formatting rules of § 1 must be obeyed.

3.2. Implementation

3) National implementation of ECLI is a national responsibility, notwithstanding the possible availability of European funding.

4) Courts and tribunals within one country may join the ECLI-system at different moments in time.

5) The ECLI should also be used within physical embodiments of the judgment itself, to facilitate easy referral.

6) The ECLI should be used on all judgments which are rendered, and not only on those which are published on judiciary websites.

7) The ECLI may be assigned to historical judgments.

8) At the national level the assignment of the ECLI should be organized as a separate service, in accordance with the guidelines of the European Interoperability Framework.

4. THE ECLI-WEBSITE

3) An ECLI website should be established; this website should be part of the European e-Justice portal.

4) The website should contain:

    a) information on the format and use of ECLI. Regarding the format it should contain:

        i) the formatting rules as described in § 1.

        ii) (a reference to) the list with abbreviations of participating countries.

        iii) lists per country of the abbreviations used for the participating courts and tribunals. Names of the courts should be translated in all languages, according to the multilingual thesaurus of names of organisations as set up to be used within the e-justice portal, and with hyperlinks to the descriptions of these courts as comprised on the e-Justice portal – if available.

        iv) description of formatting rules of the ordinal number per country (if available).

        v) technical information.

b) information on the availability of metadata, as set out in § 2.

c) information on the national ECLI-co-ordinators: their role and responsibilities, but also contact information per country.

d) the website should offer access to the common search interface, described in § 5, once it is available.

5.   THE ECLI SEARCH INTERFACE

1) There should be a common search interface for searching national case law by ECLI and (some of) the metadata as defined in § 2. The introduction of the ECLI and the common set of metadata is not dependent on the availability of the search interface.

2) In accordance with the European e-Justice action plan the interface should be decentralized in nature: no database at European level should be built; only a search possibility on interconnected national databases or websites should be provided for.

3) The European Commission is responsible for the technical functioning of the search interface.

4) For end-users the ECLI search interface must be available via the ECLI-website, although it does not have to be an integral technical part of it.

5) The European Commission must make available a well-described interface for web applications to connect to the search interface. It must also make available a mechanism to the national ECLI-co-ordinators to update their list of courts and tribunals and to publish information on the formatting of the ordinals numbering system(s).

6) In case of abuse or misbehaviour the Commission reserves the right to deny an organization the right to be connected to the search interface.

7) A resolver must be available at https://e-justice.europa.eu/ecli/ meaning that an ECLI typed after this address will show the available data on this ECLI via the search interface.

6.   ECLI WITHIN THE EU

3) The ECLI co-ordinator for the EU is the Court of Justice.

Where appropriate in the Annex 'country' or 'Member State' should be read 'EU.'

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