



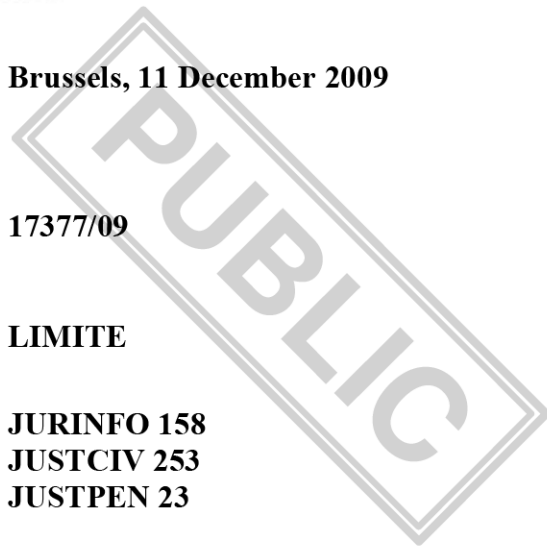
**COUNCIL OF
THE EUROPEAN UNION**

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NOTE

from : Working Party on Legal Data Processing (e-Law)
to : Coreper/Council

Subject: Draft Conclusions of the Council on European Case-Law Identifier (ECLI)

I. INTRODUCTION

1. Discussions within the Working Party on Legal Data Processing (e-Law) have shown the importance of access to case-law in the European judicial area. The Working Party asked some of its members¹ to work together on this (hereinafter referred to as the task group).

¹ Publications Office, NL, BE, FR and FIN.

2. The task group presented its initial report to the Working Party on e-Law in December 2008.¹ Two informal meetings² were held with representatives from the Network of the Presidents of the Supreme Judicial Courts of the European Union, the Association of the Councils of State and Supreme Administrative Jurisdictions of the European Union, the Network of the Councils for the Judiciary and the European Court of Justice on 17 April 2009 and 21 October 2009. The Member States were also given the opportunity to submit written comments.³
3. The research of the task group showed that identification systems of court decisions as well as dissemination practice diverged widely not only from one court system to another but even from one court to another.
4. As a solution to this the task group presented its final report and recommendations⁴ to the Working Party on e-Justice on 19-20 October 2009 and on 3-4 December to the Working Party on e-Law.
5. The task group suggested to establish a voluntary common identification system based on the European Case-Law Identifier (ECLI). ECLI as an identifier would be linked to an index with references. This would enable any citizen or legal practitioner to find any decision to which ECLI has been attributed from any public or private register or database in the EU. In addition a Dublin-core implementation for case-law should be established to facilitate searching case-law in different search engines.
6. The Working Party on e-Law on 3-4 December 2009 examined the draft conclusions and agreed that ECLI should be the basis for discussing the way forward on access to case-law. The Working Party decided to submit the conclusions as set out in the Annex to Coreper/Council.

¹ 16490/08 + ADD

² 9350/09 JURINFO 47 and 15512/09 JURINFO 127

³ 13783/09 JURINFO 114 + ADD

⁴ 12907/09 JURINFO 103 REV 1

II. CONCLUSIONS

7. Coreper/Council is invited to adopt the conclusions set out in the Annex.

Draft Council conclusions on the European case-law identifier (ECLI)

The Council:

1. takes note of the final report of the task group on access to national case-law and of the recommendations to introduce a common identification system and to define common metadata.
2. agrees that a common identification system based on the standardised European Case-Law Identifier (ECLI) should be examined further and that a Dublin core implementation for case-law should be defined.
3. notes that contacts have been established with the representative organisations of the judiciary at EU level to discuss the final report and considers that such contacts should be maintained, where appropriate, in order to cooperate with the judiciary and to take their views into account.
4. agrees that ECLI, as a standard method to construct an identifier from a national neutral identifier in such a way that any citizen could find a case in every system where it is stored, should be examined further. In full respect of national systems ECLI could be the overarching identifier determined by a voluntary common system maintained at EU level;
5. mandates the Working Party on Legal Data Processing (e-Law) in close coordination with the Working Party on Legal Data Processing (e-Justice) to carry out preliminary studies as regards the following:
 - (a) ECLI register, its specifications, development and maintenance;
 - (b) possible construction and implementation of a voluntary ECLI system and the Dublin core common vocabulary for case-law;
 - (c) preparations and timetable for implementation;
 - (d) financial costs involved;
 - (e) role of the European e-Justice portal in the ECLI system.
6. invites the Working Party on Legal Data Processing (e-Law) to submit by the end of 2010 a report to the Council on the above-mentioned aspects and on the feasibility and possible timetable of implementing ECLI at national courts' level.