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NOTE

From:	General Secretariat of the Council
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Subject:	Draft Council Conclusions on the European Case Law Identifier (ECLI) and a minimum set of uniform metadata for case law - Including ECLI 2.0

Delegations will find attached the Draft Council Conclusions on the European Case Law Identifier (ECLI) and a minimum set of uniform metadata for case law. The draft Council Conclusions on ECLI incorporate the work on ECLI 2.0.

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DRAFT

Council Conclusions on the European Case Law Identifier (ECLI)
and a minimum set of uniform metadata for case law

I. INTRODUCTION

1.   Article 67(1) of the Treaty on the Functioning of the European Union provides for the constitution of an area of freedom, security and justice with respect for fundamental rights and the different legal systems and traditions of the Member States.

2.   The multi-annual European e-Justice action plans 2009-2013, 2014-2018 and 2019-2023 of the Council of the European Union stress the importance of access to national case law, the need for standardisation and a decentralized technical architecture .

3.   The European Parliament Resolution of 9 July 2008 on the role of the national judge in the European judicial system stresses the need for cross-border access to national case law to enable the national judges to fulfil their role in the European legal order.

II. IDENTIFICATION OF NEEDS

4.   A European area of freedom, security and justice in which judicial cooperation can take place requires not only knowledge of European law, but in particular mutual knowledge of the legal systems of other Member States.

5.   The European e-Justice Portal should fulfil the objective of disseminating information about the EU and Member States' legal systems and should serve as a useful tool for citizens, legal professionals as well as Member States' authorities.

6. Knowledge on the substance and application of European Union law cannot be solely acquired from EU legal sources, but also the case law of national courts has to be taken into account, with respect to decisions asking for a preliminary ruling, decisions following a preliminary ruling as well as those applying EU law on their own.

7. With financial support or direct involvement from the European Union recent years have witnessed initiatives that support the above-mentioned goals, such as the metasearch engine of the Network of the Presidents of the Supreme Judicial Courts of the European Union, the Dec.Nat and Jurifast databases of the Association of Councils of State and Supreme Administrative Jurisdictions of the European Union, the JURE (Jurisdiction Recognition Enforcement) database of the European Commission, EUR-Lex, and the case law database of the European Union Agency for Fundamental Rights .

8. The use and support of these initiatives have underlined the need for such databases but experience has shown that searching these databases is often very complex and not user-friendly.

9. A study performed by a task group of the Working Group on e-Law made it clear that apart from problems with multilingualism, these problems are mostly due to the lack of uniform identifiers for case law. At the national level various identification systems exist, some of them court-designated, others vendor-specific. Databases designed to query case law from various Member States – of which the abovementioned are just a few examples – sometimes invent their own identification system, and sometimes re-use one or more of the national numbering systems. Search and citation of case law in the cross-border context is therefore extremely difficult: identifiers which are issued by one system might not be compatible with other systems.

10. The abovementioned study made it clear that comparable problems exist with metadata used for describing case law. The fact that nearly all national and European databases use different naming and design rules for metadata jeopardizes the possibilities for effective and user-friendly cross-border case law search for judges, legal professionals and citizens.

III. <u>IDENTIFICATION OF SOLUTIONS</u>

11. In line with the principle of proportionality, the principle of decentralization endorsed by the European e-Justice Action Plans and the principles of the European Interoperability Framework a single centralised European database of case law should not replace national solutions. Moreover, specific user needs that arise for specific fields of law call for different databases with different functionalities, be they of public or of commercial nature.

12. In order to both […] facilitate the further development of European case law databases and […] serve legal professionals and citizens in their use of these databases, a common system for the identification, citation and metadata of case law is therefore indispensable. Such a common standard would be compatible with the principles outlined in the previous paragraph.

13. For the identification of judicial decisions a standard identifier should be used which is recognizable, readable and understandable by both humans and computers, and which is compatible with technological standards. At the same time it is desirable that national identification systems can work in parallel with such a European standard, but also that a European standard can serve as the sole national standard for those countries that so wish.

14. Because the organization of courts and IT-applications used by courts vary not only between Member States, but also within a Member State, it should be possible to implement an identification and metadata system court by court.

15. In line with the stated principles on proportionality and decentralization, decisions on the courts and tribunals to participate in this case law identification and metadata system have to be taken at the national level.

16. As acceptance by the courts and governments of the Member States is of utmost importance for the implementation and use of an identification and metadata system for case law, consultations on this recommendation have taken place with the Network of 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 European Network of Councils for the Judiciary, the LEX-initiative, the CEN/Metalex workshop, Semic.EU, the European Commission, the Court of Justice of the European Union and the Publications Office of the European Union. Also the European Legislation Identifier and Akoma Ntoso have been taken into account, as to optimize interoperability with those standards.

17. The identification and metadata system should be made well-known to citizens and legal professionals. Furthermore, to improve the chances of finding case law which is provided with an identifier and metadata as described in Annex I, these judicial decisions should be searchable – by identifier and a minimum set of metadata – via a common search engine. The architecture of this common search engine should be decentralized and embedded within the European e-Justice Portal. Although a common search engine reinforces the usability of an identification and metadata system, it should not be a prerequisite for the introduction of the identification and metadata at the national level.

18. The common search engine should not only have the possibility to index decisions from judiciary websites but also from other websites that disseminate case law, e.g. in summarized or translated versions.

IV. ON ECLI EXTENSIONS AND IMPROVEMENTS

19. Eight years after the adoption of the first version of these Council Conclusions, ECLI has been implemented in public databases with court decisions by seventeen Member States, the Court of Justice of the European Union, the European Court of Human Rights and the Boards of Appeal of the European Patent Organisation. Many of these databases have been indexed by the ECLI Search Engine, which has been developed by the European Commission in accordance with paragraph 27-f.

20. ECLI is being used as the sole or as an additional way of citation in many jurisdictions. In the 'Conclusions of the Council and the representatives of the Governments of the Member States meeting within the Council on Best Practices regarding the On-line Publication of Court Decisions'[1] the use of ECLI and interconnection of national case law databases with the ECLI Search Engine have been identified as a best practice.

21. Notwithstanding the fact that ECLI can be considered to have contributed towards increased accessibility to and the quality of legal information to the benefit of the legal community, some shortcomings of the ECLI framework have surfaced. At the same time, technological developments and new insights offer opportunities for enhancements that could benefit the legal community. Therefore, some improvements and extensions of the standard would be advantageous.

22. However, given the number of ECLI implementations, technical changes in or extensions of the standard should not jeopardize the investments made in the current and ongoing implementations. In this context, jurisdictions that have implemented ECLI:

    a.   Should not be forced to implement the new features, and

    b.   The new features should be backwards compatible with the original specifications.

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[1]   OJ 2018/C 362/02, 8.10.2018.

23. The improvements and extensions of the original ECLI standard can be summarised as follows:

a. The ECLI identifier should also be defined as an HTTP-URI. This means there will be a standardised way to address an ECLI on the internet.

b. In some jurisdictions, the fourth element of the ECLI identifier – the year in which the judgment has been rendered – is not specific enough. As a solution, month and day are often added to the fifth element for disambiguation. For reasons of conciseness, unequivocality and readability the fourth element should have the possibility to be extended with month and day.

c. The ECLI identifies a court decision at an abstract level – independent from its linguistic, temporal and editorial version or its technical format. In the often-used terminology of the Functional Requirements for Bibliographical Records (FRBR) ECLI identifies a court decision at the work level. However, many use cases exist where it is also necessary to identify, and/or to refer to a court decision at the expression or manifestation level. To avoid incompatible local solutions to cater for these needs, an extension to the ECLI identifier is needed: the ECLI Extension Language (ECLI-XL).

d. With ECLI only court decisions as a whole can be identified and/or cited, while often specific parts of a decision are being referred to. To create a standardised way for deep linking to specific parts of court decisions, to improve possibilities to search for documents referring to such specific parts as well as to pave the way for sophisticated legal reasoning engines, ECLI-XL also introduces a standard way to identify and to refer to specific parts of a decision.

e. The metadata of ECLI need improvement and refinement, also in relation to ECLI-XL.

24. The specifications for ECLI-XL are described in Part II of Annex I, while the additional metadata have been added to part III of Annex I.

25. A guide for the legal community on the use of ECLI and ECLI-XL is included in Annex II.

V. __INTRODUCTION OF ECLI__

26. Member States are invited to introduce, on a voluntary basis at the national level, the European Case Law Identifier (ECLI) and a minimum set of uniform metadata for case law.

27. The following recommendations would apply to the Member States who decide to introduce ECLI and a minimum set of uniform metadata for case law:

   a. ECLI should be applied as specified in part I of Annex I for all decisions rendered by all of their courts and tribunals;

   b. Member States should provide all decisions of courts and tribunals which are published on public websites with the minimum set of metadata as set out in part III of Annex I;

   c. Member States should appoint a national ECLI co-ordinator as described in part IV of Annex I;

   d. The Court of Justice of the EU should participate in the system of the European Case Law Identifier;

e.	The European Commission should set up the ECLI-website, as a part of the European e-Justice Portal, as described in part V of Annex I;

f.	The European Commission and the Member States should set up, in close mutual collaboration, an interconnected search engine, as set out in part VI of Annex I;

g.	Member States and their courts should disseminate information on ECLI, the ECLI-website and search engine on their national websites and publications, even if ECLI is not introduced in that specific Member State;

h.	Apart from Member States candidate countries and Lugano States are encouraged to use the ECLI-system; and

i.	Member States should report to the Council each year on the progress made with the introduction of ECLI and metadata for case law.

Annex I – On technical specifications, organisation and implementation

I.   **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 except in outermost regions and candidate countries the Interinstitutional style guide code (ISG COU), as defined in the "Country" Authority Table of the Metadata Registry, is used;

   ii.   For other countries, and EU outermost regions and overseas countries and territories listed in Annex II to the TFEU, the ISO 3166 alpha-2 code is used (if one exists);

   iii.   Without prejudice to sub-paragraphs i and ii, courts situated in the outermost regions of the European Union or in the European Union's overseas countries and territories may instead have a court code under the country code of the EU Member State concerned, if mutually agreed;

   iv.   for the European Union the code 'EU' is used;

vi.   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, as well as existing codes within ISO 3166 alpha-2;

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 section IV-A of this Annex.

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 (part IV A (paragraph 46-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, or the exact date of the decision, which must be written as yyyymmdd;

e.   a code, 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 code. The maximum length of the code is 25 characters. The code may contain dots ('.'), but no other punctuation marks.

2.   The five components of the ECLI, as defined in the previous section, can be formatted in one of two syntaxes, which are fully equivalent and can be used interchangeably.

a.   By separating the components by a colon (':'). This is the prescribed way of citing an ECLI in text. It can also be used in automated systems.

b.   By separating the components by a slash ('/'). This format can be used in HTTP-URIs, in which case a slash should also be used between the domain name and the ECLI itself. Preferably no other path elements should be placed between the domain name and the ECLI.

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.   In case the elements of ECLI are separated by colons, the letters in the components described in (1a), (1b), (1c) and (1e) are preferably written in capitals; but there must be no difference in meaning as to their capitalization. In case the elements are separated by a slash, all letters must be in lowercase.

6.   So as not to compromise its use or comprehensibility an ECLI must not be extended with any other components, apart from those described in section II.

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

II.   ECLI EXTENSION LANGUAGE

8.   The ECLI framework is constructed on the principles of the Functional Requirements for Bibliographical Records (FRBR), on which other standards in the domain of legal informatics – like CEN-Metalex, URN:LEX and Legal DocML (Akoma Ntoso) – are also based.

9.   The term 'ECLI' is reserved for the identifier at the work level and the document level only.

10.   To identify or to refer to the expression or manifestation level, and/or to specific parts of a court decision, the ECLI Extension Language (ECLI-XL) should be used, as described in this section.

A.   Expression Level Identifier

11.   An expression is any temporal, linguistic and/or edited version of a court decision at the work level. Different expressions can be uniquely identified by using the syntax described in this section.

12.   The elements identifying a specific expression:

a.   are placed (concatenated) between single brackets, as not to create any confusion with the ECLI itself; those single brackets should not be present if no specific expression is being identified;

b.   should always be placed directly after the ECLI itself;

c.   follows the ECLI with regard to the rules on capitalisation and separation. In colon-based syntax, multiple expression elements are separated by colons, in slash-based syntax, multiple expression elements are separated by slashes;

d.   are preceded by a colon (after the opening bracket) if the colon-based syntax is used, but are not preceded by a slash if the slash based syntax is used;

e.	have a mandatory sequence of 'temporal variant', 'compiler variant', 'language variant', 'comprehensiveness variant', 'compiler specific variant';

f.	are all skippable.

13.	The temporal variant element:

a.	Can be used to label different temporal versions of the work. These versions can only be created by the creator of the work, i.e. the rendering court, to label a e.g. an amended or corrected version;

b.	Should be omitted if it is the first and/or only version;

c.	Contains the letter 'T' and a serial number, where 'T2' can be assigned to the second version, and so on; if a second version comes into existence, the first version might also be explicitly labelled as 'T1', to indicate that another version exists.

14.	The compiler element:

a.	Can be used to label different versions from 'compilers' or 'publishers';

b.	Should be omitted if the compiler is equal to the creator of the work;

c.	Is a code of three to five characters of which the first character is a letter;

d.	Cannot be equal to any language code of ISO 639-2 or the abbreviations of the manifestations as listed in paragraph 18;

e.	Is assigned by, and has to be registered within a register that is maintained by the European Commission. The register will be maintained in the public domain as part of the European e-Justice portal.

15. The language element:

a. Can be used to label different language versions of a work;

b. Is compliant with ISO 639-2;

c. Needs not to be present if the language of the expression is the (only) default language of the decision.

16. The comprehensiveness element:

a. Can be used to label different versions of a work as to their completeness of the text of the decisions;

b. Contains the letter 'C', followed by:

   i. an 'F' for the full version; since this is the default situation, this should, in general, be omitted;

   ii. an 'A' for an abridged version; an 'abridged' version contains a (literal) extract of the most relevant paragraphs of the decision;

   iii. an 'S' for a summarised version; a 'summarised' version is a shortened version, that uses (at least partly) a wording that differs from the original text. An expression is only 'summarised' if it does not contain the full text; if a summary is present next to the full text, the version is 'full' and the summary should be added as metadata.

17. Compiler specific expression element:

a. Can be used to label different versions from one compiler which are different from the first version, in any other respect than temporal, comprehensiveness or language;

b.   Should be omitted if it is the first and/or only version;

c.   Contains the letter 'S' and a serial number, where 'S2' can be assigned to the second version, and so on; if a second version comes into existence, the first version can be labelled as 'S1';

d.   Always has to exist in conjunction with a compiler element if the compiler is not the creator of the work.

B.   Manifestation Level Identifier

18.   A manifestation is the physical embodiment of an expression. There is only one element to express the manifestation. The manifestation element:

a.   Is optional, and should only be used if relevant;

b.   Indicates the data format, inspired by the MIME specifications;

c.   Must, if used, contain one of the following abbreviations: doc, docx, html, json, odt, pdf, rdf, rtf, tiff, txt, xhtml, xml;

d.   Follows the expression identifier with regard to the rules on capitalisation;

e.   Is placed between single brackets, as not to create any confusion with the ECLI itself or the expression level identifier; those single brackets should not be present if no specific manifestation is being identified. Expression level identifiers and manifestation level identifier must not be within the same pair of brackets;

f.   Is placed after the expression level identifiers if those exist, and after the ECLI itself if no expression level identifiers exist;

g.   Is preceded, within the brackets, by a colon if the colon-based syntax is used, and by a dot if the slash based syntax is used.

C. Fragments

19. It is recommended to structure and mark-up court decisions in such a way that specific parts thereof ('fragments') can be identified unequivocally. It is recommended to use the syntax described in this section. Alternatively, if other fragments identifiers are used, it is advisable to cater for a mapping mechanism and to publish this mapping mechanism on the ECLI website. Even if court decisions are not available with identifiable fragments, the syntax in this section can be used to create URIs to refer to specific fragments of court decisions.

20. The fragment identifier can be used at the work level, at the expression level and at the manifestation level.

21. If used, the fragment identifier must be placed directly after the last element identifying the full court decision identifier, which can be the ECLI, or the ECLI-XL expression or ECLI-XL manifestation element.

22. The fragment is always preceded by '#'.

23. When used as an identifier, the fragment is used to identify a single part.

24. When used as a reference, the fragment can also refer to more fragments.

25. The singular fragment consists of a label followed by a numbering element.

26. The label element is mandatory, and must be an (English) abbreviation from the following list (the full term / explanation is added between brackets):

a.   part (part)

b.   sec (section)

c.   subsec (subsection)

d.   para (paragraph)

e. subpara (subparagraph)

f. head (heading, the part of the judgment that contains data like names of parties, representatives, date of decisions, case number a.s.o.)

g. facts (the part of the judgment in which the facts are stated)

h. reason (reasoning, the part of the decision which contains the reasoning of the judge)

i. dec (decision, i.e. the concluding part of the judgment)

j. anx (annex)

27. The numbering element immediately follows the label element, without interpunction or white space.

28. The numbering element:

a. Can either be absent or singular if used as an identifier, while it can be absent, singular or plural if used as a reference.

b. Is not mandatory for the label 'head', 'facts', 'reason', 'dec' and 'anx'. For all other labels the numbering element is mandatory.

c. Can contain (any combination of) Arabic numericals or Latin letters as well as dots.

29. A singular fragment can have a hierarchical structure, with the highest fragment mentioned first. The nested elements are separated by a hyphen. There are no prescriptions on the possible hierarchy, except for that hierarchical elements with the same labels cannot be combined in one hierarchy.

30. A plural fragment:

   a. Can contain a range (a series of consecutive elements) of the same hierarchical level, for which a hyphen ('-') must be used between the first and the last numbering element of the range. The label is not to be repeated before the last numbering element;

   b. Can contain a list (a series of non-consecutive elements) of the same hierarchical level, for which a comma must be used as separator between the numbering elements. The label is not to be repeated before each numbering element;

   c. Can contain a combination of a range and a list for elements of the same hierarchical level;

   d. Can contain a list (but not a range) of elements with different labels which are not nested. These elements are separated by a comma.

D. Resolution

31. Any application that cannot interpret ECLI-XL should see to it that those extensions are ignored. This can be accomplished by truncating everything from (and including) an opening bracket ('('), or – if not HTTP is used – a hash ('#'), whichever one comes first.

32. Websites that develop a mechanism to direct an ECLI-XL URI to the correct expression, manifestation or fragment, should cater for a method to handle ECLI-XL URIs that do not exist on that specific website. This could be e.g. implemented by redirecting to an overview of versions of the ECLI that are available instead, or to decide on which 'best match' should be presented.

III. METADATA

A. Introduction

33. Section B contains the metadata scheme from the original version of these Council Conclusions. Section C contains an updated and extended overview of the metadata. Not to complicate the datamodels and functioning of national databases and their connections with the ECLI search interface, the new metadata scheme fully includes and builds on the original metadata scheme, although from a technical perspective another naming convention might have been chosen. By way of exception, adaptations to the original scheme that have been implemented in the XML schema used for the interconnection between Member States' repositories and the ECLI search interface, have been implemented in Section C as well.

B. Original Metadata Scheme

34. 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 as much as possible according to the standards set by the Dublin Core Metadata Initiative (hereafter: DCMI), and as further specified in this paragraph.

35. Each document which is an instance of a judgment or a description thereof should, and in case it has to be searchable by the interface as described in part VI, 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 part I.

c.   dcterms:creator

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

d.   dcterms:coverage

The country in which the court or tribunal is seated.

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

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.

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.

36.　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, EU or ECHR 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, preferably the European Legislation Identifier is used, if available; otherwise the CELEX-number.

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 section 1). In case of such renumberings the new ECLI must be recorded in this field. This field must not contain any other type of information.

37.	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.

**A.	Revised Metadata Scheme**

38.	Metadata can exist at the different levels of the FRBR domain. In this section they are specified for the levels of work, expression and manifestation. Metadata are classified to their FRBR level based on the target of the metadata statement, not based on the FRBR level on which the author of the metadata operates ('creator' for the work, 'compiler' for the expression or 'editor' for the manifestation). Hence, every compiler can make metadata statements about the work level and about its own expression, not about the expressions of another compiler.

39.	The revised and extended metadata scheme can be used independently from the use of ECLI-XL.

40.	The metadata are formulated in a functional specification. There is no prescribed technical framework to express the metadata, as not to impose any technical solution. In co-operation with the ECLI Expert Group, the Commission should develop a technical standard to standardise the exchange of metadata between the ECLI Search Engine and national repositories.

41. The tables in the following sections, specifying the metadata for work, expression and manifestation, contain the following columns:

a. Technical name: the name to be used in schemes, databases and as field labels in documents;

b. Functional name: the human readable name of the field;

c. Cardinality (CAR); can have the following values:

  i. 0:1 Optional field, can contain only one value;

  i. 1:1 Mandatory, must contain exactly one value;

  ii. 0:n Optional, can contain multiple values;

  iii. 1:n Mandatory, can contain multiple values;

d. Multilingual (ML): indicates whether the field is or might be different in different languages. If so, a language attribute is required;

e. Type: indicates the technical type of the field;

f. Fixed values: indicates whether fixed values are defined, and if so, which;

g. Remarks: explanation.

42. Work level metadata

Technical name	Functional name	CAR	ML	Type	Fixed values	Remarks
Abstract	Abstract	0:n	Yes	string		
CaseNumber	Case number	0:n	No	string		
Contributor	Contributor	0:n	Yes	String		Using the fields 'party', 'judge' and otherThanJudge' are recommended, 'contributor' can be used if no distinction can be made.
Coverage	Coverage	1:n	Yes	String		- Country or territory in which the court or tribunal is seated (mandatory); - Part of a (federal) state to specify the territorial jurisdiction (optional).
Creator	Creator	1:n	Yes	String		The name of the rendering court. The name of a chamber or division (if any) is preferably in 'division'.
Date	Date of judgment	1:1	No	Date		The date the decision is publicly announced (as meant in article 6 of the European Convention on Human Rights).
DateDeposit	Date of deposit	0:1	No	Date		In some jurisdictions the date of the deposit of the decision is relevant.
Description	Description	0:n	Yes	String		Descriptive elements, be it in the form of keywords or headnotes

Technical name	Functional name	CAR	ML	Type	Fixed values	Remarks
Division	Division	0:n	Yes	String		Name of the chamber or division within the court that rendered the decision.
GlobalAlias	Global alias	0:n	Yes	String		This can be any 'nickname', 'common name' 'style of cause' or 'case name' that is used within the legal community to refer to a court decision. Can also be populated with 'parallel citations' or identifiers assigned by legal periodicals.
Importance	Importance level	0:1	No	String	- low - medium - high	This is a lowest common denominator for any kind of (legal) importance classification. - Low importance: decisions not important from a legal or societal point of view. Such decisions are a mere application of procedural or substantive law, drafted using standard formulas and/or only published to comply with a legal or policy framework. - Medium importance: decisions in which the judge has not decided on any salient legal issue, but did have room for appraisal of facts and/or weighing of evidence, or ruled on legal issues in line with existing case law. - High importance: decisions changing, refining, restricting or widening preceding case law, or rendered on a previously undecided legal topic or controversial societal issue.

Technical name	Functional name	CAR	ML	Type	Fixed values	Remarks
IsVersionOf	The ECLI identifier	1:1	No	string		Contains both the colon variant (in the preferred casing) and the slash variant (lowercased, as a relative URI).
Judge	Judge	0:n	Yes	String		Specific type of contributor
NeutralCitation	Neutral citation	0:1	No	String		In some (common law) countries a 'neutral citation' is used for vendor and medium neutral identification of a court decision. If known, this field can be populated with the neutral citation, to ensure international interoperability.
OfficialLanguage	Official language	1:n	No	String		This is to indicate the official language(s) in which the decision was rendered. Should contain both ISO 3166-1 alpha-3 as well as the EU language code (if available)
Party	Party	0:n	Yes	String		
PreferredForm	Preferred Form	0:1	No	String	- uppercase - lowercase - mixedcase	This is to indicate whether in the colon based syntax the ECLI is preferred to be written upper case (default), lower case or mixed case.
ProfNonJudge	Involved professionals, other than judges	0:n	Yes	String		Specific type of contributors, can be used for people professionally involved in the case, other than judges.

Technical name	Functional name	CAR	ML	Type	Fixed values	Remarks
Reference	Reference	0:n	Yes	String/ URI	The element has two (mandatory) attributes: 'type' and 'relation'. Possible values for the attribute 'type': - celex - ecli - eli - patent - patent_application - akn - other (default) Possible values for the attribute 'relation': - citing - citedBy - followedBy - precededBy	There are some restrictions on the combination of the attributes. - 'citing' can relate to any type; - 'citedBy' can relate to 'celex', 'ecli', 'patent', 'patent_application', 'akn', 'other'; - 'followedBy' can relate to 'ecli' - 'precededBy' can relate to 'ecli';

Technical name	Functional name	CAR	ML	Type	Fixed values	Remarks
ReplacedBy	Replaced by	0:n	No	string		'replacedBy' is used for these situations only: - The court decision remained the same, but, due to administrative or technological failure had to be re-registered under another ECLI; this includes situations where an expression was previously registered as a separate ECLI, but is re-registered – by using ECLI-XL – as an expression of another ECLI; - An ECLI identifier that had a four digit date element has been replaced by an ECLI with a eight digit date element; - An ECLI having an 'XX'-court code has had another ECLI assigned – not containing the 'XX'-court code – by the same or another ECLI co-ordinator.
Replaces	Replaces	0:n	No	string		The inverse of ReplacedBy
SameAs (owl)	Fixed alias	1:1	No	URI		This contains the absolute URI work identifier at http(s)://ecli.eu.

Technical name	Functional name	CAR	ML	Type	Fixed values	Remarks
Subject	Subject	0:n	Yes	String	- civil law - commercial law - family law - insolvency law - private international law - criminal law - EU law - administrative law - tax law - international public law - constitutional law - public accounting law	If used, must contain one or more of the fixed values, and may then also have additional values.

Technical name	Functional name	CAR	ML	Type	Fixed values	Remarks
Title	Title	0:1	Yes	String		
TypeDocument	Type of document	1:1	Yes	String	- judicial decision (default) - judgment - court order - conclusion - opinion - preliminary question - preliminary decision - follow-up on preliminary decision	

43. Expression level metadata

Technical name	Functional name	CAR	ML	Type	Fixed values	Remarks
AccessRights	Access Rights	1:1	No	string	- private - public	The 'access rights' pertain to the question whether the text of the decision in the expression from this compiler is only available by (paid) subscription.
AuthoritativenessExpression	Authoritativeness of the Expression	1:1	No	string	- yes - no - unknown	'Authoritative' does not mean it is the 'authentic' version, but that the expression is 'authorised', recognised as official.
Compiler	Compiler	0:1	Yes	string		Contains the full name of the author of the Expression. An attribute to this element contains the ECLI-XL code for the compiler, if available.
CompilerSpecificExpression	Compiler specific expression	0:n	Yes	string		Any remarks on the specific expression on this compiler-specific expression that cannot be described in any other metadata field.
ComprehensivenessExpression	Comprehensiveness of the Expression	0:1	Yes	String	- full - abridged - summarised	
ExpressionIdentifier	Expression identifier	0:n	No	string		If the expression has its own identifier or preferred way of citing, other than an ECLI or ECLI-XL, it can be supplied here (e.g. a 'parallel citation').

Technical name	Functional name	CAR	ML	Type	Fixed values	Remarks
CreationDateExpression	Creation date of the expression	0:1	No	date		
EcliXLIdentifierExpression	Expression part of the ECLI-XL Identifier	0:1	No	string		If populated, contains both the colon variant (in the preferred casing) and the slash variant (lowercased).
Issued	Date of issuance	0:1	No	date		This is the date this particular expression has been made available, e.g. a publication date.
LanguageExpression	Language of the Expression	0:1	No	string		Can remain empty if it is the only official language of the work. Should be expressed as ISO 3166-1 alpha-3. Can contain an (optional) attribute from the list: - 'officialLanguage' (in case more than one official language exists) - 'authorisedTranslation' - 'nonAutorisedTranslation'

Technical name	Functional name	CAR	ML	Type	Fixed values	Remarks
TemporalExpression	Type of temporal expression	0:1	Yes	String	- Original - Amended	
Validity	Validity	0:1	No	date		Can contain 'startDate' and/or 'endDate'. Use is recommended if different temporal expressions exist.

44. Manifestation level metadata

Technical name	Functional name	CAR	ML	Type	Fixed values	Remarks
AuthoritativenessManifestation	Authoritativeness of the Manifestation	0:1	No	string	- yes - no	
CreationDateManifestation	Creation date of the manifestation	0:1	No	date		
DataFormat	Data format	1:1	No	string	- doc - docx - html - json - odt - pdf - rdf - rtf - tiff - txt - xhtml - xml	
Editor	Editor	0:1	Yes	string		Author of the Manifestation, if relevant.

Technical name	Functional name	CAR	ML	Type	Fixed values	Remarks
EcliXLIdentifierManifestation	Manifestation part of the ECLI-XL Identifier	0:1	No	string		If populated, contains both the colon variant (in the preferred casing) and the slash variant (lowercased), both as a relative URI (part)
Identifier	Identifier	1:n	No	URI		This element can be used to retrieve the actual document. Preferably written as a an ECLI-XL identifier, but this is not mandatory.

IV. ON NATIONAL IMPLEMENTATION

A. The National Ecli-Co-Ordinator

45. 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.

46. The national ECLI-co-ordinator is responsible for:

   a. the list of courts and tribunals that can have a code as mentioned in section I;

   b. deciding or coordinating on whether and to which extent the date element in the ECLI should consist of four or eight digits;

   c. participation in the ECLI expert group of the Council Working Party on e-Law.

47. The national ECLI-co-ordinator should publish on the ECLI-website, as defined in part V, information describing the way the ordinal number is composed and other information regarding the way in which ECLI is being implemented.

48. If within a Member State, the use of XX as a court code is allowed for decisions from other jurisdictions, the national ECLI coordinator should, if and when within the other jurisdiction native ECLIs are being assigned to those decisions, take appropriate action to replace these XX-ECLIs by the native ECLIs, using the <ReplacedBy/>-element. There is no obligation for any ECLI co-ordinator to populate the <Replaces/>-element with ECLIs with an XX-court code that might have been assigned by other Member States.

B. Implementation

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

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

51. To facilitate easy referral, ECLI should also be used within physical embodiments of the judgment itself.

52. It is advised to assign ECLI to all judgments which are rendered, and not only for those which are published on judiciary websites.

53. The ECLI may be assigned to historical judgments. Such an approach is encouraged.

54. 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.

55. When included in, or printed on a court decision, it is advised not only to display the ECLI in colon based syntax, but also an HTTP URI of the manifestation. The latter could be labelled as 'this document', 'this version' or a comparable label.

V. THE ECLI-WEBSITE

56. An ECLI website should be established; this website should be part of the European e-Justice Portal.

57. 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 part I.

      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 or any other website – 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.

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 ECLI Search Engine.

VI. THE ECLI SEARCH ENGINE

58. There should be an ECLI Search Engine for searching court decisions by ECLI, metadata and text.

59. In accordance with the European e-Justice action plan the ECLI Search Engine should be decentralized in nature: a database at European level should not be aimed at replacing national solutions.

60. The European Commission is responsible for the technical functioning of the ECLI Search Engine.

61. The register of expression compilers must be maintained by the Commission and should be accessible via the ECLI Search Engine.

62. The ECLI Search Engine should have a RESTful API.

63. For end-users the ECLI Search Engine must be available via the ECLI-website, although it does not have to be an integral technical part of it.

64. The European Commission must make available a well-described interface for indexation of databases with court decisions by the ECLI Search Engine.

65. In case of abuse or misbehaviour the Commission reserves the right to deny an organization the right to be connected to the ECLI Search Engine, or disconnect an organization in case of systematic violations.

66. 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. In addition, https://ecli.eu can also be used.

VII. **ECLI WITHIN THE EU**

67. The ECLI co-ordinator for the EU jurisdictions is the Court of Justice of the European Union.

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

On the use of ECLI and ECLI-XL in legal texts

1. The name 'ECLI' should only be used to indicate a court decision at the work level.

2. It is advised to use ECLI for citing court decisions, as a preferred or additional way of citing.

3. When used for citation, an ECLI should always be written in full. No elements should be left out.

4. When ECLIs are being cited in texts which are meant for human reading, it is strongly advised to use the colon-based syntax with the preferred casing.

5. When, in legal documents, references are made to court decisions, in a majority of cases the reference is meant to be made to the work level, independent from a specific linguistic, temporal, editorial or other variant. Therefore, the ECLI should be used to make such a reference, without any indication of a specific variant.

6. Exceptions to this rule can exist if – for legal or documentary reasons – explicit reference has to be made to a specific variant, e.g. when two linguistic variants are compared.

7. ECLI-XL is designed to distinguish between such variants in a technical way; however, it is strongly recommended not to display ECLI-XL in texts which are meant for human reading, but only to display the full ECLI-XL reference in a footnote or as technical code in a hyperlink.

8. If information systems prefer to guide the user to a specific expression or manifestation of a court decision, although such variants are not of legal relevance, the linking should be set up in such a way (e.g. by the use of stylesheets) that users are shielded from any information that might create misunderstanding about the intended level of reference.

9. Contrary to the specific expression or manifestation of a court decision, references in legal texts to specific parts of a judgment are made explicitly and intentionally. Since ECLI-XL is error-prone when references to fragments would be constructed or read by humans, it is strongly advised to use ECLI-XL references to fragments only in hyperlinks and other machine readable code, or as additional information in footnotes, while the fragments should be described in text according to local habits or citation guides.